



Óglaigh  
na hÉireann  
DEFENCE FORCES IRELAND

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# Defence Forces Review 2011



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na hÉireann**  
DEFENCE FORCES IRELAND

# Defence Forces Review 2011

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## PREFACE

It is my pleasure to present the Defence Forces Review for 2011. This year we have managed to produce a thought provoking document covering a wide range of issues which will be of interest throughout the wider Defence Community. This year, for the second time since our first publication (1993), we have revamped the presentation to complement the continued high standard of the articles in the Review. This high standard relies on the voluntary work of our contributors whom I would like to sincerely thank for their efforts.

The Review could not be published without the efforts of a number of people who took on the work in addition to their normal duties. I would like to thank specifically the editor Comdt Mark Hearn, Comdt Dave O'Neill and all his staff at the Defence Forces Printing Press and Capt Rory Esler and his staff at An Cosantoir who between them ensured that the Review was assembled, printed and brought to our readership. Further copies of the review are available from Defence Forces Public Relations Section at [info@military.ie](mailto:info@military.ie) or online at [www.military.ie](http://www.military.ie).

Tom Aherne  
Lt Col  
OIC Defence Forces' Public Relations

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



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## EDITOR'S NOTE

Tackling the contemporary defence challenges requires innovative and informed thinking. The 2011 Defence Forces Review demonstrates clearly that this type of thinking is present, not just throughout every level of the Defence Forces, but also throughout the wider Defence Community. This year we have voluntary contributions from within the Defence Forces from a cadet, an NCO, junior and senior officers, as well as from experts in the wider academic world. The Review therefore covers a broad range of subjects from a diverse set of perspectives.

The contributions can be categorised in four main sections. The first eight articles deal with issues in the contemporary defence environment. Professor Patrick Gibbons examines the challenges facing organisational transformation in the public service bearing in mind that defence organisation transformation has influence beyond its own boundaries. Dr Valerie Cummins follows up with a piece on how the Naval Service can make a contribution towards the national economic recovery through an innovative partnership with external agencies. In the next article Professor Eunan O'Halpin analyses the challenges facing the Defence Forces over the next five years based on a historical overview of the state's approach to defence matters. Lt Tom Egan continues with an assessment of the UK's Strategic Defence and Security Review in order to inform Irish deliberations on the future of Irish defence. The next two articles provide focused analysis on aspects of current warfare. Capt Paul Amoroso examines the concept of hybrid warfare and whether or not Hezbollah represent a paradigm for conducting such warfare. Comdt Kevin Campion follows with a review of counter insurgency theory and its continued relevance in contemporary conflict. Col Michael Beary's study of the impact of water issues on the Israeli-Palestinian conflict maintains a degree of geographic continuity and offers insight into a fundamental if often overlooked aspect of this dispute. In the final article of this section Comdt C.J. Cullen examines how network enabled capabilities contribute on the contemporary battlefield in general, and on how the Defence Forces have adapted to these developments.

The next section comprises two historical articles. In the first Dr David Murphy appraises the role of T.E. Lawrence (of Arabia) in developing the concept of asymmetric warfare. In the second article Cadet Stephen Byrne in a review of the battle of the Somme proposes that critical failure at senior command level and the failure to recognise the contingent nature of warfare led to one of the bloodiest disasters in military history.

The third section considers the impact of law on the conduct of war. Comdt Fintan McCarthy examines the ethical aspects of military lawyers in conflict and the conflict between the advisory and advocacy roles. Lt Col Richard Brennan follows with a review of the recently published 'Interpretive Guidance on the Direct Participation in

Hostilities' and the implications for military commanders dealing with unconventional adversaries. Company Sergeant Ben Lyndsay rounds off the legal section with an examination of the erosion of the authority of the UN through unauthorised pre-emptive use of force.

In the final, general, section, Dr Graham Heaslip and Elizabeth Barber analyse the consequences of military participation in humanitarian operations. Next Comdt John Martin looks at the impact of overseas service on the families of Defence Forces personnel, and finally, Comdt Mark Hearn examines some of the challenges facing Ireland during the impending 2012 chairmanship of the Organisation for Security and Cooperation in Europe.

Along with the articles we have included the abstracts from the Theses of the MA in Leadership, Management and Defence Studies completed by the students of the 66th Senior Command and Staff Course. These studies give some indication of the type of research currently conducted by the Defence Forces. If you are interested in reading a complete version of any of these research papers please contact the Defence Forces Library in the DFTC at [dftclibrary@gmail.com](mailto:dftclibrary@gmail.com).

Mark Hearn  
Comdt

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## TABLE OF CONTENTS

<i>Article Title</i>	<i>Page</i>
<b>The Challenges of Organisational Transformation</b> <i>Professor Patrick T. Gibbons</i>	1
<b>Opportunity in the Face of Adversity: The Potential Role of the Military in Contributing to Ireland's Economic Recovery with a Focus on the Irish Naval Service</b> <i>Dr Valerie Cummins</i>	7
<b>The Challenges Facing the Defence Forces in the Next Five Years</b> <i>Professor Eunan O'Halpin</i>	13
<b>Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review – Blueprint for the Future?</b> <i>Lt Tom Egan</i>	21
<b>Hezbollah – A Paradigm Hybrid Warfare Force?</b> <i>Capt Paul Amoroso</i>	29
<b>Counterinsurgency Challenges for Armed Forces in the Twenty First Century</b> <i>Comdt Kevin Campion</i>	39
<b>Water and Governance – Israel and the Palestinian Territories</b> <i>Col Michael Beary</i>	45
<b>Network Enabled Capability: A Key Contributor to Successful Military Operations</b> <i>Comdt C.J. Cullen</i>	55
<b>T.E. Lawrence: Prophet of Guerrilla Warfare?</b> <i>Dr David Murphy</i>	61
<b>A Failure in Command: A Study of the British Army's First day on the Somme, 1 July 1916</b> <i>Cdt Stephen Byrne</i>	73
<b>How Lawyers Lead the Way on Torture. An Examination of the Bush Administration's Departure from International Human Rights norms after 11 September 2001</b> <i>Comdt Fintan McCarthy BCL, BL, MA (LMDS)</i>	81



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<b>Direct Participation in Hostilities Under International Humanitarian Law – Time for Introspection?</b>	<b>89</b>
<i>Lt Col Richard Brennan</i>	
<b>Unauthorised Pre-emptive Use of Force – Is the Authority of the United Nations Irrelevant?</b>	<b>99</b>
<i>Coy Sgt Ben Lindsay MA</i>	
<b>Military Involvement in Humanitarian Operations</b>	<b>105</b>
<i>Dr Graham Heaslip and Ms Elizabeth Barber</i>	
<b>How Does Overseas Service Affect the Families of Irish Defence Forces Personnel?</b>	<b>113</b>
<i>Comdt John Martin</i>	
<b>‘From Vancouver to Vladivostok with Valentia in Between’ – Ireland’s Chairmanship of the OSCE</b>	<b>123</b>
<i>Comdt Mark Hearn</i>	
<b>Abstracts – 66 Senior C&amp;S Course, MA in Leadership Management and Defence Studies</b>	<b>133</b>
<b>Short Biographical Details</b>	<b>173</b>

# The Challenges of Organisational Transformation

## Introduction

The economic crisis facing the country comprises three separate facets. The banking crisis has led to an inordinate debt burden on the State and the taxpayer. The public finances are further undermined by the collapse in tax revenues while public expenditures expanded during the boom. Finally, the outlook for the economies of our major trading partners remains unclear as many of them introduce relatively austere budgets and grapple with exchange rate uncertainty. Against this backdrop, there have been many public calls for a transformation in the way public services are delivered and public service transformation has been institutionalised in Government through the establishment of a separate Department to co-ordinate and drive public service reform.

This paper offers a perspective on the design of transformation efforts. This perspective is based on both a reflection on the literature and the writer's personal experiences in assisting organisations with their transformation efforts. The paper has three main sections. The first outlines and summarises some of the arguments from proponents of organisational transformation in the public service. The second section identifies the major design choices that organisational transformation efforts are built around. Finally, the role of leadership in the transformation effort is highlighted.

## The Calls for Transformation in the Public Service

In a series of recent articles published in *The Irish Times*, Dr. Eddie Molloy, an organisational change expert has highlighted the political and administrative mistakes that he sees as contributing to our economic condition.<sup>1</sup> Among the examples of poor decisions highlighted is decentralisation, with a consequential dissipation of expertise leading to both deterioration of decision-making and service quality. Another issue highlighted is the abjuration of dissenting voices from outside the political and administrative "system" to the consensus about growth and spending that occurred during the boom. Finally, he concludes that among the key ingredients required for national recovery is a modernisation and reform of the Public Service. He advocates reform instead of modernisation. While he associates modernisation with improving efficiency, he asserts that reform goes beyond this moving deeper to more fundamental transformation of the Service. Specifically, he advocates that a set of public service values be infused and reinforced throughout the Public Service. He sees the Defence Forces approach, among others, to the training and formation of its leadership as offering a model to the rest of the Public Service.

<sup>1</sup> Molloy, Eddie. (20 Sept 2010) 'Decentralisation fiasco costing more than Money.' *Irish Times*; (09 Oct 2010) 'Living in a society where no one ever carries the can.' *Irish Times*; (05 March 2011) 'Our national wealth far outweighs fool's gold.' *Irish Times* & (22 April 2011) 'Placing the public good ahead of political masters.' *Irish Times*.

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These calls for transformation are partially reflected in the OECD Report, *Ireland, Towards an Integrated Public Service*.<sup>2</sup> The OECD recommends, among other recommendations that increased focus be paid to enhancing staff performance management and also to investment in leadership competencies and the establishment of a clear Public Service ethos. These recommendations are couched in a report that delivers the central message that enhanced integration across the Civil and Public Service is essential. This integration is a necessity since the “wicked problems” that confront the nation do not come in pre-packaged form, amenable to solution by a single agency of the State. The nature of wicked problems is that they are amorphous, difficult to define and are complex, with many inter-connections and interdependencies. The ability of our Public Service to act in an integrated manner would be enhanced if the focus on reform was directed at establishing a Public Service ethos-which itself is an integrating mechanism.

Therefore in this clamour for reform and transformation, public service managers and leaders in the Defence Forces face a series of challenges in maintaining the legitimacy and vitality of its activities, of delivering its mission in the face of severe budget cuts and of maintaining morale in the face of public pressure on tax-payer funded institutions. In thinking through the challenges of this transformation effort, a number of design options can be considered for leading the transformation effort.

### **Design Options in the Transformation Effort**

In this section I outline key choices that any transformation effort should be guided by. These are considerations that the leaders of any transformation effort should address as they embark on and plan for organisational transformation.

#### **1. Recognition of the Need for Transformation**

While this step may seem trite in the current environment, the recognition of the need for reform needs to permeate the entire organisation. A key feature of all significant change programmes is the “Unfreezing” phase, where the recognition that traditional modes of thinking and organisational practice are no longer appropriate to changed circumstances. One of the challenges for leaders is that they are at the apex of the organisation and are exposed to the rationale for change. However, all levels of the organisation need to internalise the requirement for reform.

A major mistake that can occur is the assumption that upper levels recognise the need for change and that lower levels may be resistant. Oddly enough it is regularly the upper levels who might perceive a greater loss of autonomy, or budget or prestige through the change process and so resist. At the same time, even if this does not happen and senior managers “get” the need for change, their understanding of the need for change and their emotional preparedness for change might occur quicker because they are more exposed to the rationale for change. Individuals at other levels of the organisation are typically not in a privileged position to “know what’s going on” and so resistance to change may be misinterpreted. This misinterpretation arises because they have not been as rationally or emotionally supported and fail to recognise the need for change.

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<sup>2</sup> OECD. (2008). *Ireland Towards an integrated public service*. OECD publishing, Paris.

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## 2. Populating the Team to Lead the Transformation

Typically a special purpose team is tasked to lead the transformation effort. In all such efforts the active involvement of the most senior leaders is required. However, there is also the need to maintain momentum in the change effort so supplementary resources, formed into a dedicated team can offer a vehicle to support the transformation effort. The selection of who to involve in this effort is a vital decision. The selection decisions not only help configure the talent pool in the team but also form a powerful signal to the rest of the organisation as to how inclusive the transformation process will be.

In terms of qualifications for inclusion, Hamel recommends for strategic planning teams, the inclusion of mavericks and a broad cross-section of the organisation.<sup>3</sup> He advocates this on the basis that diverse teams offer a greater chance of creative outcomes. While this benefit would be applicable to transformation efforts, additional benefits from diversity also accrue. These benefits include ensuring a diversity of perspectives on the implications, barriers, challenges and leverage points to the transformation effort across the entire organisation. Moreover as Tabrizi points out, additional benefits from employing a wide cross-section from the organisation include the development of a future leadership pipeline and perhaps more importantly communication throughout the organisation is facilitated through the networks in the informal organisation that the members have.<sup>4</sup>

## 3. Comprehensiveness of Diagnostic Model underlying the Transformation

All change efforts have a focus for change, in some it is information systems, in others structure, in others budgetary systems. However, the focus of a transformation effort is on the entire organisational system. Thence the necessity of ensuring that all aspects of the organisational system are addressed. In order to transform the systems it is necessary to ensure that an adequate representation of the organisational systems is made and that inter-dependencies across the elements of the system are clear. There is a multiplicity of organisational models and frameworks to choose from, however in choosing one, or a combination of models, it is vitally important to recognise that all models are partial representations of organisational reality. Informal channels, hidden sources and uses of power, unanticipated inter-connections all conspire to facilitate and constrain transformation.

In addition, and given the fact that Public Service agencies tend to confront “wicked” problems, interconnectedness to other organisations needs to be assessed. Organisational transformation efforts in the focal organisations should be considered in the light of likely changes in connected organisations. The Defence Organisation is impacted by and impacts the Department of Foreign Affairs in its international mission and the Department of Justice and An Garda Síochána in its assistance to the civil authorities. Transforming the Defence Organisation has influence beyond the boundaries.

## 4. Mission, Vision and Values: Vitality and Relevance

Most organisations have Mission, Vision and Values statements. Yet the key question surrounding these directional statements is just how meaningful they are to external

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<sup>3</sup> Hamel, G. (1996). ‘Strategy as Revolution.’ *Harvard Business Review*. July –August, pp 69 – 82.

<sup>4</sup> Tabrizi, B. (2007). *Rapid Transformation*. Harvard Business School Press, Boston Massachusetts.

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agencies and internal audiences. Collins and Porras highlight the importance of clearly establishing these statements and ensuring that they are meaningful to inspire commitment to their achievement.<sup>5</sup> Although the empirical evidence adduced by the authors to support their contention is weak, in my opinion, their basic argument still holds true. If the people recruited to and employed in an organisation are committed to its Purpose, as defined in the Mission; aspire to achieve the Vision and are committed to the espoused Values of the organisation, then that organisation should reflect a high level of commitment. The Collins and Porras view in many ways echoes Selznick's admonition that the key task of a leader was to infuse the organisation with values.<sup>6</sup> He identified this as a key task partly because many of the organisations he studied had a public service ethos and it was relatively difficult to identify a single, economic indicator of achievement. Therefore, the integrity and institutional legitimacy of these organisations needed to be clarified and defended. The Mission, Vision and Values statements and their relevance to society and the internal community are therefore essential ingredients in any transformation efforts.

### **5. Idealized Design Versus Starting with the “As Is”**

Many transformation efforts fail because they place too much emphasis on solving the current problems within the organisation rather than conceptualising entirely new approaches. In many conversations with executives and with change teams, the diagnosis phase of the change effort is informed by identifying current problems, or barriers to change and then animating solutions to overcome these barriers or resolve current problems. Such an approach undoubtedly leads to change, but its reform potential may be more limited. An alternative approach is to use some form of Idealised Design, a method advocated by Ackoff, Magidson and Addison.<sup>7</sup> The authors use a pithy phrase to characterise their approach: “Desire must replace existence as a criterion of choice”. In other words, they advocate suspending recognition of the existence of the current system, and advocate instead designing the organisation against a blank sheet of paper. This approach to conceptualising the desired outcome of the transformation effort avoids participants getting locked into the current set of design choices that the organisation reflects.

### **6. Ensure the Transformation Effort Addresses Itself to Capabilities**

The so-called Resource-Based view highlights that organisational success is typically based on some set of tangible and/or intangible resources or combination of resources that offer the organisation a unique way of doing things. Typically this theory is invoked to explain superior profitability of some firms in competitive markets. The notion of capability usually refers to an inability to combine and co-ordinate resources in the pursuit of the organisation's mission. At times of transformation, it is vitally important to consider how the organisation's capabilities need to be transformed to ensure its future success. All too often, the structural, cultural and systems levers are changed in ways that could undermine the process of capability development in the organisation. This tendency needs to be avoided. In the Defence Organisation, there are certain core capabilities which need to be at least maintained if not enhanced. Transformation efforts need to be directed at ensuring that the organisation develops the right capabilities for a changing environment.

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<sup>5</sup> Collins, J. & Porras, J. (1996). 'Building your Company's vision.' *Harvard Business Review*. September – October, pp. 66 – 77.

<sup>6</sup> Selznick, P. (1957). *Leadership in Administration*. Harper and Rowe, New York.

<sup>7</sup> Ackoff, R.L., Magidson, J. & Addison, H. (2006). *Idealized Design*. Wharton School Publishing, New Jersey.

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## 7. Monitoring Results, Learning and Adapting

Because the Public Service is under scrutiny, it is vital that the transformation efforts are monitored and results clearly identified. In the French public service, the leader of the change effort suggests that the invitation of public scrutiny to transformation results is a key factor in success.<sup>8</sup> The process used in France is to communicate, via a traffic-light system, the relative rate of progress across 450 change initiatives in the public sector, highlighting where progress is being made and where problems or delays are occurring. Such transparency is vital in a society where the public service has been identified, rightly or wrongly, as part of the problem. However, in addition to public accountability, the importance of installing monitoring mechanisms and metrics of achievement are to facilitate learning from the transformation process and to facilitate the identification of where transformation efforts are working and why, and where they might be stalling and why. This learning process facilitates adaptation of transformation targets and tactics as the process unfolds.

### Conclusion

The challenge of transformation in the Public Sector is enormous. The gap between tax receipts and government expenditures are so great that minor tinkering with the apparatus of government and administration will not yield appropriate savings without extreme reductions in service. The challenge to maintain service levels with a fraction of the resources requires a transformation in the approach to service delivery. Such a transformation is not just in the structures and systems that are typically the first point of attack in change efforts. The transformation required is a transformation in the way we think about service delivery. This transformation will be particularly challenging in the Defence Organisation, where issues of inter-operability with other armed services in international operations requires a certain level of both capability and capacity. Moreover, a defence force is akin to an insurance policy for the State-where the cost of the insurance is constantly evident but the value of its mission only becomes apparent in times of crisis. In these situations, explaining the value of the Defence Organisation, while assuring its efficiency requires considerable judgement and leadership skill.

I have outlined above some thoughts in relation to the design of transformation efforts. Transformation efforts are fraught with danger and many observers say the majority of such efforts fail. However the transformation required in Ireland cannot fail.

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<sup>8</sup> Tadjeddine, K. (2011). 'A Duty to Modernize: Reforming the French Civil Service.' *McKinsey Quarterly*, April.



# Opportunity in the Face of Adversity:

## The Potential Role of the Military in Contributing to Ireland's Economic Recovery with a Focus on the Irish Naval Service

### Introduction

Crisis presents an opportunity. This is a well-established creed, possibly experienced in the military more than in other strands of civil society. In the *Shock Doctrine*, Naomi Klein explores the exploitation of disaster shocked nations following crisis scenarios of war, economic collapse and natural disasters.<sup>1</sup> Irish military personnel have experienced these situations first hand in jurisdictions such as Lebanon, Afghanistan and Chad. There is no need to go so far from home now. Ireland is reeling in shock following the collapse of the economy and the effective take-over of control of national finances by the IMF/ECB/EU in December 2010. The question is whether Irish society will spiral into further disarray via its exposure to external forces of extreme capitalism? Or, will Ireland demonstrate the leadership required to stimulate the national recovery and turn the crisis into an opportunity?

One of the opportunities presented by the current economic situation is the opportunity, and urgent need, for public sector reform. Our economic difficulties present us with an opportunity to question existing practice and to look for new approaches to how we do business within Government. New Public Management was flagged as a mechanism to derive greater efficiencies from statutory bodies in the last decade. However, this singularly failed to bring about any real changes in the bureaucratic landscape for the client, i.e. the taxpayer. There is an urgent need for public sector transformation, where public bodies demonstrate value in the services they provide and are reviewed on the basis of evidence based impacts. Furthermore, public bodies are now being challenged to do everything within their power to foster job creation.

Three public bodies, namely the Irish Naval Service (INS), together with University College Cork (UCC) and Cork Institute of Technology (CIT) have embarked on a bottom up approach to transformation. This is being achieved via a combination of reorganisation within the respective organisations, and strategic collaboration across them. This paper examines the approach being adopted by this tripartite alliance in the Maritime and Energy Research Campus and Commercial Cluster (MERC3), with a particular focus

<sup>1</sup> Klein, Naomi. (2007). *The Shock Doctrine, The Rise of Disaster Capitalism*. Penguin, London.



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on the transformation of the Irish Naval Service in this regard. It portrays a Naval Service focused on delivering its core strategy, whilst simultaneously engaging in an innovation agenda that allows Naval Service personnel to support Small and Medium Enterprises (SMEs), evolve as a knowledge-based institution and leverage from partnerships that enhance access to technology and know-how. In this way, the Irish Naval Service aims to respond to Ireland's crisis, by helping to create and drive research, development and innovation opportunities in the development of Ireland's maritime economy. This model breaks from the normal expectation of service delivery from an organisation within the Department of Defence. However, this paper will demonstrate that in fact the Defence Forces have much to contribute in the R&D arena and that this contribution can lead to crucial business enhancement and job creation. Leadership and vision are required to deliver organisational transformation that is bottom-up, collaborative and evidence based.

### **Background to MERC3**

Ireland has an opportunity to innovate to derive added value from its vast marine resource. Until now, we have failed to achieve optimum economic benefits from maritime sectors such as shipping, logistics and transport, maritime technology, maritime security and marine recreation.<sup>2</sup> Nevertheless, these sectors represent global growth areas where market opportunities exist for niche products and services. For example, employment in the international shipping services sector in Ireland grew by 10% last year. The Irish Maritime Development Office (IMDO) estimates that direct employment in this high-value sector could double over the next five years, leading to further investment and job creation.<sup>3</sup> New opportunities also exist in the area of maritime security and defence. Enterprise Ireland is supportive of Irish engagement in European Defence Agency (EDA) research programmes, particularly in the areas of information technology, networking technologies, communications, materials and biotechnology. It is anticipated that this will result in a large number of new projects and commercial activity focused on improving awareness of maritime activities (e.g. fishing, shipping, recreation, illegal trafficking).<sup>4</sup>

Significant potential also exists in the marine energy sectors. Studies by the Department of Communications, Energy and Natural Resources indicate that Ireland is surrounded by ocean basins with potential for oil and gas deposits that could yield 10 billion barrels of oil.<sup>5</sup> At current market prices, that amounts to €850 billion worth of oil, about ten times the size of the IMF/ECB/EU bailout. According to the Irish Offshore Operators Association (IOOA) such discoveries would improve the international markets' view of Ireland's economic prospects, while resulting in significant job creation, and the establishment of spin-off industries.<sup>6</sup>

Marine renewable energy includes offshore wind, wave and tidal energy. The importance of creating an indigenous industry around marine renewable energy is reflected in economic models, which indicate that up to 52,000 jobs could be created in this area by

<sup>2</sup> Marine Co-ordination Group. (In Press). *Integrated Marine Action Plan for Ireland 2006 – 16*.

<sup>3</sup> IMDO. (2011). *Report on Irish Tonnage Tax Relating to EU Maritime State Aids*. Irish Maritime Development Office Report to the Department of Transport.

<sup>4</sup> Department of Defence. (2011). *Draft Memorandum for the Government: Irish Participation in European Defence Agency Programmes*. Ireland.

<sup>5</sup> DCENR. (2006). *Exploring Atlantic Ireland: An Exciting Petroleum Province*. Department of Communications, Energy and Natural Resources. Ireland.

<sup>6</sup> IOOA. (2011). *Securing Our Energy Future: Irish Gas for a better tomorrow*. Irish Offshore Operators Association.

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2030.<sup>7</sup> The supply chain opportunities in these sectors cover activities including planning (e.g. surveys, consents, regulation and control, work planning, stakeholder engagement), construction and installation (e.g. cable laying, construction management, drilling and piling, fabrication and assembly, lifting, marine engineering, underwater services), operation (e.g. anchor handling, training and safety services, harbours and service bases, monitoring and inspection, navigation maintenance, operational control, towage, vessels and craft), decommissioning and emergency response (debris clearance, salvage and recovery, search and rescue).

Traditional constraints to growth in the national maritime economy of Ireland included factors such as a lack of scientific data, a lack of focus outside of activities surrounding harvesting from the sea, and a lack of joined up thinking and organisational capacity. The MERC3 initiative comes about at the dawn of a new era for maritime Ireland, stimulated by the growing realisation of the economic opportunities around maritime and energy, and in particular with regard to marine renewables.<sup>8</sup> This awakening is being transformed into action through a number of complementary, strategic national initiatives. These include 'Smart Ocean' championed by the Marine Institute,<sup>9</sup> the marine renewable energy test bed infrastructure led by Sustainable Energy Authority of Ireland, and MERC3.

The MERC3 partners, University College Cork, Cork Institute of Technology and the Irish Naval Service are responding to this opportunity by delivering a new campus in Ringaskiddy, Cork, featuring the National Maritime College of Ireland, the Irish Naval Service and the National Marine Renewable Energy Test and Research Facilities. A critical mass of expertise is being applied to the key areas of energy engineering, maritime operations, maritime technology and ecosystem governance. The expertise within the partnership provides a unique mix of academic, end-user and professional expertise focused on transforming traditional institutional approaches to problem solving.

This focus in MERC3 is on an industry led approach. This is being used to develop an ecosystem of innovation that will yield Intellectual Property, High Potential Start Up Companies and jobs in the Ireland's Smart Economy. MERC3 partners are pursuing collaboration with industry, Higher Education Institutions, and with national agencies such as the Marine Institute, Sustainable Energy Authority of Ireland, the Industrial Development Authority and Enterprise Ireland, to attract funding, support the development of Small to Medium Enterprises and attract Foreign Direct Investment. The success of MERC3 will be measured according to the delivery of tangible benefits to the country in the form of income and employment. Key targets for 2016 are for 70 new research jobs, the incorporation of 10 new companies and an extended campus catering for at least two major Multinational clients.

### **Naval Service Transformation**

The role of the Irish Naval Service within MERC3 is unique. Traditionally, the Naval Service engaged in a limited and piecemeal fashion when it came to research, development and

<sup>7</sup> SQW. (2010). *Economic Study for Ocean Energy Development in Ireland*. Report to Sustainable Energy Authority of Ireland and Invest Northern Ireland.

<sup>8</sup> MERC3. (2011). *Maritime and Energy Research Campus and Commercial Cluster: Strategy 2011-2016*.

<sup>9</sup> Marine Institute. (2010). *Smart Ocean Ireland: Harnessing Ireland's Potential as a European and Global Centre for Ocean Technologies*. Consultation Document.

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innovation activities. With core business orientated around four defence programmes, (contingent capability, on-island security and support to other agencies; international peace and security; and defence policy, military advice and corporate services), in the past, the Naval Service would not have been considered as an obvious research and innovation partner. However, in the context of the R&D required to build capacity for maritime Ireland, it quickly becomes apparent that the Naval Service has a huge amount to offer both the research and the business communities.

### **Evolution as a Knowledge-Based Institution**

The Naval Service is Ireland's largest maritime institution, with approximately 1,100 personnel. Fifty percent of these personnel are technically trained to high levels in areas such as robotics, diving, navigation and communications. For example, all non-commissioned officers are accredited to level six or seven. All commissioned officers are developed to levels seven, eight or nine. The academic learning within the service is complemented by first-hand knowledge of the challenges of operating in Ireland's marine environment, through long periods of time spent at sea. The benefit of combining critical academic reflection with practical experience is the provision of a competent and diverse source of domain knowledge and is in near perfect symmetry with the objectives and doctrine of work based learning.

MERC3 provides a framework for the enhancement of the Naval Service as a knowledge institution. Its partnership with UCC and CIT provides the academic support necessary for the delivery of 10 new PhDs and 30 masters from the Naval Service by 2016. This MERC3 target encourages Naval Service personnel to actively pursue an approach to work-based learning that enhances individual career opportunities whilst enhancing the skills and knowledge available within the Service itself, thereby increasing outputs and enhancing outcomes.

The ethos of industry led research within MERC3 provides a focus on dissertation and thesis production that yield insights into how economic opportunities may be unlocked across multiple disciplines. For example, the FP7 *Perseus* project on maritime border surveillance focuses on the development of training products and services based on marine simulation. New proposals targeted at European funding programmes such as FP 7 and Interreg, aim to build capacity for the detection of Highly Noxious Substances in the marine environment by deploying autonomous vehicles, and for improvements in Search and Rescue capabilities through the utilisation of Smart Remotely Operated Vehicles (ROVs). Equally important are projects that deal with social science issues such as the governance arrangements for marine resource development in Ireland informed by studies of best practice from around the World. The MERC3 strategy endorses a multidisciplinary approach in recognition of the fact that Ireland's maritime economic opportunity must be built on a bank of knowledge that yields insights and makes progress across a range of areas, from technology development, to social acceptance of maritime industry developments.

The outputs from these projects lead to Continuous Professional Development, enhanced service provision within the Department of Defence, and new opportunities for spin out activities through navy / academic / industry collaboration. The MERC3 target here is for 10 companies to be incorporated by 2015.

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Naval Service participation in European funded research programmes through the NMCI, also impacts positively on the NMCI's potential to play an important role as a third level research provider specialising in the maritime domain. In the first year of MERC3 operations (from April 2010 to April 2011), €585,000 has been generated in research grant income in the NMCI, with an additional €1.4million of proposals now in the pipeline. There can be little doubt that the Irish Naval Service is an attractive partner for European consortia seeking to achieve a balance between academic and end user perspectives in the development and delivery of research projects, and that this has been a key influencing factor in the generation of research grant income into the college from Europe to date.

### **INS Support for SMEs in MERC3**

The Irish Naval Service is contributing to the creation of jobs in small to medium enterprises by making its human capital, as well as its physical infrastructure, available to support business development. Companies engaged in R&D on marine related issues are provided a unique opportunity through MERC3 to work closely with the Naval Service in the development, testing and demonstration of technological solutions.

For example, Seftec Ltd, a Cork based company, are world leaders in the provision of safety training simulators. Seftec produces Helicopter Underwater Escape Trainer (HUET) systems, used to simulate a controlled crash landing by a helicopter into the sea. This training is a requirement for anyone who wants to travel to an off-shore oil platform, and also for many military personnel. Seftec also produce Fire Training Units, used in training personnel to implement fire fighting techniques for fire related incidents on ships at sea. Seftec, CIT and the Irish Naval Service are collaborating on an Enterprise Ireland funded Innovation Partnership, which uses innovative embedded sensor and visualisation technology for monitoring trainee performances in fire training scenarios. As partners in the project, the INS provides end user expertise that contributes to both the design and the validation stages of product development.

Cathyx Ocean Ltd. is a Kildare based company that specialise in the design, development and manufacture of advanced lighting, imaging and measurement systems for divers, ocean based robotic vehicles and underwater construction and survey systems. The Naval Service provides companies such as Cathyx Ocean with significant sea testing for product development in real world operating environments. Opportunities exist to test products on INS ships, on platforms such as ROVs or with personnel such as Naval Service divers.

### **Leveraging From Partnerships that Enhance Access to Technology and Know-how**

The Naval Service benefits from its relationships with SMEs by accessing new and innovative technologies that can help with the delivery of INS core services. ThinkSmart Ltd is a spin-out software company from UCC that provides next generation advanced analytics capabilities. It mixes maths and artificial intelligence to analyse circumstances and speed up decision making for companies. One UCC PhD student is looking at the issue of optimisation around ship refit scheduling. Traditional approaches to scheduling for

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complex refit operations will be replaced by outputs from computer models that will help to identify the most cost-effective solution, potentially saving the Naval Service thousands of Euros each year. Future applications for this type of constraint computing include dynamic scheduling for route optimisation. In a military context this includes better response to threats to maritime security, such as illegal fishing or drug smuggling activities.

### **Conclusions**

In its first year, the MERC3 partnership with CIT and UCC has helped the Irish Naval Service to copper-fasten its role in developing itself as a knowledge institution in support of job creation and innovation in Irish society. MERC3 is helping the Navy to deliver its traditional functions more effectively and efficiently. At the same time MERC3 is helping to position the Navy in a new space; a space that is more responsive to the country's needs in a time of both crisis and opportunity. The economic crisis emphasises the stark reality around the need for public sector reform and transformation. The Naval Service provides a unique example of public sector transformation – it is bottom up, it is collaborative and it is evidenced based, and it is contributing to the creation jobs in the research sector and in small and medium enterprises. These activities underpin the development of Ireland's Smart Economy.

The economic crisis also sharpens the focus on delivering the attributes of a Smart Economy for the Country. These are notably a thriving enterprise sector, high quality employment, and secure energy supplies. The MERC3 focus on the maritime sector, and its particular ambition to secure Ireland's development as an early leader in ocean energy, is stimulating a move towards a more holistic appreciation of the economic opportunity around the sustainable exploitation of Ireland's marine resources. The realisation of opportunities in relation to ocean energy and other sectors must be pursued and facilitated by mobilising our national assets, both human and physical, in new and creative ways. Our Defence Forces represent a unique national asset. The role of the Irish Naval Service in the MERC3 case study demonstrates the potential of the military to contribute to Ireland's economic recovery at a crossroad in time between crisis and opportunity. There can be little wonder why the Naval Service is currently reshaping its vision to be 'the Smartest Naval Service provider in the world'.

# The Challenges Facing the Defence Forces in the Next Five Years

## Introduction and Disclaimer

I am grateful to the editor for permission to offer my views on the future of the Defence Forces in an era of national economic crisis and international economic instability which may worsen significantly. The sword may long have disappeared from the battlefield, but in terms of size, organisation and equipment the Irish Defence Forces bear the scars of generations of hacking blows. There may well be more in the next few years.

What follow are entirely my own views, offered as an historian of the Defence Forces and as a lay observer of military and security affairs in Ireland and elsewhere. I have not sought or received official input or any guidance which would inform, substantiate or alter what I write. What factual information I adduce is sourced from the public domain. My view is broadly that in the frugal future the Defence Forces will have to make and mend, much as they have done since their foundation. A partial exception may be the Naval Service, where there is a need for a continuing programme of capital investment is unarguable in order to maintain capacity to carry out a myriad of peacetime maritime tasks. But in general, other than for overseas commitments where Irish military involvement will require mission-specific investment in equipment and other resources of one kind or another, the Defence Forces cannot count on remotely the same level of support for modernisation as experienced in the last decade.

In terms of numbers across the three arms, the strongest case for retention of existing strength may lie not in military necessity but in practical politics. In an era where jobs are very scarce, there may be a reluctance to make further cuts in the size of the Defence Forces. On the other hand, a prolonged freeze on recruitment could incentivise the retention of worn out personnel at the expense of long term organisational health. On 21 June PDFORRA called for the length of service for other ranks to be raised from 21 to 30 years.<sup>1</sup> How can a responsible body representing military professionals seriously argue for an extension of the age of service – and thereby of the collective waistline of the Defence Forces – by lengthening the period of full-time service of private soldiers and NCOs from twenty one to thirty years? What conceivable military purpose would be served? Almost two decades ago, an able and articulate advocate for enlisted personnel, bridled when I mentioned the issue of realistic fitness reviews for long serving soldiers. He told me that; “The private of fifty is not necessarily over the hill”. I should have rejoined, but did not, that; “The private of fifty, carrying weapon and full equipment, is unlikely to get

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<sup>1</sup> PDFORRA press release (21 June 2011), accessed 28 June 2011 at <http://pdforra.ie/news/?p=608>.

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over any hill". The abandonment of such an elementary international benchmark of military effectiveness, one which took decades of debate and negotiation to establish, would be a disaster, reinstating not a Dad's but a Grandad's army.

### **Public Perceptions of the Defence Forces in the 21<sup>st</sup> Century**

There is a paradox in external perception of the Defence Forces. The Irish public have long esteemed an organisation about whose main purpose, professional environment, and key functions they know little. The main role of an army is not to provide well marshalled guards of honour or notably successful show jumping teams – who can forget Captain John Ledingham's remarkable achievement in winning three Hickstead Derbies – but to protect the state from external aggression and from internal attack, to aid the civil power generally at moments of crisis, and to contribute to the maintenance of order internationally through participation in UN-mandated military activities of various kinds, from observer missions to robust peacekeeping operations.<sup>2</sup>

The momentous public events of May 2011 which came in such quick succession – Her Majesty Queen Elizabeth's four days in Ireland, the state funeral of the late Taoiseach Dr Garret FitzGerald, and President Barack Obama's brief Irish visit - have seen the Defence Forces perform crucial ceremonial roles with great efficiency. They also carried out substantive if less visible military tasks, providing the necessary very high level of security against the unseen but real militant republican threat, and against possible dangers posed to President Obama from other sources. Despite the considerable demands by the visits of two such significant heads of state within a week, the Defence Forces also dealt calmly and effectively with the ceremonial demands placed on them by Dr Garret Fitzgerald's unexpected passing.

We have seen other instances in recent months of why the Defence Forces continue to enjoy such widespread public regard. During the drastic weather of November, December and early January, soldiers provided emergency support across the country to local authorities and communities overwhelmed by the conditions. In the west and northwest, the army made a significant contribution in April and May to the control of widespread gorse fires – although as a quick search on Google confirms, it was the photogenic appeal of helicopters dropping water on the flames, rather than shots of weary soldiers on foot creating firebreaks, which provided the media with iconic images. At sea, the Naval Service's role in drug interdiction in recent years has consistently secured very favourable media attention, perhaps counterbalancing the local resentment which sometimes arises from their discharge of their fisheries protection duties.<sup>3</sup> This month, the dispatch of over four hundred soldiers to Lebanon has drawn the customary positive attention in the media. Yet there remains a gap in public discourse on the Defence Forces. Fundamental questions are simply not addressed. It is striking that the single most insightful public commentary on the Defence Forces produced in the first seventy years of the state's existence came not in a White Paper or other statement of strategy and purpose, but in the 1990 Gleeson report on pay and conditions of service.<sup>4</sup>

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<sup>2</sup> Kilbaha, John Ledingham's mount in his 1994 and 1995 Derby victories, was put down only in May this year. *Irish Independent*, 19 May 2011.

<sup>3</sup> <http://debates.oireachtas.ie/dail/2011/05/24/00005.asp>

<sup>4</sup> *Report of the Commission on remuneration and conditions of service in the Defence Forces* (1990) Dublin, pp. 1-20 [the Gleeson Report].

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## Defence and the Political System

The acute financial pressures facing the state for the foreseeable future form a significant backdrop to any discussion of defence affairs. The Defence Forces benefitted only marginally in the affluent decade which ended so abruptly in 2008, and like other public sector organisations, improvements came largely in terms of pay. There was some planned investment in modernisation and equipment, but this can most usefully be characterised as an extended once off process predicated on the sale of surplus Defence property in a rising market. The good times, in short, produced no strategic reorientation beyond the 1998 reorganisation scheme, and saw no fundamental departure from the stop/start approach to military affairs which has characterised the state's management of defence since the end of the civil war in 1923. The White Paper on Defence of 2000, a landmark as the first formal statement of Irish defence policy, focused primarily on organisational change and development rather than offering a wider strategic review of the changing external and internal defence, security and related challenges facing the state. The most notable innovation in military management in recent years has been the creation of the Ombudsman for the Defence Forces, an interesting development but one focused on addressing perceived problems in the internal management of the Defence Forces rather than on preparing them to cope with new external challenges. I would be concerned if that office were to become an additional outlet for the chronically aggrieved; I also worry about the long term implications for the practical functioning of the Defence Forces if essentially civilian legalistic approaches to the management of personnel begin to take root.

I have found little in the public domain to explain how the Defence Forces are coping with the ramifications of the economic crisis. The Department of Defence home page does carry a Strategy Statement,<sup>5</sup> but this only sets out “the vision and mission of the Department of Defence and Defence Forces for the years 2008-2010” – perhaps to keep the country's enemies guessing about this year's plans. Nor does the page carry a single image conveying the military nature and purposes of the Irish defence establishment.

I have written elsewhere on the legislative fiction that is the Council of Defence, theoretically at the apex of national defence management and planning; I will not reiterate my critique.<sup>6</sup> Pragmatists may say that this lacuna is of no moment, and that defence affairs in practice tick along nicely. It would be difficult to find any retired military person with direct knowledge of the civil/military interface who would concur with such an observation, although officials of the Departments of Defence and Foreign Affairs will often offer an alternative view. In any case, over the next five years it is unlikely that the national policy system, beset by momentous economic and social challenges, will concern itself much with improving the management of defence and security affairs.

In the Oireachtas, it remains the case that discussion and analysis of defence policy is characterised by an absence of any sustained interest or body of knowledge about military matters and the international military environment. In the very limited Oireachtas discussions on military affairs in recent years, the same tired points of notional principle about the implications for neutrality of Ireland's military contributions to international

<sup>5</sup> [www.defence.ie](http://www.defence.ie). Accessed on 28 June 2011.

<sup>6</sup> O'Halpin, Eunan. (2011). 'The Office of the Chief of Staff in Historical Perspective', in Thomas Hodson (ed.), *Chiefs of Staff: the Portrait Collection of the Irish Defence Forces*. Dublin, p. 18.



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security operations are raised time and again; neither in the Dáil and Seanad chambers nor in committees has there been any sustained discussion and analysis, or any discernible accumulation of expertise. This is despite the inclusion of defence within the remit of a revamped Oireachtas committee also covering the rather different policy areas of Justice, Equality, and Women's Rights. On the other hand, individual members of the Oireachtas of all parties and none display no qualms at all about pursuing the work-related grievances of individual Defence Forces constituents, a practice which should surely be abandoned in an era when there are ample official channels for personnel, including a Redress of Wrongs process and a very powerful Ombudsman, to pursue individual concerns.

The reality is that the Oireachtas has never sought to exercise any kind of meaningful oversight of defence affairs, contenting itself with after the fact inquiries into missing halfpennies and pence. Apart from what is said for the record in set piece ministerial speeches in the House, the most enlightening material on the Defence Forces produced by the Oireachtas is to be found in the annual proceedings of the Dáil Committee of Public Accounts (PAC). PAC reports since 1922 often include verbatim discussions of the revealing minutiae of Irish military life. For the first five decades of the state's existence, no missing bale of fodder, rusted battery, twisted propeller, damaged bugle or defective batch of cloth was too insignificant to excite the interest of the Comptroller and Auditor General and the PAC. Of the real strategic dimensions of national defence, there was not a whisper either in that committee or in the Dáil chamber. Such records indicate a long term fixation on the civil side of the defence establishment with meticulous control of the military arm, at the expense of wider consideration of the national and international defence environment, and a systemic aversion in the legislature to any sustained discussion of external defence and of the geopolitical realities facing the Defence Forces.

We should note that the most up to date and regular public appraisals of key aspects of defence affairs now emanate not from the Department of Defence – see their home page, as already mentioned - but from a new office, that of the Ombudsman or the Defence Forces. In the course of her annual reports, the Ombudsman provides a useful ongoing critique of aspects of military personnel management. Thus, in the 2010 report, she argues that as a result of changes in the process of selection for NCO courses and overseas postings, adopted following an earlier report, complaints made to her about such matters had dropped from 46% to 17% of her case load.<sup>7</sup> The statistical basis for this claim might need further analysis, but there seems no doubt that, while some may view the Office of the Ombudsman essentially as a honey pot for malingers, corrosive of rather than supporting military discipline, in the sphere of personnel management the new institution has had some impact. Its reports also serve, *faute de mieux*, as a useful yardstick on change in the Defence Forces generally.

### **Defence Procurement in Hard Times**

In addressing the general question of procurement I will begin with a brief story. In the late 1970s a former university classmate of mine joined the Department of Defence as an Executive Officer. He was immediately plunged into contractual problems surrounding a defective helicopter engine which had been sent back to the manufacturers for repair;

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<sup>7</sup> Ombudsman for the Defence Forces Annual Report 2010. (2011). Dublin, p. 20.

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when he resigned from the civil service three years later, the bill had still not been settled, and the ailing engine had yet to make it back to Baldonnel.

Even in countries with large armed forces and with long experience of developing, commissioning, and maintaining complex weapons systems, procurement remains a nightmare. Costs are invariably far higher than estimated and contracted for; deadlines turn out to be meaningless, with some big ticket multi-national items such as the Eurofighter taking a full decade longer than planned to reach production. In the United States, the annual Golden Fleece Award for the most conspicuous waste of public money inaugurated by Senator William Proxmire in 1975 regularly went to the American armed services, most notoriously the US Navy for commissioning \$600 dollar lavatory seats for new aircraft. In Britain, the paradoxes of procurement have reached the level where, under the latest defence review, one of two new aircraft carriers which the government is contractually committed to build between now and 2022 may float but may never actually enter service, while the other will operate for some time essentially as a maritime platform for French and perhaps American aircraft because Britain will not be able to meet the operating costs.

By such standards, the Irish defence system has had few public procurement disasters in the last two decades. At least to a layman, major purchases of equipment appear generally to have followed from a careful and realistic appraisal process. The McCarthy report on state assets and liabilities notes that while Defence “holds a diverse range of properties”, it has “an active programme of property rationalisation”. State policy has been to incentivise the disposal of surplus property by allowing the Defence Forces to spend the money saved on re-equipment and modernisation. Even in an age of affluence, this ‘sell a site and buy a gun’ approach was a curiously short-term way to finance such a long term requirement as national defence. Furthermore, while property disposals in the first years of this century yielded significant results, nowhere has the economic crisis been more dramatically felt than in the property market. In prevailing conditions, even where surplus assets are available for disposal they will fetch very little. That in turn means that necessary military equipment, which has always remained immune to price deflation even in the midst of acute international recession, may increasingly have to be financed directly from the exchequer rather than through once-off assets sales. It seems more likely that purchasing will virtually cease, while Defence property will be sold at a discount and the proceeds absorbed by the Exchequer.<sup>8</sup>

One disappointing aspect of military reform in the last decade has been the inability, for a combination of legal and financial reasons, to make progress in enhancing the role and effectiveness of the Reserve Defence Forces. In particular, initiatives announced in the late 1990s to enable reservists to serve overseas ran into insuperable difficulties even when money was relatively plentiful. In today’s straitened circumstances, it seems highly unlikely that any progress will be made in modernising the RDF and preparing them for a meaningful military role in either normal or abnormal conditions.

This raises a related question: how can the Defence Forces develop a sustainable retention strategy for personnel which ensures that they can keep the best while letting

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<sup>8</sup> Report of the Review Group on State Assets and Liabilities (2011). Dublin, p. 119.

go the rest at appropriate points in the career cycle? Writing as someone with a vested interest, it seems to me that an increased emphasis on education, training and qualification, together with the adoption of an approach which would provide national certification for the achievement of appropriate professional standards of military training at every level, would produce considerable long term benefits. When I worked in DCU Business School in the 1990s I was struck by the number of able Defence Forces officers studying part-time for Masters Degrees. For most this was an exit strategy, an alternative to the (then unaccredited) arduous professional Command and Staff courses necessary to qualify commandants for promotion to Lieutenant Colonels. Since then the Military College has established a joint programme with NUI Maynooth which provides an integrated professional/military MA qualification. I think that far more could still be done in other discipline areas (why not a military MBA or a military M.Sc in Management?). The same process of carefully designed cross-accreditation between military and civilian training and development could surely be implemented across the Defence Forces generally (not only in support and technical functions such as catering and communications), ensuring that the professional training of military personnel at every level secured them externally validated and recognised qualifications. This might help retention of able people because they would acquire what might be termed dual civ/mil certification.

### **Where are the Threats Now?**

The end of the Cold War, while it arguably had a very considerable bearing on the move towards peace in Northern Ireland and hence contributed to a reduction in the threat posed to this state by republican and loyalist paramilitary violence, had less direct implications for the Defence Forces than for the armed services of almost all other European states, for the simple reason that the Army, Naval Service and Air Corps were never organised and tasked by reference to that wider geopolitical context.<sup>9</sup> But the fading away of the Cold War, together with the processes of European integration, and developments in international criminal and terrorist activity of various kinds, has had a positive impact on key aspects of Defence Forces activities. The propriety of crucial international liaison work which up to a few years ago was shrouded in deepest secrecy is no longer in doubt.<sup>10</sup> The same is true as regards the indigenous problem of terrorism related to Northern Ireland, where constant Anglo-Irish criminal and security cooperation is an accepted fact. Who would have thought twenty years ago that the Dáil would be told of the dispatch of a Naval Service officer to work in a European counter-narcotics intelligence initiative? It must be assumed that increased participation in such international processes will place additional demands on the Defence Forces, increasing the requirement for personnel with specialist analytical and language skills.<sup>11</sup>

In the more overt sphere of international peacekeeping, it is obvious that there is no single model of international intervention for which the Defence Forces can prepare.<sup>12</sup> The

9 Cox, Michael. (Oct 1997). 'Bringing in the "International": the IRA Ceasefire and the End of the Cold War', *International Affairs* vol. 73, no. 4, pp. 671-693.

10 Mulqueen, Michael. (2009). 'Securing the State with Soldier Spies: evaluating the risks of using military personnel to gather surveillance evidence in Ireland', *Irish Studies in International Affairs* vol. 20, pp. 121-141; O'Halpin, Eunan. (2002). 'Ireland and EU Intelligence Assessment: the politics of an undeclared Petersberg task', *Irish Political Studies*, 17, (2), pp 35 – 58.

11 Minister for Defence Alan Shatter's comments on Naval Service participation in a European counter-narcotics intelligence network. *Dáil Debates* vol. 733, no. 1, 24 May 2011.

12 For an Irish perspective on this general issue, see particularly John Terence O'Neill, John, Terence. and Rees, Nicholas. (2005). *United Nations Peacekeeping in the Post-Cold War Era*. London.

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recent mission to Chad presented completely different challenges to those experienced in Kosovo. This has implications not only for the general and specific training of soldiers for overseas service, but for how they are equipped. Equipment which functions well in some conditions may prove very unsuitable in others. A crucial challenge for the Defence Forces, especially with money so tight for the foreseeable future, is to maintain the capacity to take on more than the simplest, least hazardous and lowest cost mission.

Further emerging challenges must be noted. The army deafness saga is in its last days, but other historic deficiencies in training or support may yet occasion another tsunami of litigation. Recent years have also seen a marked growth in concern not only about health and safety issues but about questions of fairness and equity within the Defence Forces – witness the establishment of the Ombudsman for the Defence Forces, and what sometimes seems almost a fixation with anti-bullying campaigns and other demonstrations of corporate rectitude. It would be disastrous if, essentially for fear of litigation, the Defence Forces came to be run along lines appropriate for a crèche.

Comparable issues are becoming more salient in the international sphere. Terms such as ‘war crimes’ and violations of fundamental human rights have been so broadened as to embrace individual and often in themselves quite minor transgressions of law, discipline or personal morality by personnel on United Nations or other international service. At the operational level, we have also seen how the increased emphasis in the post-Cold War era on abstruse legal and policy calculations about the legitimate and proportionate use of force in particular instances have had calamitous consequences – witness the pusillanimous United Nations response to the Bosnian Serb occupation of the Srebrenica enclave, resulting in the massacre of perhaps eight thousand Bosnian Muslim men and boys, despite a substantial Dutch UN protective military presence and the availability of air support and the UN's disastrous failure, despite already having a limited military presence, to act on signs of the impending orchestrated genocide in Rwanda. We can only hope that Irish soldiers never find themselves in a similar situation on the ground, responsible for security of people whom they cannot effectively protect from slaughter.

### **Conclusion**

The range of roles assigned to the Defence Forces will not change much over the next five years. What will change is their capacity to carry them out. Over the two decades since the Gleeson report there has been some progress towards a more rational approach to Defence Forces organisation and management. The challenge now is how to continue to maintain that modest progress and to maintain the capacity to prepare for and to manage a spectrum of duties in an era of brutal austerity, where the first instinct of the policy system will be simply to continue to cut and to cut and to cut.



# Securing Britain in an Age of Uncertainty:

## The Strategic Defence and Security Review – Blueprint for the Future?

### Introduction

Presented to Parliament and the British public in October 2010 by Britain's new Conservative – Liberal Democrat government, the UK's Strategic Defence and Security Review (SDSR) aspires as its title proclaims to provide for the 'Securing Britain in an Age of Uncertainty'.<sup>1</sup> The seventy-five page document is the first major strategic defence review since the last Labour Government SDR in 1998 and is indicative of the monumental transformation which has overtaken the defence, security and conflict sphere during the intervening decade.

As the Cold War is consigned to history the traditional view of security viewing national defence focused on a conflict between high-end superpowers appears no longer relevant. Instead a far more holistic view of security is required which encompasses not only traditional notions of national military defence, but also newer threats such as terrorism, cyber security, natural hazards and humanitarian crises. To manage this array of complex threats the SDSR has precipitated sweeping changes to the physical structure and capabilities of the British Armed Forces.

The purpose of this short paper is to examine in very broad terms the SDSR – the aims, premises and assumptions underpinning the document, and from this gauge Britain's perception of its own national security. The paper will examine in brief the decisions within the SDSR with regard to the capabilities and structures of the British Armed Forces of the future. Britain remains one of the western world's foremost military powers and one of the European Union's most capable members. An examination of the British threat assessment and subsequent defence transformation may provide valuable lessons for Ireland particularly in light of an impending Defence White Paper. The economic troubles facing the Irish state are unlikely to subside in the immediate future, the longer term ramifications of the tightening in Irish public spending across the entire civil and public sectors, means Departments will be singing the mantra of 'doing more with less' for a some time to come. Defence will be standing squarely in the firing line, much like other departments, justifying its expenditure line by line. The differences in scale notwithstanding, a review of how the British approach their Defence transformation in an economically constrained environment may provide valuable food for thought for the Irish Defence Forces.

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<sup>1</sup> HM Government. (2010). *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review*. London, UK. (SDSR).

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## The Nature of Future Conflict

The end of the Cold War precipitated a change in the nature of global conflict. The 1990s saw an explosion of ethnic cleansing, civil war and unrest in the Balkans and across Africa as the influence of bipolar superpower politics waned. The terrorist attacks of September 11<sup>th</sup>, 2011 and the interventions in Afghanistan and Iraq then stirred the pot once again. The threat posed by international Islamic terrorism facilitated by the effects of globalisation and the potential destructive force of weapons of mass destruction provoked Britain and the US to embark on expeditionary wars. These wars have been conducted across the full spectrum of military operations from conventional war fighting through counter insurgency, nation building, peace-enforcement, peace support and peacekeeping operations.<sup>2</sup> The experience of almost a decade of involvement in Helmand Province, Afghanistan, has left an indelible imprint on the British Armed Forces and governmental psyche in a manner that the 30 years of operations in Northern Ireland had previously. For the majority of the armed forces, particularly the land forces – both the British Army and the Royal Marines, these operations have shaped their current character, equipment, tactics and organisation. This experience is still running its course. An important question for the British military is whether or not these particular operations represent the conflict of the future? Are these the case studies to base security preparations and decisions for the next decade?

The SDSR goes so far as to make a few key observations on these critical questions, but does so without answering them definitively. It argues

[that] globalisation has made the likelihood of conflict involving non-state or failed state actors likely to persist, and that while state versus state conflict will not disappear, the character of that sort of conflict is itself changing. The emergence and maturing of asymmetric tactics; economic, cyber and proxy actions instead of direct large scale military action, has made them far more likely to play an increasing part of future conflict.<sup>3</sup>

The document notes the increasing difficulty to distinguish between enemies and the civilians, media and nongovernmental actors crowding the operational space, making accurate intelligence, communications, surveillance and precision strike capabilities all the more vital at every level of the force structure.<sup>4</sup> This view of the projected future operational landscape also has relevance for Ireland. The concepts of peacekeeping and peace enforcement have morphed and developed throughout the two key interventions in Iraq and Afghanistan. The UK has garnered detailed and relevant experiences in the complexities of conducting such types of operations. Ireland over the last decade has embraced more complex forms of intervention than traditional interdictionary peacekeeping. These include UN peace enforcement operations such as in Liberia, UN sanctioned but regional organisation run operations such as SFOR and KFOR (both NATO led) or EUFOR Chad, and also participation in EU Battle Group stand-by arrangements. Notwithstanding these experiences, Ireland can benefit from the British lessons-learned from operations, training, exercises and investment in equipment.

<sup>2</sup> Evans, Michael, Parkin, Russel, And Ryan, Alan. (eds) (2004). *Future Armies Future Challenges: Land Warfare in the Information Age*. Allen & Unwin, Crow's Nest, NSW, Australia, p. 29.

<sup>3</sup> SDSR, Op Cit, p. 16.

<sup>4</sup> SDSR, Op Cit, p. 16.

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## The Future Shape of British Armed Forces

Future Force 2020 outlines the force structure to accomplish the stated goals for the British Armed Forces over the course of the coming decade. The SDSR envisages reforming all three of the services from their current states into leaner, more responsive and capable forms, structured in three main elements. The core changes revolve around three states of readiness – a Deployed Force consisting of forces deployed in theatre on operations at any given time, and those on duty across the UK and its overseas territories. A High Readiness Force, consisting of units held in readiness in the UK and that can be directed to react to any situation arising in which Britain feels its interests threatened, will constitute the second element. This force comprises of a balanced match of units across the services based on ongoing Defence Planning Assumptions. Finally, the third element - the Lower Readiness Forces, will comprise units recently returned from overseas deployments and in their retraining, rest and recovery cycle.<sup>5</sup>

In broad terms these structural changes are logical and straightforward but the challenges associated with implementing them are complex and varied. The sustained high tempo of operations, particularly in Afghanistan over the past decade coupled with those in Iraq, has heavily drawn down on the strength of units, in particular the hard pressed regular infantry battalions.<sup>6</sup> The task of reviving these currently heavily tasked units, then reforming and upgrading them, while concurrently supporting ongoing operations in Afghanistan and downsizing as the SDSR sets out, will be no easy ride. In a period of rest and recovery it would prove extremely challenging.

However given the current strategic outlook with continued instability in the Middle East and demanding deployments in Afghanistan, there is little prospect of a calm period in the coming years. The success in implementing the SDSR will be bound up with the ability of UK Ministry of Defence to smoothly transition from the 1998 force structure into the new Future Force 2020. Here follows a more detailed look at each of the proposals of each of the three services to appreciate the nature and scope of the challenges faced by the British military defence establishment.

## The British Army

The British Army of Future Forces 2020 will be tasked with providing;

[light], specialist forces for short duration interventions; sufficient multi-role forces to provide flexibility for larger or more complex intervention operations or to undertake enduring stabilisation operations; contribute to standing commitments including defending the South Atlantic Overseas Territories and UK tasks such as bomb disposal; and also the ability to command UK and coalition forces up to theatre level.<sup>7</sup>

In force structure terms, the plan proposes that current units reform into five multi-role brigades, each 6,500 strong and comprising a mix of reconnaissance forces, mechanised, armoured and light infantry, armoured tanks, artillery, and supporting logistics. In addition,

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<sup>5</sup> Ibid, p. 19.

<sup>6</sup> Edmunds, Timothy & Forester, Anthony, *Out of Step: Case for change in the British armed forces*, (London, 2007), page 51.

<sup>7</sup> SDSR, Op Cit, p. 24.



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16 Air Assault Brigade will complete the structure, acting as a high readiness, light intervention force for short duration operations. New capabilities will include a precision Guided Multiple Launch Rocket System (GMLRS), new medium weight armoured vehicles, an improved UAV program, updated armoured support vehicles and a continuation of some heavier 'legacy' armoured systems such as the AS90, the Challenger II MBT, Titan and Trojan engineer vehicles. The Army Air Corps will continue flying Apache attack helicopters and the new Wildcat reconnaissance and control helicopter will be added to the air fleet.

However, in producing this new 'leaner, meaner and more capable' Army, the SDSR proposes a number of reductions. These include cutting one brigade from the army, the reduction of Challenger II holdings by 40% and the AS90 SPG by 35%. Simultaneously the non-deployable headquarters elements will be reduced leaving just a single UK support command replacing four divisional headquarters.<sup>8</sup> In real terms this will result in the retirement of frontline armoured and artillery regiments along side the Headquarters staffs. While the staffs might not prove too much of a loss on the frontline, the loss of the armoured and artillery regiments will have a more obvious impact. The Army infantry corps has been overstretched since the 1998 Defence Review, and these units had been deploying to Iraq and Afghanistan as infantry units. The loss of these units for the new order of battle will put even more pressure on frontline infantry units. The army will also have to deal with the rationalisation, upkeep, repair and replacement of the numerous new systems that it purchased on short notice over the past decade in those two theatres – vehicles and equipment specifically suited to them, such as Jackal, Mastiff and Panther and which previously would not have been envisaged or provided for in the Defence budget.

### **The Royal Navy**

The Royal Navy of Future Force 2020 is tasked with;

[the] nuclear deterrent at sea, maritime defence of the UK and its South Atlantic Overseas Territories; an enduring presence within the priority regions of the world to contribute to conventional defence; powerful intervention capabilities from surface and submarine fleets; the ability to land forces from the sea by helicopter and over the beach with protective vehicles and supplies from specialist ships; and the ability to command UK and allied naval forces at up to Task Force level.<sup>9</sup>

To accomplish these tasks, the SDSR proposes a leaner and ultimately more capable force than the current 'legacy fleet.' The proposals and decisions here fall into two main categories – those regarding the Navy's carrier and naval aviation, and those of the surface/submarine fleet. Arguably the most important decision emerging from the SDSR regards the purchase of two new aircraft carriers. The previous government had committed Britain to the design, development and production of two new aircraft carriers in conjunction with the French government. These new Queen Elizabeth class warships are 'true carriers'- one third larger than the current Illustrious class. The SDSR makes two

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<sup>8</sup> Ibid, p. 24.

<sup>9</sup> Ibid, p. 21.

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crucial decisions. The first is to undertake a redesign to incorporate a catapult into the ship – allowing greater interoperability with key allies – notably the US and French, and also critically the purchase of the F-35C Joint Strike Fighter naval strike variant. Larger, with greater range and strike load than the previously planned F-35B STOL variant, it will lead to a much more capable force at a cheaper price. The second is that while committing to the planned two ship purchase, the SDSR sees the need for only one aircraft carrier. The second, despite the cost, will on delivery be placed in extended readiness – effectively mothballed.<sup>10</sup> Furthermore the Review proposes the immediate retirement of HMS Ark Royal, the Royal Navy flagship and only remaining active carrier. Carried out in mid-2011, this had the immediate effect of removing a major source of presence options and capability from the British government which this ship provided across the spectrum of military operations. These capabilities will be unavailable until the first of the two Queen Elizabeth Class ships is ready for service in 2020 at the earliest. Recent developments in the Mediterranean and the lack of a UK carrier in operations against Col Gaddafi's forces in Libya has proved a very sobering lesson in the consequences of cutting military capabilities without adequate cover for the sake of short-term savings.

Only the Royal Navy Submarine fleet will see its capabilities heavily strengthened in the SDSR by the continued commitment to fielding seven Astute class nuclear hunter-killer submarines (SSN), considered one of the worlds best, equipped with the latest Tomahawk land attack missiles and intelligence gathering systems. Conversely the surface fleet, while continuing with the acquisition of the six Daring class Type 45 destroyers will see the aging Type 23 frigate continue soldiering on well past their usefulness date until funding can be sourced for new Type 26 frigates to replace them. The bulk of funding remains committed to the billion-pound-a-ship Darings, which while providing superb air defence capability will continue to consume a significant proportion of the navy funds, critically needed to replace both the Type 26 frigates and arguably even more pressingly for new amphibious warfare ships.<sup>11</sup> Finally, the Future Force 2020 sees an unchanged role for the Royal Marine Commandos, whose 3 Brigade forms one of the most effective and capable forces available to the UK.

### **The Royal Air Force**

The Royal Air Force (RAF) of Future Force 2020 is tasked with;

continuation of the air defence of the UK and its South Atlantic Overseas Territories, providing a credible and capable combat air presence to conventional deterrent and containment, providing expeditionary combat air power to enduring land operations, strategic and tactical airlift as well as the provision of helicopters, ISTAR and RAF Regiment ground units.<sup>12</sup>

The document provides for a force composed of Typhoon and Joint Strike Fighters (JSF), arguably two of the world's most capable combat aircraft; a modernised and enlarged transport fleet of seven C-117 Globemasters, 22 A400M transports and 14 new Airbus 330 tankers/transport aircraft. Additionally 12 new Chinooks will be acquired

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<sup>10</sup> Ibid, p. 23.

<sup>11</sup> Page, Lewis. (2007). *Lions, Donkeys and Dinosaurs: Waste and Blundering in the Military*. Arrow Books, London.

<sup>12</sup> SDSR, Op Cit, p. 25.

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to supplement and support the Merlin fleet already in service. The SDSR states that this new, rationalised, consolidated RAF fleet – smaller overall, with modern aircraft will service its needs for the coming decades. Most controversially the Review also proposes the immediate retirement of the Harrier from service, arguing that maintaining the Tornado in the interim prior to fielding the JSF would allow for continued fast jet support in Afghanistan. This move mirrors the decision to retire HMS Ark Royal immediately. The JSF provides another interesting footnote in the Review which states that this key aircraft will now be procured in smaller numbers, and that the previous government's decision to buy the F-35B STOL variant of the JSF, one which has encountered numerous programme difficulties and cost over-runs has been reversed. The RAF range and strike capability will be augmented by the decision in the Royal Navy to redesign the new aircraft carriers with catapults for inter-operability with other NATO nations and allies coupled with the purchase of the F-35C naval aviation version.

The envisaged RAF Future Force 2020 will provide the UK with a force of substantial capability, though there are several issues along the long road to the attainment of that force which are cause for concern. The much vaunted F-35 is still years away from being fielded in anything close to the numbers required, and while the F-35A or land based model is progressing well, issues remain with the 'C' variant. Crucial to the long overworked and overstretched airlift fleet, the A400M has seen a litany of production, design and development flaws, and has hardly been a story of efficient European defence cooperation. Continuous heavy usage of the Hercules fleet in Iraq and Afghanistan has simultaneously shortened their lifespan, meaning that the time gap between the Hercules eventual withdrawal and the arrival of the A400M in service is dangerously lengthening. Though breakthroughs have recently been made the benefits to the British Armed Forces are still years away.<sup>13</sup> The decision to retire the Harrier poses serious questions for both the RAF and Royal Navy with regard to the retention of pilots and the maintenance of relevant skill sets to continue flying fast jets from carriers at sea, which along with nuclear missile ships indicates the mark of a first class modern navy. If these capabilities are degraded or even lost over the intervening decade before both the carriers and ships are delivered, then it could be an even longer time before Britain retains this ultimate capability in naval power and presence.

### **Current Challenges and Conclusion**

As laid out above the key tenets of the SDSR will provide a more responsive, integrated, capable and flexible military force for use over the coming decades. Progressing from the current state to the desired end state however will require more than a nicely worded document, given the practical problems which are many, interconnected and substantial. Arguably the largest hurdle is one of resources. The severe economic downturn and attendant budget difficulties western nations are facing have placed heavy pressure on national financial resources. The previous British government had committed the state to an unfunded liability of £38 billion over the next ten years until 2020 – more than the entire UK defence budget in a single year, an unaffordable sum even without the current economic difficulties.<sup>14</sup> Added to the desire to curtail the principal defence budget, the

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<sup>13</sup> Lewis, *Op Cit*, p. 117.

<sup>14</sup> SDSR, *Op Cit*, p. 15.

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additional sums allotted to cover expenses accrued from operations in Afghanistan and Iraq over the past years are now drying up. This supplementary funding has covered equipment purchases and resources needed for those campaigns not foreseen in previous defence expenditure predictions. Without this additional funding, the shrinking defence budget will have to cope with a transformation and reorganisation, the acquisition of new assets and the maintenance of the assets deployed in Afghanistan. Some of the new programmes coming through; aircraft carriers, JSF and A400M are keystone 'big ticket' items which will account for large proportions of the budget over the coming years. Finally, operations world wide, in Afghanistan and elsewhere - most recently in the application of airpower of Libya - suggest that defence expenditure will continue at a high level. The need to balance these considerations against an overall shrinkage of the armed forces and the simultaneous need to reduce government spending across the board mean that some very tough decisions are going to be needed to make the desired end state of the SDSR a reality and maintain the UK's position on the global security landscape. Lessons which may well be worthy of reflection and instruction as other countries, including Ireland, face similar decisions.

There can be little doubt that Irish capabilities have grown over the past decade, by leaps and bounds. In physical terms, through the acquisition of newer equipment – the Army's Cavalry CRV and MRVs, the LTAVs, ISTAR equipment, and HF communications equipment, the Air Corps AW-135s and -139s, the two new Naval Service patrol ships. The effect of this physical transformation comes in two principal returns – facilitation of more complex and demanding operations and deployments overseas beyond the old generic peacekeeping mission, and the continued professional development of the Defence Forces and its personnel. This latter point cannot be underestimated. While the issue of funding will adversely affect the DF in terms of maintenance and continued development in equipment, it will disproportionately effect the organisation in personnel terms – both number wise and professional development. Cutting training opportunities – at home and overseas, on courses or missions deprives the organisation of the critical learning experiences which allow the organisation to both sustain itself and grow. Furthermore, it is something that once lost or retarded takes a much longer time to repair than simply purchasing new equipment. Because of the substantial size ratio difference of the two militaries, any pro rata cuts in the Irish Defence Forces would produce disproportionate results in delivering capability. It is imperative therefore to examine carefully any proposed changes to ensure that decisions taken neither squander the experience and prudent purchases of equipment of the past nor compromise potential future performance of the Defence Forces.



# Hezbollah – A Paradigm Hybrid Warfare Force?

Numerous security analysts have acknowledged the blurring of lines between modes of war. Hybrid challengers have passed from a concept to a reality, thanks to Hezbollah.<sup>1</sup>

In the late 1980s, military and strategic theorists began to recognize a shift in warfare which they assumed was both in the character and nature of war. Their ideas and publications triggered a captivating dialogue on how warfare was changing. This debate helped prompt many militaries to recognize the change and begin its transformation.<sup>2</sup> This transformation was later given the tag of Fourth Generation Warfare (4GW).

Although many question the 4GW construct and its predictions, few challenge the assumptions regarding a changing world environment. Scholars of future wars believe that it is within this complex and dynamic setting that a new form of warfare is materialising.<sup>3</sup> Many strategists believe that the threats that Western forces face will likely be irregular in nature. Predicting some of the capabilities of future threats, Richard Shultz and Andrea Dew believe that these armed adversaries will be very flexible, adaptable, and able to conduct diversified operations.<sup>4</sup> An emerging trend in current and future conflict suggests that these operations will occur across the entire spectrum of conflict, leading to a form of hybrid war where adversaries attempt to simultaneously employ traditional, disruptive, catastrophic and or irregular capabilities to attain their objectives.<sup>5</sup> This blending of irregular capabilities and forms of warfare has been hailed as hybrid warfare;

A hybrid threat is one posed by any current or potential adversary, including state, non-state and terrorists, with the ability, whether demonstrated or likely, to simultaneously employ conventional and non conventional means adaptively, in pursuit of their objectives.<sup>6</sup>

The renowned hybrid warfare scholar Frank G Hoffman asserts that Hezbollah in the 2006 Lebanon War represents the prototype hybrid force. He argues that; “Hezbollah exemplifies an emerging trend. Future opponents of the United States, particularly non-state opponents, will wage a hybrid style of warfare because they’ve learned they can’t take on the US military, with its high-tech targeting sensors and overwhelming firepower, in a stand-up fight.”<sup>7</sup> This paper examines the Hezbollah campaign in the 2006 conflict

<sup>1</sup> Hoffman, Frank.G. (2009). ‘Hybrid Warfare and Challenges’ *JFQ* Issue 52, 1st Quarter.

<sup>2</sup> Williamson, Steven. C. *From Fourth Generation Warfare To Hybrid War*. USAWC Strategy Research Project.

<sup>3</sup> U.S. Department of the Army. (22 Aug 2008). *The Army Strategy*. Washington, DC: U.S., p. 1.

<sup>4</sup> Shultz, Richard. H. and Dew, Andrea. J. (2006). *Insurgents, Terrorists and Militias: The Warriors of Contemporary Combat*. New York, Columbia University Press.

<sup>5</sup> U.S. Department of the Army. *The Army Strategy*, p. 4.

<sup>6</sup> NATO approved definition, Military Working Group (Strategic Planning and Concepts), Feb 2010.

<sup>7</sup> Op Cit, p. 37.

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with Israel. The campaign is analysed by looking at the background to the war, examining the Hezbollah strategy, the conduct of the campaign and at how the group organised itself. The analysis leads to a number of lessons learned for the conduct of future campaigns by military practitioners in general. But it also should provide greater situation awareness for the Irish troops deployed on peacekeeping duties in south Lebanon.

### **The 2006 Lebanon War**

In the 2006, Israel invaded south Lebanon to face off against the fundamentalist Muslim organization Hezbollah, a quasi-state within a state, in a war that lasted 34 days, and saw Hezbollah fighting the vaunted Israeli Defence Forces (IDF), considered one of the most technologically advanced militaries, to a standstill. The outcome sent shock waves throughout the world's military establishments, and military planners immediately began trying to discover how Hezbollah guerrillas could have stopped a conventional army outfitted with US equipment.<sup>8</sup> The success of Hezbollah in the 2006 Lebanon War was so pivotal that it has been likened to the "Grozny of this decade in terms of case studies."<sup>9</sup>

In a speech delivered in January 2008, US Army Chief Gen. George W. Casey said that the Lebanon fighting featured "3,000 or so Hezbollah embedding themselves in the population, in the urban areas north of Israel . . . attacked by some 30,000 Israeli troops. That's the type of operation that we all need to be thinking about in the future and be preparing for." The fighting, he added, exemplified a new type of war that would become increasingly common in the future: "a hybrid of irregular warfare and conventional warfare."

Frank Hoffman asserts that in its fight against the IDF, Sheik Hassan Nasrallah's forces proved to be highly disciplined, professionally trained, and able to operate in distributed cells throughout all types of terrain. Hezbollah combined a perilous "blend of the lethality of the state with the fanatical and protracted fervour of irregular warriors."<sup>10</sup> They clearly demonstrated a non-state actors' ability to study and probe the weaknesses of a Western style military, and then devise appropriate countermeasures.<sup>11</sup>

Mixing an organised political movement with decentralised cells employing adaptive tactics in ungoverned zones, Hezbollah showed that it could inflict as well as take punishment. Its highly disciplined, well-trained distributed cells contested ground against a modern conventional force using an ad hoc mixture of guerrilla tactics and conventional technology in densely packed urban centres. Hezbollah, like Islamic extremist defenders in the battles in Fallujah in Iraq during April and November of 2004, skilfully exploited the urban terrain to create ambushes and evade detection and to hold strong defensive fortifications in close proximity to non-combatants.<sup>12</sup>

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8 Grant, Greg. (01 May 2008). 'Hybrid Wars.' Government Executive.

9 Hoffman, Frank, G. quoted in Grant, *ibid*.

10 Hoffman, (2009). *Op Cit*, p. 37.

11 *Ibid*, p. 8.

12 *Ibid*.

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## The Hezbollah Strategy

Stephen Biddle and Jeffrey Friedman outline three schools of thought as to how Hezbollah achieved their success against the IDF in the 2006 Lebanon War.<sup>13</sup> The first sees Hezbollah as an essentially terrorist organization using an information-age version of the asymmetric military methods typical of non-state actors. According to this view, Hezbollah's goal was to win an information war for public opinion within and beyond Lebanon, solidifying its political position as the standard-bearer for Arab resistance to Israel by drawing Israel into a guerrilla war it could not win while publicising the inevitable Israeli miscues and civilian fatalities. The tactics to implement this strategy are seen as a higher-tech version of standard guerrilla warfare: sniping, albeit with modern anti-tank missiles; hit-and-run ambushes; roadside bombs; harassing mortar and rocket fire, often against civilian targets in Israel; the use of Lebanese civilians as human shields to protect guerrillas against Israeli firepower; and efforts to goad a state military into over use of violence and widespread killings of innocents. The innovative aspect of this approach was Hezbollah's use of the internet and sympathetic cable news networks to publicise its military actions.

The second school of thought views Hezbollah's 2006 campaign as a major departure from the asymmetric methods of traditional terrorists or guerrillas and as a shift toward the conventional military methods normally associated with state actors. In this view, Hezbollah is said to have defended ground, to have prepared positions for sustained combat in defence of that ground, and to have manoeuvred conventionally armed, trained, and equipped combatants in an attempt to defeat an Israeli invasion in a manner conforming to traditional conventional military doctrine. This account therefore emphasises a departure from tradition irregular or guerrilla methods.

The third school of thought proposes that neither of these previous interpretations is completely consistent with Hezbollah's actual conduct of the 2006 campaign. It suggests that Hezbollah's methods were somewhere between the popular conceptions of guerrilla and conventional warfare resembling the latter more than the former.

## Campaign Overview<sup>14</sup>

The 2006 Lebanon Campaign opened when Hezbollah ambushed an IDF patrol and captured two Israeli soldiers on July 12. The Israeli Air Force (IAF) quickly retaliated against targets in Lebanon. Before dawn on July 13, the IAF executed *Operation Specific Gravity*, destroying more than 50 of Hezbollah's long-range rocket launchers in a pre-planned, 34-minute strike. Other early targets included Hezbollah observation posts along the border, Hezbollah compounds in the Dahiya section of Beirut, and roads and bridges that Israel believed might be used to exfiltrate the abducted soldiers. Over the course of the campaign, the IAF flew roughly 5,000 strike missions, primarily directed at the Dahiya, the Beqaa Valley near the Syrian border, and the region south of the Litani River.

Meanwhile, despite losing many of its long-range launchers early in the war, Hezbollah began to launch what would become a steady stream of rocket fire into Israel drawn from

<sup>13</sup> Biddle, Stephen and Friedman, Jeffrey. A. (2008). *The 2006 Lebanese Campaign and the Future of Warfare: Implications for Army and Defence Policy*, U.S. Army War College, Strategic Studies Institute, PA, 122 Forbes, Avenue, Carlisle, PA, 17013-5244.

<sup>14</sup> The information in this section is sourced from Biddle and Friedman (2006) Op Cit and Hoffman (2009) Op Cit.



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an inventory of 14,000 rockets. Many of these were relatively inaccurate older models, but thanks to Iranian or Syrian support, they possessed a number of missile systems that could reach deep into Israel.

Hezbollah managed to fire over 4,100 rockets into Israel between July 12 and August 13 the vast majority of which were 122mm Katyushas located within 20 kilometres of the Israeli border. Hezbollah launched daily 100 or more rockets on 22 days of the 34 day campaign, culminating with 250 rockets on the final day, the highest total of the war. About 900 of these rockets landed in urban areas, causing 53 civilian deaths. Most of these rockets were short range and inaccurate, but they achieved strategic effects both in the physical domain, by terrorising the civilian population forcing Israel to evacuate tens of thousands of citizens, and in the media, by demonstrating their ability to hit back at the region's most potent military.

Israel made its first major ground incursion into Lebanon on July 19. IDF units advanced from the Israeli village of Avivim toward Marun ar Ras, a Lebanese town on high ground controlling much of the border area as well as the approach to the larger town of Bint Jubayl. The IDF met heavier resistance than they expected, including a protracted fire fight at the Shaked outpost overlooking Marun ar Ras on July 19 and another battle inside the town on July 20. When the IDF moved into Bint Jubayl, it encountered even tougher defences, precipitating one of the largest fire fights of the war on July 26. By the end of July, the IDF had conducted operations in several other towns close to the border, including Marwahin, Ayta ash Shab, Kafr Kila, and At Tayyibah, but it had made no attempt to control territory systematically in southern Lebanon. This changed on July 31 when the Israeli Cabinet approved *Operation Change Of Direction 8*, designed to take and hold a security zone several kilometres wide along the entire border. The operation involved roughly 10,000 soldiers from eight brigades including, for the first time in the campaign, the deployment of reserves into combat. By August 9, IDF forces were operating in almost every town along the border, pushing as far as Dibil in the south (4.5km from Israel) and Al Qantarrah in the northeast (7km from Israel). On August 11, the IDF launched the final phase of the ground campaign, *Operation Change Of Direction 11*. Described as a "push to the Litani", the main effort was actually a westward advance parallel to the river with an armoured column from the 401st Brigade moving from At Tayyibah toward Frun and Ghanduriyah (about 12km west of Israel's northern tip) in order to link up with troops from the Nahal Brigade who had been airlifted into position. As the 401st moved toward its objective through the Wadi Saluqi on August 12, it was ambushed with anti-tank guided missile (ATGM) fire. In the ensuing battle of Wadi Saluqi 11 tanks were hit, and 12 soldiers were killed. This battle was typical of how Hezbollah fought like a guerrilla force but armed with conventional high-tech weaponry, such as precision guided missiles. Hezbollah's employment of precision anti-tank guided missile systems against IDF armour and defensive positions, coupled with decentralized tactics, caught the Israelis by surprise. Hezbollah's anti-tank weapons include the Russian-made RPG-29, Russian AT-13 Metis, and AT-14 Kornet, which has a range of 3 miles. The IDF found the AT-13 and AT-14 formidable against their first line Merkava Mark IV tank. A total of 18 Merkavas were damaged, and it is estimated that anti-tank guided missiles accounted for 40 percent of IDF fatalities. These

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tactics fall very much in the third school of thought on Hezbollah strategy identified by Biddle and Friedman.

Hezbollah even managed to launch a few armed unmanned aerial vehicles, which required the IDF to adapt in order to detect them. These included either the Iranian Mirsad-1 or Ababil-3 Swallow. These concerned Israeli military planners due to their GPS based navigational system, 450 kilometre range and 50 kilogram explosive carrying capacity.

During the war Hezbollah communicated with encrypted cell phones and there is evidence that they invested in signals intelligence and monitored IDF cell phone calls for some time, as well as unconfirmed reports that they managed to decrypt IDF radio traffic. The defenders also seemed to have advanced surveillance systems and watched Israeli troop movements with advanced thermal imaging night-vision equipment.<sup>15</sup> Hezbollah forces shot down Israeli helicopters and used a C802 anti-ship cruise missiles against an Israeli missile ship.<sup>16</sup> In certain respects Hezbollah enjoyed the advantages of the traditional guerrilla force. It knew the territory and people intimately, had an excellent knowledge of its opponents orbit and tactical doctrine and to a certain extent chose the time and place of battle. However this campaign was a much more sophisticated affair. By harnessing ground, air, maritime and the psychological domains their campaign was in many ways joint and far exceeded the capabilities of any similar groups in Chechnya, Iraq or Afghanistan.

Throughout the final 2 days of the war Hezbollah regrouped in Ghanduriyih, leading to fire fights in the town and the surrounding area. At 8 a.m. on August 14, Israel and Hezbollah implemented a United Nations (UN) Security Council ceasefire. By this time, the IDF had taken up ground positions in more than two dozen Lebanese towns, though a large portion of ground below the Litani, north of Al Mansuri and west of Ghanduriyih, had seen almost no IDF ground presence during the campaign. In 34 days of fighting, the IDF had sustained 119 combat fatalities; Hezbollah had lost at estimated 650 to 750 fighters.

### **Hezbollah Structure**

Since the 1990s Hezbollah has created a highly effective and successful hybrid structure which has integrated its military strategy with an effective national political strategy. After the Israeli withdrawal from Lebanon in 2000 they formed a cooperative political alliance with their rival Shia group, Amal, and have managed to play a prominent role in Lebanese political life since then. During the 2006 conflict they demonstrated a sophisticated approach at the tactical level. Hezbollah's members fought in small, dispersed cells from concealed bunkers hidden in mountainous and urban terrain. Their decentralized command-and-control system frustrated repeated Israeli attempts to decapitate the organisation. Israel followed a war plan suited for a conventional campaign against organisations with hierarchies and nodal structures. The complex and hybrid nature of the organisation are summed up by Grant; "Hezbollah is hierarchical at the strategic level, its political and social structure are very hierarchical, but at the tactical level they fight like guerrillas, in small cells."<sup>17</sup>

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<sup>15</sup> Grant, 2008, Op Cit.

<sup>16</sup> Ibid.

<sup>17</sup> Op Cit.

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Retired US Army Major General Robert H. Scales suggests that Israel's plan to defeat Hezbollah relied too heavily on air power.<sup>18</sup> Precision air strikes are effective against conventional armed forces with a fixed structure built around interconnected nodes, however they proved ineffective against an enemy organised in a non – nodal manner. This poses a particular problem to many Western military powers whose doctrine in the past two decades has been built around the concept of targeting and destroying an adversarial key command centres and supply lines, usually through bombing campaigns. In Lebanon, even though the IDF had control of the skies, a concept considered to be key to success on the modern battlefield, Hezbollah was able to move men and equipment around the battlefield. According to Scales; “To have relatively free rein on the ground under air dominance, literally with fighter aircraft hanging over you, that to me is the essence of hybrid warfare.”<sup>19</sup>

Ralph Peters, who visited Lebanon during the fighting, observed that Hezbollah displayed impressive flexibility, relying on the ability of cellular units to combine rapidly for specific operations or, when cut off, to operate independently after falling in on prepositioned stockpiles of weapons and ammunition. Hezbollah's combat cells were a hybrid of guerrillas and regular troops.<sup>20</sup> This flexible and adaptive structure proved highly effective against the conventionally organised IDF and this fact is unlikely to be lost on similar organisations in the future.

### **Lessons Learned from the 2006 Lebanon War**

Having looked at the background to the war, the prosecution of the campaign and the organisational structure of Hezbollah we now turn to some of the lessons emerging from the war. The first lesson is that it is incumbent on military forces to maintain a broad array of capabilities to counter potential future adversaries. Grant suggests that the Israeli performance highlights a capability requirement gap in their armed forces. The IDF had spent so long policing the intifada in the occupied territories resulting in the loss of important skills for conducting major combat operations. As a result IDF units did not train for combat above the small unit level, and key elements such as armour and artillery lost much of their major combat capacity.<sup>21</sup>

The conflict also highlighted shortfalls in leadership and training. Israeli training prior to the conflict proved inadequate to maintain a broader range of military skills, i.e. beyond those required for dealing with the low level of insurgent activity experienced in the occupied territories. Furthermore leaders at all levels failed to adapt to the challenges posed in the campaign. Leaders who had proved very effective in dealing with the intifada struggled to devise strategies to deal with the hybrid opponent. Their inability to launch a successful conventional offensive operation indicates deficiencies in leadership throughout every level of the IDF including the higher echelons.<sup>22</sup> Grant suggests that in the US there has been some concern that something similar could be happening within the US military, particularly in the army. The focus on stability operations in Iraq and Afghanistan may be eroding capabilities to conduct conventional offensive and defensive

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<sup>18</sup> In Grant, op cit.

<sup>19</sup> In Grant, op cit.

<sup>20</sup> In Hoffman, (2009). Op cit.

<sup>21</sup> Grant, op cit.

<sup>22</sup> Glenn in Grant, Op cit.

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operations.<sup>23</sup> The challenge for the future is not an either/or choice between conventional and counterinsurgency/stability operations. The 2006 War has shown that the adherents of hybrid warfare will operate in the seam between the two.

There are sceptics with regard to the relevance of the concept of hybrid warfare. Russell Glenn of the RAND Corporation argues that some of the concerns raised in the aftermath of the 2006 Lebanon war were created by those who wanted to publish books and reports on the conflict. He argues that many of these people were writing for a US audience and were drawing dubious comparisons between the US military and the IDF and therefore raising some red flags of concern.<sup>24</sup> He believes that the difficulties faced by the US military to adapt to fight a hybrid adversary are being overstated in some quarters and takes a more positive approach.

We would be overstating the problem if we thought we were not proficient in conducting offensive and defensive operations. We design our training to maintain an acceptable level of proficiency and we can increase the tempo in those areas that we might be deficient in. Plus, our ability to take lessons learned from the field, both at the unit levels and combat training centres, is better than it has ever been.<sup>25</sup>

As a result of the Israeli short comings in the 2006 Lebanon war, the IDF have gone through a comprehensive lessons learned process themselves that has placed more emphasis on conventional operations training. They have also made adjustments in the relationship between IAF and ground forces. Before the Lebanon war the IAF typically were reluctant to commit fixed wing aircraft to supporting ground forces because they felt they had other strategic priorities. Since the war, there have been efforts to improve cooperation with the Israeli army on the ground and providing close air support.<sup>26</sup>

A lot of the focus and thought on lessons learned after the 2006 Lebanon War have been on the restructuring and redirection of land forces; however the lessons learned and changes required are across all the armed services, not just ground forces. Hezbollah's use of long-range missiles, armed unmanned aerial vehicles, and anti-ship cruise missiles should be a warning to the whole joint community.<sup>27</sup>

Another important lesson from Lebanon, for Western militaries focused on buying expensive weapons systems for 'shock-and-awe' style warfare, was the IDF's over-reliance on technology. In an extensive critique of the IDF's performance, Avi Kober of the Department of Political Studies at Bar-Ilan University in Israel writes;

The cult of technology has had a weakening effect on traditional military capabilities such as close combat or combat intelligence. The war shows that it is difficult if not impossible to destroy a sophisticated guerrilla force by fighting on plasma screens.<sup>28</sup>

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23 Ibid.

24 Op Cit.

25 In Grant, (2009) Jan 7th, 2009 4:56pm Posted in International, Land, Policy, <http://www.dodbuzz.com/2009/01/07/looking-at-lessons-from-the-2006-lebanon-war>

26 Ibid.

27 Arquilla, John. (2007). 'The End of War As We Knew It.' *Third World Quarterly* 28, no. 2 March, 369.

28 In Grant. (2008) Op Cit,

During and immediately after the conflict many commentators felt that Hezbollah's use of anti-tank guided missiles (ATGM) was a 'game-changer' owing to the severe damage inflicted on Israeli armoured forces.<sup>29</sup> Glenn contests this arguing that a similar assertion had been made after the 1973 war when;

The Israelis were taken by surprise and felt they didn't perform as well as they should have. The 1967 war largely featured tank-on-tank engagements but in 1973, there were a lot more Israeli tanks against Egyptian and Syrian fired ATGMs with Israeli armour not performing as well. Everybody thought that it was a sea-change in warfare and that ATGMs would now dominate the battlefield, but that has not been proven out in subsequent wars.<sup>30</sup>

Glenn goes on to argue that the real reason for the lack of performance of Israeli armour was in fact errors of leadership at the tactical level more than any weapons system. The IDF launched predictable attacks along the same routes over repeated days, allowing Hezbollah to prepare complex ambushes against both tanks and dismounted infantry. Commanders at the brigade level did not go forward into Lebanon and rather stayed back at their headquarters, impacting on their situational awareness.

Another consequence, for the IDF due to their focus on policing, COIN and stability operations has been that military jargon and doctrine has become too rife with unnecessarily complex concepts and terminology that do not add clarity to the debate understanding but rather hinder it. For example when Glenn Russell interviewed Israelis after the 2006 war, one thing that repeatedly came up was their concern that the writings and proposed doctrine put out by some Israeli think tanks and individuals that were fairly influential within the IDF, had introduced what they called an "intellectual virus" into military thinking. Instead of sticking with old terms that were familiar or new terms that were straightforward, there were many IDF leaders who felt the new terms were unnecessarily obtuse.<sup>31</sup>

## Conclusion

Glenn argues that the term 'hybrid warfare' has the benefit of perhaps making people think how the threat the Israelis faced in 2006 was different than a conventional threat or irregular warfare threat. He goes on to say that:

The truth of the matter is that I don't see a significant difference in the way Hezbollah fought that should generate terminology such as 'fourth generation' warfare or other terms. The same variables and characteristics can be found in the wars that have existed throughout history. If it's a new term that stimulates thought without muddying the waters, then great. Is hybrid warfare one of those? Perhaps, but there are others who write and simply put a new label on an old package and if you simply read your history you'd see there is nothing new there.<sup>32</sup>

<sup>29</sup> In Grant. (2008) Op Cit,

<sup>30</sup> In Grant, (2009) Jan 7th, 2009 4:56pm Posted in International, Land, Policy, <http://www.dodbuzz.com/2009/01/07/looking-at-lessons-from-the-2006-lebanon-war/>

<sup>31</sup> Ibid. See also Matthews, Matt. M. (2006). 'We were Caught Unprepared: The 2006 Hezbollah – Israeli War.' *The Long War Series Occasional Paper 26*, US ACAC, Combat Studies Institute Press, Fort Leavenworth, Kansas.

<sup>32</sup> Ibid.

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With this in mind it is important to understand that just as 4GW was seen for many years as an appropriate model to explain current and future conflict, hybrid warfare may one day be looked at as a misdirection in understanding current and future conflict. The key to success in such a period of change and persistent conflict is an agile strategic approach that relies on a wide array of capabilities.<sup>33</sup>

Whether war has become hybrid in nature will only become apparent with the passage of time. What is beyond dispute is the fact that conflict continues to evolve and has changed in the recent past. If hybrid warfare is seen in the long run as the best model to explain future conflict then Hezbollah is the prototype hybrid warfare force. Frank G. Hoffman, sums it up best when he suggests that the success of Hezbollah in the 2006 Lebanon War is one of the best examples of hybrid warfare in action and this conflict is not an anomaly - 'but a harbinger of the future.'<sup>34</sup>

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<sup>33</sup> Williamson, Steven.C. Lt Col (2009) *From Fourth Generation Warfare To Hybrid War*. USAWC Strategy Research Project  
<sup>34</sup> Hoffman. (2009). *Op Cit*, p.38



# Counterinsurgency Challenges for Armed Forces in the Twenty First Century

The first, the supreme, the most far-reaching act of judgement that a statesman and commander have to make is to establish ... the kind of war on which they are embarking, neither mistaking it, not trying to turn it into, something that is alien to its nature. This is the first of all strategic questions and the most comprehensive.<sup>1</sup>

## Introduction

Clausewitz's above warning has particular relevance in the field of counterinsurgency (COIN). Twenty first century COIN operations proffer a new range of challenges which differentiate them from previous campaigns. Kilcullen defines COIN as "all measures adopted to suppress an insurgency", and states that the concept of counterinsurgency is logically contingent on that of insurgency and therefore "... the nature of a counterinsurgency is not fixed, but shifting: it evolves in response to changes in the insurgency."<sup>2</sup> For a military force to successfully tackle contemporary insurgencies, it must follow Clausewitz's dictum in order to recognise their nature and adapt strategy accordingly.

This article examines the challenges that armed forces face when engaged in COIN operations in the twenty first century by studying a range of issues arising in the insurgencies in Iraq and Afghanistan. These conflicts have been chosen as they represent the complexity associated with modern-day COIN operations. The focus of this article is on the American approach as these missions are American-led and the evolution of their COIN strategy provides a good case study of the manner in which doctrine and strategy have evolved to meet modern-day challenges.

Firstly, the examination of these challenges is contextualised by presenting the manner in which the core elements of COIN strategy; the primacy of politics and the battle for 'Hearts and Minds', retain enduring importance. Next, the manner in which the battle for 'Hearts and Minds' has been transformed by modern communications technology as both counterinsurgent and insurgent seek to influence the national and international audience is examined. Then the transformation of the aims of modern-day insurgents, which have diverged from the classic insurgency model,<sup>3</sup> whereby the insurgents sought to replace the existing regime, to a situation where insurgencies have become intent on fragmenting and destroying the state is reviewed. Finally, the multilateral, trans-

1 Clausewitz cited in Handel, M. (2002). *Masters of War: Classical Strategic Thought*. London, Frank Cass Publishers, p 14.

2 Kilcullen, D. (2006). 'COIN Redux', *Survival*, 48:4, pp 111-130.

3 Ibid, p. 111, Kilcullen states that classical insurgency "describes the theory of counter-revolutionary warfare developed in response to the so-called wars of national liberation from 1944 to about 1982."



national nature of insurgencies, the diversity of actors engaged in insurgencies and the challenges that these factors pose to counterinsurgents is examined. This article shows that although the strategic fundamentals endure, the character of contemporary conflicts has “become increasingly richly multilayered and richly textured.”<sup>4</sup> Failure to appreciate this complexity will hinder the development of a successful strategy and ultimately lead to mission failure.

### **The Primacy of Politics Within the COIN Campaign – The Challenge Posed by the Requirement for a Comprehensive Approach**

Essential though it is, the military action is secondary to the political one, its primary purpose being to afford the political power enough freedom to work safely with the population.<sup>5</sup>

Galula's Clausewitzian exhortation of the primacy of politics resonates as the central tenet of 21<sup>st</sup> century COIN campaigns. *Field Manual (FM) 3-24*, the current US COIN doctrinal text, emphasises the importance of the military and political process working in tandem. It advocates the concept of a comprehensive strategy that aims to promote what Hoffman calls the “salience of the political dimension – in doctrine, planning, implementation and most importantly operational coordination.”<sup>6</sup> Petraeus states: “military operations are necessary and important to COIN operations, but they are only effective when integrated into a comprehensive strategy employing all instruments of national power.”<sup>7</sup> *FM 3-24* further highlights the importance of the comprehensive approach stating that “Political, social, and economic programs are usually more valuable than conventional military operations in addressing the root causes of conflict and undermining an insurgency.”<sup>8</sup>

The manner in which military operations are integrated into the overall strategy to defeat an insurgency has become more complex in the twenty first century due to the number of actors involved and the need to develop unity of effort amongst this diverse group. As the number of actors, both international and national, within a theatre of operation grows, the pursuit of a unity of effort becomes more difficult to achieve. *FM 3-24* lists these actors as military personnel, diplomats, police, politicians, humanitarian aid workers, contractors and local leaders. Millen illustrates the difficulties of achieving a comprehensive approach in Afghanistan where a coalition of 40 nations operates in 26 Provincial Reconstruction Teams with hundreds of non-governmental, governmental, international, and private-sector organisations as well as the multitude of Afghan government departments and agencies.<sup>9</sup> These challenges are summarised by Mackinlay:

The history of insurgency shows that a successful counter-strategy is holistic, but achieving holism in these changed circumstances compels the doctrine writer to venture into an unfamiliar landscape, include strange partners and embrace new disciplines.<sup>10</sup>

4 Betz, D. and Cormack, A. (2009). 'Iraq, Afghanistan and British Strategy', *Orbis*, 53:2, pp 319-336.

5 Galula cited in *FM 3-24*, 2006, p 2-1.

6 Hoffman, B. (2006). 'Insurgency and COIN in Iraq,' *Studies in Conflict and Terrorism*, 29:2006, pp 103-121.

7 Petraeus, D. (2006). 'Learning COIN: Observations from Soldiering in Iraq,' *Military Review*, January-February 2006, pp 2-12.

8 *FM 3-24*, Available from URL: <http://www.usgcoin.org/library/doctrine/COIN-fm3-24.pdf> (Accessed 20 Jan 2011)

9 Millen, R. (2010). 'Time for a Strategic and Intellectual Pause in Afghanistan,' *Parameters*, Summer 2010, p 42.

10 MacKinlay, J. (2007). 'Counter-Insurgency in Global Perspective – An Introduction,' *RUSI Journal*, 152:6, pp 6-19.

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Kiszely states that in adopting this comprehensive approach there is a “far greater breadth and variety of competencies required” and these include “the ability to apply soft power as well as hard, and to work in a partnership with multinational, multi-agency organizations, civilian as well as military.”<sup>11</sup>

The actions of the counter insurgent, therefore, cannot be a narrow military affair, which merely seeks the attrition of the adversary. Military action must be closely intertwined with the activity of all other actors to achieve unity of effort in pursuit of an overall political objective for as Kiszely states “The end-state that matters most is not the military end-state, but the political one.”<sup>12</sup>

### **The People are the Objective**

Our strategy cannot be focussed on seizing terrain or destroying insurgent forces; our objective must be the population.<sup>13</sup>

Johnson and Mason state that “General McChrystal is the first American commander since the war began to understand that protecting people, not chasing illiterate teenage boys with guns around the countryside, is the basic principle of COIN.”<sup>14</sup> This reflects a change in US COIN strategy in Afghanistan embracing an overarching aim to gain the support of the people. This altered approach, reflecting the ideas of Galula and Kitson,<sup>15</sup> is iterated in *FM 3-24* and has then been applied and developed by General Petraeus in Iraq. This approach acknowledges Galula’s dictum that: “the population becomes the objective for the counter insurgent as it is for his enemy.”<sup>16</sup> This pursuit of the support of the people as the objective is further emphasised by Galula when he states:

If the insurgent manages to dissociate the population from the counterinsurgent [the government] to control it physically, to get its active support, he will win the war because in the final analysis, the exercise of political power depends on the tacit or explicit agreement of the population or, at worst, on its submissiveness.<sup>17</sup>

This aspect has posed a particular conundrum for the ISAF campaign in Afghanistan where the missions’ unequivocal support of the Karzai government is effectively sanctioning inefficiency and corruption.<sup>18</sup> This has led to the Afghan government being ignored by the international community and by regional neighbouring states and also contributed to the alienation of its own people.

Just as the counter insurgent must ensure that the military action must conform to the

11 Kiszely, J. (2007). ‘Post-Modern Challenges for Modern Warriors’, *Australian Army Journal*, Volume V:2, pp 177-202.

12 *Ibid*, p 181.

13 COMISAF’s Initial Assessment, Available from URL: [http://www.media.washingtonpost.com/wp.../Assessment\\_Redacted\\_092109.pdf](http://www.media.washingtonpost.com/wp.../Assessment_Redacted_092109.pdf) accessed on 10 Jan 2011.

14 Johnson, T. and Mason, C. (2009). ‘Refighting the Last War: Afghanistan and the Vietnam Template’, *Military Review*, November-December 2009, pp 2-14.

15 Kitson, F. (1977). *Bunch of Five*. London, Faber and Faber.

16 Galula, D. (1964). *Counterinsurgency Warfare: Theory and Practice*, London, Pall Mall, p 3.

17 *Ibid*, pp 7-8.

18 Jalali, A. (2009). ‘Winning in Afghanistan.’ *Parameters*, Spring 2009.

political strategy, he must also create a balance between the use of kinetic and non-kinetic means in pursuit of the objective of gaining the support of the population. Gregg claims COIN requires the use of sticks and carrots and the challenge for COIN forces is how to apply both in a manner that establishes security, builds rapport with the population, and wins their trust.<sup>19</sup> The COIN war, which Kitson suggests is; “fought in the last resort, in the minds of people,”<sup>20</sup> is now not only fought within the disputed territory but also through the means of mass communications.

### Winning the Information War – The Battle for ‘Hearts and Minds’

The war, is in large part, a war of ideas, the battle largely one for perception, and the key battleground is in the mind—the minds of the indigenous population, and the minds of regional and world opinion.<sup>21</sup>

According to the Kitson, the COIN war remains a competition between several sides, each seeking to mobilise the population in its cause.<sup>22</sup> Insurgent use of modern technologies presents a substantial challenge in this battle for ‘Hearts and Minds’. Kilcullen states that one of the effects of globalisation is: “the rise of a worldwide audience, giving insurgents near-instantaneous means to publicise their cause.”<sup>23</sup>

The impact of mass communications in the operational arena contributes to tactical actions at the lowest level having both operational and strategic effects. According to Kilcullen, modern communications “compress the operational level of war, so that almost any tactical action can have an immediate strategic impact.”<sup>24</sup> The counter insurgent must consider the importance of the ‘strategic corporal’<sup>25</sup> phenomenon, whereby the improper actions of individual soldiers allow insurgents to exploit these actions in garnering support for their cause. The abuse of Iraqi prisoners in the detention facility in Abu Ghraib illustrate clearly this effect.<sup>26</sup> Counter insurgents must deny the insurgent the opportunity to exploit military activities for propagandist purposes. This effort must be fought at all levels for as Kilcullen states: “Commanders, even at the lowest tactical level in the most straightforward combat action, may need to conceive of their task as a form of ‘political warfare’ in which perception and political outcomes matter more than battlefield success.”<sup>27</sup>

The battle for ‘Hearts and Minds’ is not only fought amongst the people in the theatre of operations but must also be fought in the homelands of the counter insurgents where public support for the COIN campaign is required. Barno states that the insurgents recognise the importance of this audience and states that “the focus of the global insurgency of violent Islamist extremism exploits the concepts of Fourth Generation

19 Gregg, H. (2009). ‘Beyond Population Engagement: Understanding Counterinsurgency’, *Parameters*, Autumn 2009.

20 Kitson, Op Cit.

21 Ranstrop, M. and Herd, G. (2007). ‘Approaches to countering Terrorism and CISI’, in Aldis, A. and Herd, G., *The Ideological War on Terror: Worldwide Strategies for Counter-Terrorism*. London, Routledge, p 3.

22 Kitson, Op Cit.

23 Kilcullen, Op Cit, p 113.

24 Ibid, p 6.

25 General Charles Krulak, USMC, emphasised the importance of what he terms the ‘strategic corporal’, whose decisions and actions are crucial to the success of US forces in the conduct of the asymmetrical battlespace in his article entitled ‘The Strategic Corporal: Leadership in the Three Block War’, *Marine Corps Gazette*, 1999, 83:1, pp 18-22.

26 The abuse of Iraqi prisoners by US military personnel in the Abu Ghraib detention facility attracted widespread condemnation and incensed public opinion in Iraq and throughout the Arab world.

27 Kilcullen, Op Cit, p 8.

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Warfare<sup>28</sup> with a calculated assault on perceptions at home, on our decision makers and on the public.”<sup>29</sup>

## The Difficulty of Identifying the Aims of the Insurgency

The guerrillas do not have to defeat their opponents militarily; they just have to avoid losing.<sup>30</sup>

Galula, in assessing the aim of insurgencies, asserts that; “conflict arises from the action of the insurgent aiming to seize power – or at splitting off from the existing country” and he defines insurgency as; “a protracted struggle conducted methodically, step by step, in order to obtain specific intermediate objectives leading to the overthrow of the existing order.”<sup>31</sup> Such a view does not universally apply in twenty first century. In the cases of Iraq and Afghanistan the central aim of many of the diverse insurgent movements is not the overthrow of the government and the seizure of power. Kilcullen suggests that the majority of current insurgencies follow state failure and are not directed at: “...taking over a functioning body politic, but at dismembering or scavenging its carcass, or contesting an ungoverned space.”<sup>32</sup> Kilcullen continues: “the intent to replace existing governments or create independent states is only partly evident today” and he asserts that in the case of Iraq: “multiple groups are seeking to paralyse and fragment the state, rather than trying to gain control of its apparatus and govern.”<sup>33</sup> A similar situation exists in Afghanistan where Mackinlay states that: “The insurgents seek to expel foreigners, but have little to say about what might replace the current government.”<sup>34</sup> Johnson and Mason illustrate this dilemma:

We are fighting a counterinsurgency; the enemy is fighting a jihad. But the intersection of how insurgencies end and how jihads end is historically nil, and talk of negotiating with the Taliban to find a political solution as if the Taliban were some sort of unified secular political organisation, is profoundly naïve.<sup>35</sup>

## The Diversity of Actors in Modern Insurgencies

Know your enemy and know yourself; in a hundred battles you will never be in peril.<sup>36</sup>

Countering an insurgent with no discernible strategic goal is difficult. The task becomes ever more complex when there are multiple insurgent actors in the conflict. Kilcullen states that “classical theory typically regards insurgency as something that occurs within one country or district, between an internal non-state actor and a single government.”<sup>37</sup>

28 Hammes (2006) states that Fourth Generation warfare: “uses all available networks-political, economic, social and military –to convince the enemy’s political decision makers that their strategic goals are either unachievable or too costly for the perceived benefit.” in *The Sling and the Stone: On War in the 21st Century*. Minneapolis, MBI Publishing Company and Zenith Press, p 2.

29 Barno, D. (2006). ‘Challenges in Fighting a Global Insurgency.’ *Parameters*, Summer 2006, pp 15-29.

30 Hoffman, B. (2006). ‘Insurgency and Counterinsurgency in Iraq’ *Studies in Conflict and Terrorism*, 29:2006, p 114.

31 Galula, Op Cit, p 3.

32 Kilcullen, Op Cit, p 2.

33 Ibid, p 4.

34 Mackinlay, Op Cit, p 15.

35 Johnson and Mason, Op Cit, p 4.

36 Handel, Op. Cit, p 238.

37 Kilcullen, Op Cit, p 3.

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However this has not been the case in Iraq and Afghanistan where the insurgents are drawn from a wide range of national and non-national actors. Mackinlay suggests that new insurgencies are characterised by their complexity and that “global insurgents appear to have no centres of gravity, no globally effective leader, no hard-wired organisational structures and no single manifesto.”<sup>38</sup>

According to Kilcullen; “insurgencies today are multilateral and incorporate many diffuse, competing insurgent movements.”<sup>39</sup> Metz and Millen suggest that trans-national Islamist insurgencies “include a dizzying array of subcomponents.”<sup>40</sup> This poses major difficulties for military forces attempting to contain numerous competing insurgencies in one theatre. Kilcullen argues therefore, that the counter insurgent must control the overall environment rather than defeat a specific enemy. He is in no doubt that this adds to the challenge that the counter insurgent faces and states that “field experience from Iraq suggests that it may be harder, not easier, to defeat such a complex, inchoate and disorganised swarm of opponents.”<sup>41</sup>

## Conclusion

Despite the dynamic rapidly evolving character of contemporary insurgencies, the fundamental pillars of classical COIN theory as espoused by Galula and Kitson continue to underpin current COIN campaigns. These strategic fundamentals, the primacy of politics and the identification of the people as the objective, remain central to doctrinal approaches to fighting insurgency. Their timeless nature has been recognised in current US COIN doctrine and in the strategies currently driving US operations in Iraq and Afghanistan. However, these objectives have become more difficult to achieve due to the complex nature of the twenty first century COIN environment. Unity of effort through a comprehensive approach remains elusive. Modern communication technologies and especially the ubiquity of detailed and frequently mission undermining media coverage has made the battle for ‘Hearts and Minds’ both in theatre and amongst domestic audiences more difficult to win. The complexity or often the lack of insurgent objectives and the diverse array of insurgents involved in the conflict can make campaign planning speculative and disjointed. The strategic fundamentals of COIN operations have not changed, but the nature of insurgencies has undergone a transformation. It must be recognised that there is no constant set of operational techniques applicable to COIN. Military forces must be prepared to adapt to meet these new challenges, whilst ensuring that military operations support the political effort and that the people remain as the key objective.

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<sup>38</sup> MacKinlay, Op Cit, p vi.

<sup>39</sup> Kilcullen, Op Cit, p 5.

<sup>40</sup> Metz, S. and Millen, R. (2004). ‘Insurgency and COIN in the 21st Century: Reconceptualising Threat and Response.’ *Strategic Studies Institute*. US Army War College.

<sup>41</sup> Kilcullen, Op Cit, p 5.

# Water and Governance - Israel and the Palestinian Territories

Israel's main source of water is Lake Kinneret (the Sea of Galilee),<sup>1</sup> which is fed by a river system originating in a mountainous region on the borders of Israel, Syria and Lebanon. Irregular rainfall, together with increased water usage that has been driven by both industrial and demographic growth, has sometimes led Israel's water supply to drop to worrying levels.<sup>2</sup>

Peacemaking approaches to the intractable Arab-Israeli conflict are almost exclusively centered on high profile issues including security, the future of Jerusalem and the return of Palestinian refugees. This primary issue of security has maintained a prominent position in the literature surrounding the Israeli Palestinian conflict. However beneath this main stream security issue rests a body of literature relating to another critical theme in this long dispute – water. Lake Kinneret (Sea of Galilee) the Jordan River and three underground aquifers comprising the West Bank mountain ridge aquifer and a coastal aquifer are the main natural sources of water. They are supplemented by recycling of waste water and expensive desalination processes. The Israeli population's usage is high and the resource remains vulnerable to drought with the years 1998/1999 being the worst period for drought in a century. The 2008/2009 season also proved to be a very dry period.<sup>3</sup> This paper will explore how the water issue is affected by the power imbalance and weak governing institutions particularly on the Palestinian side. It examines how future short falls in supply could lead to greater political instability and conflict within Israel and the Palestinian territories, should an equitable political solution not be achievable.

Notwithstanding the real concerns of future supply, the available water resources in keeping with most matters in this region are hotly contested and disputes exist surrounding all sources with the exception of the comprehensive Israel - Jordan Peace Treaty signed in 1994. Article six of the treaty related specifically to a just division of the water of the Jordan River and underground water resources.<sup>4</sup> A defining moment in Israeli – Palestinian water relations took place with the signing of the Taba Interim Agreement in Sep 1995, whereby the Israelis acknowledged that the Palestinians had certain rights to the underground water in the West Bank.<sup>5</sup> However the strategic sensitivity of the issue is such that it must feature prominently in any final status solution.

1 Known also as Lake Kinneret or Lake Tiberius. Syrians are excluded from the waters of Galilee due to IDF occupation of the Golan.

2 Economist Intelligence Unit. (2008). Israel Country Profile, accessed at [www.eiu.com/public/](http://www.eiu.com/public/).

3 The Knesset decided in July 2008 to establish a state commission of inquiry into the serious water crisis.

4 Israel agreed to give Jordan 50 million cubes of water each year (Jordan demanded 100 million) and to share the Yarmouk River so that Jordan would have access to 3/4 of the resource. Jordan is one of the ten most water poor nations in the world, revealed during a two year study by the US National Academy of Sciences ending 1999. Tensions have continued on occasions due to reticence by the Israelis to provide the Jordanian allowance particularly during times of drought.

5 The Taba interim agreement gave Israel the right to manage the West Bank water resource and Article 5 explicitly put off the issue until final status negotiations had been completed.

**Table 1. Water Resources in Israel and the Palestinian Territories**

	Source	Benefits/ Exclusions	Usage
Surface	Jordan River Sea of Galilee	Palestinians are excluded from the Jordan river by the Israeli Buffer Zone and the Sea of Galilee	Palestinians use 26 cubic meters per year while Israelis and Israeli settlers use 103 cubic meters per year.
Aquifers	Three West Bank Mountain Aquifers	Situated under West Bank, provides one third of Israeli water and represents almost the entire source of water for the Palestinian population in the West Bank	
	Coastal Aquifer	Located along coastal regions and Gaza Benefits Palestinians and Israelis. Predominant source of water for Gaza	

Source: Schlutter. Birgit (2005). Water Rights in the West Bank and in Gaza. *Leiden Journal of International Law*, 18(3), 621-644.

**Note:** Usage figures vary greatly and those provided has been triangulated from a number of sources which indicate Israeli consumption at 3-4 times greater than the Palestinians.

Agriculture has enjoyed a special cultural position within Israel and the Palestinian territories and uses some fifty percent of the best quality drinking water despite representing only 2.7 % of Israel's GDP.<sup>6</sup> Many observers believe that causing the 'desert to bloom' is not in the long term interest of either the Israelis or the Palestinians and that focus must be removed from agriculture and turned toward less water intensive activities. (See Annex A - Map of shared water resources).

<sup>6</sup> Israel's 2007 GDP breakdown is Agriculture 2.7%, Industry 31.7 and Services 64.1 according to the Economist Intelligence Unit.

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## Hydro Strategy, Governance, Water Stress and Riparian States

The Middle East has three percent of the world's population and possesses only one percent of the world's water resources and its renewable water capacity is decreasing rapidly.<sup>7</sup> Possible solutions to the water shortage issue have included a pipeline or sea tankers from Turkey, a canal from the Red Sea to the Dead Sea (which is at the lowest point on the surface of the world), and further desalination plants which are energy intensive and expensive environmental polluters with excessive by-product salt being created. There can be little doubt that water concerns in the region are at the very heart of finding a new peaceful path for Israel and the Palestinians to follow.

The water available to both sides of this divide is among the most closely monitored in the world and consistently reported on. However an idealistic outline of fair water sharing agreements has not become a political reality and behavioural change is unlikely to occur without strong external pressures. The six major issues enumerated in the Oslo Accords of 1993 to be resolved within the framework of Palestinian - Israeli final status negotiations are settlements, water, security, Jerusalem, borders and refugees.<sup>8</sup> The only area in which any real progress has been achieved is security. Israeli strategic foresight must now be concerned with the likely trend of demographic change that will place enormous stress on existing water resources as early as 2025. It is therefore appropriate to posit that of the six issues enumerated above water resources may prove to be the most intractable issue toward agreeing a final status between such riparian states. It can also be argued that this concern is even more strategic given that water resources represent a zero-sum issue.

### The Impact of Weak Governance – The View from the Palestinian Authority

The four main factors of geography, resources, economy and military capacity have created an imbalance of power between the superior and the inferior state. The Israeli Palestinian inequality rests within this realist interpretation of water issues.<sup>9</sup> The difficulty then lends itself to a more Thucydidean or Hobbesian interpretation with Israel bringing a disproportionate level of power to the water sharing process. It therefore takes as much water as it wants and the superior riparian state has little incentive to cooperate.<sup>10</sup> The immediate difficulty of this 'hydro hegemony' and the current incentive for the Israelis to control the resource is that control takes precedence over management and tends to take the entire process away from peace and results in continued squandering of this vital resource.<sup>11</sup>

The Palestinian Authority mechanism for governance in the Palestinian Territories was a product of the Oslo Accords of 1993 intended to lead to a final settlement within five years. The authority has been challenged by many events in the interim not least of which was the election victory by Hamas in 2006 and the subsequent take over of Gaza and expulsion of Fatah. This has left the Palestinians in a type of suspended animation, and this stasis is reflected in their power position in relation to water issues. The Palestinian

<sup>7</sup> Washington report on Middle East Affairs Water: Fuel for conflict in the Middle East Washington Jul/Aug 2003 Vol.22, Iss.6, p 66.

<sup>8</sup> Allan, J.A. (2002). *Water Security in the Middle East: The Hydro-Politics of Global Solutions*. SOAS / King's College London Water Research Group. May.

<sup>9</sup> Park, Gloria. (2008). 'Crystal Unclear: The Challenges of Water Politics in the Middle East.' *Harvard International Review*, 29(4), pp 36-39.

<sup>10</sup> IDF Military Proclamation 2 (June 7, 1967) All water resources in the newly occupied territories are to be state owned and controlled. Israel thereby incorporated West Bank supplies into the national water supply.

<sup>11</sup> Zeitoun, Mark. (2008). *Power and Water in the Middle East: The Hidden Politics of the Palestinian Israeli Water Conflict*. IB Tauris, New York.



water allotment is the responsibility of Mekorot, an Israeli semi state company. A Joint Water Committee (JWC) was a product of Oslo but has effectively turned into a tool of control rather than co-operation.<sup>12</sup> Israel enforces exacting water restrictions in the West Bank, IDF military orders severely restrict Palestinian extraction, transfer and consumption of waters and the construction of water installations.<sup>13</sup> This is best illustrated by the policy with regard to the depth of wells. Israeli wells can be 300 to 400 meters deep on average while Palestinian wells are only of the order of 70 meters deep. The variation in depth ensures less salinity and more production capacity for the Israeli wells. The final outcome is that Israel's per capita use of water has become five times greater than that of the West Bank Palestinians.<sup>14</sup> Israel therefore has been pumping 80% of the water from the aquifer that was mostly under the occupied West Bank with Palestinians prohibited from drilling new wells. This amounts to approximately 50% of Israel's current water supply coming from territory captured in 1967.<sup>15</sup> The outlook is therefore quite bleak for the Palestinian Territories unless final status water issues are somehow fast tracked to an equitable solution. A more likely outcome is that Israel will continue to maintain its grip on the West Bank for security reasons and having effectively completed the separation fence which has added further hardship to the Palestinian situation. Farming in the areas will become impracticable due to lack of water and the inability to pay for water tankers to deliver their expensive loads, which ironically are provided by Israeli vendors.<sup>16</sup>

The situation in Gaza is even more severe. The Oslo Accords designated the coastal aquifer for the exclusive use of the population in Gaza. This resource is being overused to a point where it is being polluted by sea water intrusion, and is gradually being destroyed.<sup>17</sup> A UN estimate indicates that Gazans will have no access to drinkable water in fifteen years should the current situation continue.<sup>18</sup> The Palestinian Authority established a separate water authority, the Coastal Municipal Water Utility (CMWU) in 2005. This authority collects payments from 120,000 customers but has reported that the number of people without any access to water currently stands at 35,000 with an additional 100,000 receiving water every 2-3 days.<sup>19</sup> The UNHCR has issued warnings regarding water quality and infrastructure in Gaza. All water related supplies such as chlorine are subject to the embargo on Hamas currently enforced by the IDF since the Dec 2008 conflict.

### **The Impact of Strong Governance – The View from Israel**

Israel identified prior to the 1948 war that water resources are a central aspect of the nation's security and where most countries treat water as a commodity Israel regards the issue as a matter of national security.<sup>20</sup> In this broader context an important under reported aspect of Israel's continued occupation of the Golan Heights and the West Bank is a fear of losing control of water sources vital to the Israeli state. Israel has a sophisticated water system (Annex B: Map National Water Carrier). The domestic Israeli water authority

<sup>12</sup> Ibid, p 109.

<sup>13</sup> Rouyer, Alwyn.R. (1997). 'The water issue in the Palestinian—Israeli peace process.' *Survival*. 39(2), pp 57-81.

<sup>14</sup> Park, op cit.

<sup>15</sup> Peterson, Scott. Staff writer of The Christian Science Monitor. (1999, July 14). 'What could float - or sink - peacemaking Middle East Report.' [ALL Edition]. *Christian Science Monitor*, p 1

<sup>16</sup> Humphries, Isabelle. (2006). 'Breaching Borders: The Role of Water In The Middle East Conflict.' *Washington Report on Middle East Affairs* 25, no. 7, pp 20-21.

<sup>17</sup> Askari, Hossein. and Brown, Catherine. (2001). 'Water management, Middle East peace and a role for the World Bank.' *Banca Nazionale del Lavoro Quarterly Review*, 54(216), pp 3-36.

<sup>18</sup> Schlutter, Birgit. (2005). 'Water Rights in the West Bank and in Gaza.' *Leiden Journal of International Law*, 18(3), 621-644.

<sup>19</sup> UN field update on Gaza from the Humanitarian Coordinator 24 - 30 March 2009.

<sup>20</sup> Rouyer, op cit.

exercises close supervision of the sector and imposes water restrictions on major users when levels are reduced. Notwithstanding tight supervision, in 2007 the average Israeli expenditure on water was 0.9% of total household consumption expenditures.<sup>21</sup> This does not represent a serious incentive to practice water economies. Additionally Israeli settlers are the highest per capita consumers of water in the Middle East.<sup>22</sup> Expansion of supply and desalination is the strategic choice for increasing supplies.<sup>23</sup> The population of the area is expected to double by 2050 with that of Israel excluding the Palestinians reaching over nine million.<sup>24</sup> The question arises of whether the resource is contributing to a delay in Final Status negotiations as part of the Oslo process. Israel has retained control of the West Bank resources until final status issues are completed. Pressures are now developing within Israel for long term strategic access to water and this is likely to result in a more profound exclusion for the Palestinians. A combination of a depleting resource, lack of movement in negotiations and a demographic trend that will result in a greatly increased population have resulted in water becoming a political and military weapon. This strategic sensitivity was captured in a comment made by Prime Minister Ariel Sharon in an interview on 12 April 2002 with an Israeli daily newspaper, when asked if he would be prepared to evacuate settlements, rhetorically he inquired;

Whether it was (actually) possible to concede control of the hill aquifer (in the West Bank) which supplies a third of our water or to cede the buffer zone in the Jordan Rift Valley?<sup>25</sup>

An important change to the political landscape was the formation in March 2009 of an Israeli government with a more hard line Likud and Labor coalition, led by Benjamin Netanyahu. This coalition has demonstrated a preference for a 'Peace for Security' formula rather than a 'Peace for Land' outcome. Netanyahu previously resigned in August 2005, shortly before the Israeli cabinet voted 17 to 5 to approve the initial phase of withdrawals from Gaza. He has never committed to a two state solution with the Palestinians and has spoken instead of an 'economic peace'. Netanyahu has also indicated in a previous Likud government that he is less prepared to share the water resource with the Palestinians and considers the issue of sharing water a security risk rather than a way to ease tensions. Completion of the separation fence/wall has greatly mitigated the security risk to Israel from the West Bank. The fence is approximately 436 miles long and small sections only remain to be completed.<sup>26</sup> In a similar manner Gaza has effectively been blockaded, and the question arises that if security concerns have been reduced to an 'acceptable level of violence',<sup>27</sup> is there any pressing imperative for Israel to rush to the final status talks table?

### **Water and Realism - Final Status Through Negotiation or Facts on the Ground**

In the aftermath of the Hamas take over of Gaza and the subsequent conflict in 2008, the political environment has changing rapidly. Increasingly it is becoming apparent that

21 Statistical Abstract of Israel 2007: Composition of Consumption Expenditures of Households.

22 Humphries, op cit.

23 The Knesset passed legislation in 2007 to increase water desalination in Israel by 275 million cubic meters by 2013, bringing annual production of desalinated water to 505 million cubic meters representing one-fourth of the country's water consumption. Husbanding measures include car wash, toilet and spray regulations when seasonal usage is high.

24 Klare, Michael. (2002). *Resource Wars*. Henry Holt, New York, p 163.

25 Haaretz Israeli daily, 12 April 2002.

26 A detailed map of the wall is available at [www.btselem.org/Download/Separation\\_Barrier\\_Map\\_Eng.pdf](http://www.btselem.org/Download/Separation_Barrier_Map_Eng.pdf).

27 UK politician Reginald Maudling's comment on an acceptable security situation for Northern Ireland.

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Israel and the Palestinians cannot find a peaceful outcome without direct purposeful intervention by the United States. In this respect the appointment of George Mitchell as a special envoy brought significant peace negotiating skill and experience to bear on the issue,<sup>28</sup> but despite such prioritisation by the Obama administration little progress has been achieved. The challenge remains enormous. The process of ending violence on the Palestinian side in return for a freeze on settlement activity by the Israelis has never got off the ground.<sup>29</sup> The debate now gaining currency is whether a two states, three states or single bi-national entity based on facts on the ground which have evolved, will eventually emerge.<sup>30</sup> Gaza may have removed itself unwittingly from the process and remain isolated from the final outcome.

The Israeli – Palestinian conflict is just one central issue within the broader context of Middle East Peace, but at the heart of that issue rests agreement over the rapidly depleting water resource in the face of a rising population. It has been demonstrated that water competition within the Arab Israeli conflict is almost exclusively a matter of politics even nationalism and can be a harbinger of conflict.<sup>31</sup> Weak governance on the part of the Palestinians with a non functioning corrupt patrimonial quasi-authoritarian style Palestinian Authority has lessened the possibility of resolving the issue of water equality through an idealistic solution brokered by one or more international organisations. The UN is essentially a political body and the water resource issue should be essentially economic. The World Bank may be the correct body to attempt broker an interim water solution while the interim peace process moves glacially toward a solution. Co-operation and a fair allocation of the resource between competing populations is the correct outcome with water regarded as a commodity resource priced realistically. This might positively impact the Israeli Agricultural GDP figures and expose the water resource to market forces. A study of international law and human rights law cannot of itself provide a solution to the water rights issue. History politics, engineering, hydrology and economics must also play a role.

A more likely treatment is that the water resource issue will follow a path of Real Politick. It will remain within the realm of politics and long term strategic security. In this regard, the most important factor to note is that significant parts of Israel's water sources, the coastal and mountain aquifers and the Jordan River will be located in Palestinian areas.<sup>32</sup> It is unlikely that the Palestinians would ever gain exclusive control of these resources following final status, even if their claim under international law is recognized. A compromise is more likely in the event that some type of final status is actually achieved in what has become one of the world's most difficult problems. This study reveals that demographic trends, contrast in political governance, the current peace stalemate and damage occurring to the existing resources, suggest that matters relating to water cannot wait until meaningful negotiations recommence. In this most fractured of political environments with power imbalance, support for the thesis of real politick as illustrated,

<sup>28</sup> Senator George Mitchell played a central role in brokering the Northern Ireland Peace Process in 1998.

<sup>29</sup> The "road map" for peace is a plan to resolve the Israeli Palestinian conflict proposed by a "quartet" of international entities: the US, EU, UN and Russia in 2002.

<sup>30</sup> G. Robinson. The Fragmentation of Israel, Current History, Philadelphia Dec 07 Vol 106 Iss 704, pg 421

<sup>31</sup> Ariel Sharon noted in his memoirs that one major cause of the 1967 war was the imperative for Israel to have strategic control of the head waters of the Jordan basin. Israel had previously attacked Syrian dam works in 1965 on the Banyas and Hatzbani streams as they attempted to divert water from Lake Galilee.

<sup>32</sup> Askari and Brown, op cit.

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surrounding the water question will undoubtedly lead to hardship for the least powerful community in the region. Should the problem not be resolved equitably political instability and further conflict within Israel and the Palestinian territories cannot be excluded. Internationally a renewed peace process would likely result in increased demands for water allocations from Jordanians and Syrians in addition to the Palestinians. Water concerns therefore may provide just one insight into why no final status issues have been resolved since the Oslo Accords of 1993.

## Annex A to Water and Governance

### Water Resources Shared by Israelis and Palestinians



Source - <http://www.utexas.edu/features/archive/2005/graphics/water3.jpg>

## Annex B to Water and Governance

### Management of Water Resources by Israel



**Source** - [http://www.foeme.org/docs/Seeking\\_Sustainability\\_Science.pdf](http://www.foeme.org/docs/Seeking_Sustainability_Science.pdf)



# Network Enabled Capability: A Key Contributor to Successful Military Operations

*Veni, Vidi, Vici*

## Introduction

According to Plutarch the above represents the entirety of Julius Caesar's report to the Roman Senate on his victory over Pharnaces II of Pontus at the battle of Zela in 47 BC. At first glance it may seem incongruous to commence an article on a modern concept like Network Enabled Capability (NEC) with a Latin quote from antiquity. The statement 'I came, I saw, I conquered' was used by Julius Caesar to indicate to the Senate the importance of his presence on the battlefield in contributing to the military victory. According to its proponents NEC has to the potential to allow Commanders to direct forces without being physically present on the battlefield.

In directing the military operations which overthrew the Taliban regime in Afghanistan in 2001, the overall Commander of the United States (US) forces, General Tommy Franks was based in US Central Command (CENTCOM) Headquarters in Tampa, Florida yet with Network Enabled systems he was able to fully direct all aspects of the operation, in this case 'He saw, He conquered'. In this article I intend to trace the NEC concept from its origins in the US' Network Centric Warfare (NCW) concept in the late 90s, to the application of the network centric approach to coalition operations in Iraq in 2003 and finally through to the application of network centric systems in the Defence Forces.

## The Genesis of NEC Theory

In 1998, a seminal paper by US Navy Admiral Cebrowski and Dr John Garstka entitled *Network Centric Warfare: Its Origins and Future* outlined a vision whereby the developments in the information age could be harnessed to transform military capability through the implementation of Network Centric approach to operations.<sup>1</sup> The original definition of the Network Centric concept envisaged "an information superiority-enabled concept of operations that generates increased combat power by networking sensors, decision makers, and shooters to achieve shared awareness, increased speed of command, higher tempo of operations, greater lethality and increased survivability". The following US based example illustrates how network enabled shooters, sensors and decision makers interoperate in practice. An unmanned aerial vehicle UAV (Sensor) detects a target in Afghanistan, the information is transmitted to CENTCOM HQ in Tampa Florida (Decision Maker) where a decision is taken to destroy the target this target is then destroyed by a missile fired from a ship (Shooter) in the Indian Ocean.

<sup>1</sup> Cebrowski, A. & Garstka, J. (1998). "Network Centric Warfare: Its Origin and Future." *US Naval Institute Proceedings magazine*. Winter online. <http://www.usni.org/Proceedings/Articles98/PRO/cebrowski.htm>. Accessed: 10 Sept 2006.



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The ideas developed by Cebrowski and Garstka had their genesis in the developments in US business in the late 90s. At this time, a number of US businesses such as Wal Mart (retail) and General Electric (electronics) dominated their particular market segments. Cebrowski and Garstka wondered if the concepts developed in leveraging networks and information in the commercial domain could be successfully transferred to the military domain. As the quote below illustrates the authors certainly thought that the adoption of the Network Centric approach to operations would lead to a dramatic increase in military capability:

We are in the midst of a revolution in military affairs (RMA) unlike any seen since the Napoleonic Age, when France transformed warfare with the concept of the levée en masse. Chief of Naval Operations Admiral Jay Johnson has called it 'fundamental shift from what we call platform centric warfare to something we call network-centric warfare,' and it will prove to be the most important RMA in the past 200 years.<sup>2</sup>

Cebrowski and Garstka cited a number of examples from the business world for the efficacy of transferring networked business practice into the military domain. They quoted examples of the synergies created by the collaboration between Wal-Mart and General Electric:

Wal-Mart was able to achieve this edge by making the shift to network-centric operations and translating information superiority into competitive advantage.... Jack Welch, chief executive officer of General Electric, explains, When Wal-Mart sells a [light] bulb on the register, it goes to my factory instantly. I (General Electric) make the bulb for the one they just sold. The enterprise system is now totally compressed with information.<sup>3</sup>

These points were further developed by Alberts and Hayes who argued that the information revolution had fundamentally altered both business and war, success in business in the information age was as a result of a business' ability to acquire, analyse and disseminate information and for an information age military to be successful it must also adopt a similar approach.<sup>4</sup>

Effective C2 of a force by key decision makers at all levels is at the heart of effective military capability. How is the role of the key decision maker in a network enabled force different than that in a non network enabled force? Smith suggests that:

In traditional military operations...., a mission is assigned and planned, forces are generated, and operations are executed to concentrate power on an objective. This is a highly coordinated, 'stepped' cycle: periods of relative inaction, during which forces are generated and actions coordinated... alternate with periods of action, when combat power is applied.<sup>5</sup>

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<sup>2</sup> Ibid, p 1.

<sup>3</sup> Ibid.

<sup>4</sup> Alberts, D.S., Hayes, E. (2003). *Power to the Edge. Command and Control in the Information Age*. CCRP Publication Series. Washington DC.

<sup>5</sup> Smith, E. (2001). "Network Centric Warfare, What's the Point?" *Naval War College Review*, Vol LIV, 1, p 2.

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Smith goes on to suggest that with a network enabled force “we could act continuously. We would no longer need to pause before deciding on further action... moreover shared awareness would permit a flattened, decentralized command structure, with decisions made at the lowest practical level of command.”<sup>6</sup> The implementation of a network centric approach to operations has the potential to dramatically increase operational effectiveness and give lower level commanders the necessary information to make better informed decisions.

The opportunity to test the network centric hypothesis arose in 2003 with the US led invasion of Iraq. The overthrow of the Baathist regime in Iraq in just 22 days represented one of the most successful high tempo operations in military history. Dr John Garstka in an address to a NATO NEC conference in 2008 in which he analysed 10 years of the NEC concept, stated that the experience of Operation Iraqi Freedom (OIF) had demonstrated the significant contribution that networking and information sharing had made to military operations and that a shared digital space contributed to increased individual and shared situational awareness and had enhanced collaboration and speed of decision making. In particular Dr Garstka cited the success of the coalition counter SCUD operations in Western Iraq where unprecedented coordination of tactical air, surveillance assets and Special Forces led to successful mission accomplishment and no coalition losses despite numerous engagements where Special Forces were sometimes outnumbered by a ratio of five to one.

An accurate Common Operational Picture (COP) is an essential tool for a commander but even in the 21<sup>st</sup> century an accurate COP incorporating the air, land and maritime picture can be surprisingly difficult to achieve, especially exchanging information in a multinational context. This issue was examined in detail in a Network Centric Operations case study entitled *Coalition Operations in Operation Iraqi Freedom (OIF): A UK Perspective of FBCB2/Blue Force Tracker*. Force XXI Battle Command Brigade and Below /Blue Force Tracker (FBCB2/BFT) is a US Command & Control system which presents the commander with a map based picture of the disposition of his/her forces based on their GPS position which can be transmitted over secure Combat Net Radio (CNR) or over satellite. FBCB2 also gave users email, chat features and the ability to transmit map overlays and reports. The feedback from the different actors on the use of FBCB2 was to say the least, varied. A member of the US V Corps stated ‘Blue Force Tracker won the war for us’ whereas commenting on the exact same system a member of the British army stated ‘I threw it (Blue Force Tracker) in the back of my vehicle and never turned it on’.

To get an understanding on the reasons for the contrasting attitudes to FBCB2, a bit of background on the campaign is necessary. The main effort of the 22 day ‘March to Baghdad’ in March/April 2003 was the US V Corps, which relied extensively on FBCB2/BFT. The Combat Net Radio (CNR) used by the V Corps, the SINCGARS, is a frequency hopping, anti jam, low probability of intercept radio could provide a secure transmission means for the transfer of Blue Force tracking information. The SINCGARS radio is the standard CNR of the Irish Defence Forces. In addition V Corps could

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<sup>6</sup> Ibid.

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transfer blue force tracking information over satellite which gave a beyond Line of sight transmission capability.

Prior to the launch of OIF over 1000 FBCB2 systems were installed on US Army ground and airborne platforms. The US Marine Corps used a different C2 system called C2PC which was not interoperable with FBCB2. As a result prior to the commencement of hostilities there was a rush to equip Marine vehicles with FBCB2 and a total of 158 kits were installed to allow for C2 interoperability between the US Army and US Marine Corps. Similar problems occurred in trying to include UK forces in the Blue Force Tracking system. The UK had a legacy Ptarmigan CNR which was first fielded in the 1980s and had no Blue Force Tracking capability whatsoever. Hence the only way any level of interoperability could be achieved was to provide the UK forces with a total of 47 FBCB2 systems immediately prior to the commencement of OIF. These 47 units had to be divided out among a complete UK Armoured Division (with 34,000 UK troops) thus only major HQs received FBCB2 units. This provided extremely limited capability to track the divisional sub units. With this distribution it was not possible to get a detailed picture of the dispersion of UK forces but it was possible for US Commanders to get a view of their 'Centre of Gravity.' The FBCB2 kits were fitted to UK vehicles by US subcontractors in Kuwait in February and March 2003, and the land war commenced on 19 March 2003.

While the US forces had ample opportunity to train on FBCB2 prior to deployment, the opportunity for UK personnel to train on the system in theatre was extremely limited. In addition in the US Army senior officers had extensive exposure to FBCB2, whereas in the UK Army none of the senior officers had experience of the system, hence in the case of UK forces there was no top level management buy in. As the UK and US were using non interoperable radios, coordinating and deconflicting multinational fire and manoeuvre proved difficult and resulted in the multinational elements of the coalition being less adaptable to rapidly changing conditions.

The main effort of the attack towards Baghdad was conducted along the west bank of the Euphrates River by V Corps which was commanded by Lieutenant General Wallace. The plan called for rapid movement, high tempo operations and the coordination in real time of forces that were spread far apart. Lieutenant General Wallace utilized the email capability of FBCB2 to issue orders. He made use of a number of network enabled systems including FBCB2 to coordinate in real time the actions of V Corps which was physically dispersed over 600 square Km. Wallace stated: "I saw more on the battlefield than I ever expected...not since the days of Napoleon (when he could see the entire battle from his position) had senior commanders been able to see all of their force on the battlefield."<sup>7</sup> (Wallace cited by Groh and Murphy, 2006:5).

In after action reviews US Commanders were generally positive about the impact of FBCB2. UK Commanders in after action reviews were much more sceptical on the efficacy of systems such as FBCB2. The UK forces did not take part in the 'March to

<sup>7</sup> Cited in Groh, L. and Murphy, D. (2006). *Landpower and Network Centric Operations: How Information in today's Battlespace can be exploited*. Office of Force Transformation. [http://www.oft.osd.mil/library/library\\_files/document\\_394\\_Landpower%20and%20Network-Centric%20Operations%20.doc.pdf](http://www.oft.osd.mil/library/library_files/document_394_Landpower%20and%20Network-Centric%20Operations%20.doc.pdf). Accessed: 06 January 2007, p 5.

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Baghdad' proper but had much more limited objectives focussing on securing the port of Um Qasr and the city of Basrah. A lot of UK soldiers were sceptical of installing US equipment in their vehicles and saw it as an attempt by the US to assert control over their forces and an additional problem was the lack of extensive training for UK personnel prior to deployment. Despite problems there were a number of successful examples of the utilisation of FBCB2 by UK forces who used it for deconfliction with US forces when conducting a crossing of the Al Faw canal and it was also used as planning tool by UK forces in planning urban raids.

General Franks who was in overall charge of military operations for US and UK forces, based in Tampa Florida stated after the conclusion of the land war that: "I believe one of the lessons well identified as enduring is the power of a net centric approach."<sup>8</sup>

What started off a concept ten years ago is now universally viewed as a key capability for the modern military force. It is believed both in NATO PfP and the EU that the implementation of NEC will mean the military having the capability to make better informed decisions and take more timely actions which will lead to enhanced mission effectiveness. NEC facilitates the timely provision and exploitation of information and intelligence to enable effective decision making and agile actions. As the Defence Forces will always deploy overseas on peace support operations as part of much larger force interoperability with multinational forces in a networked environment is key.

Most nations have developed their own national C2 systems which are built to support their own national communications systems and generally not built from the bottom up with multinational interoperability in mind. This became quickly apparent when nations deployed their national C2 systems as part of stabilisation operations in Afghanistan in the wake of the Taliban ouster. They found that there was no way to share real time friendly force information as the C2 systems were not interoperable. To fill this urgent operational requirement the NATO Friendly Force Identifier (NFFI) protocol was developed which allows for the exchange of Blue Force tracks between national C2 Systems. The NFFI standard was initiated in 2005 and by Dec 2008 NFFI was allowing the exchange of friendly force tracking information between the US, German, French and Norwegian contingents in Afghanistan.

### **NEC and the Irish Defence Forces**

In 1996 the Defence Forces upgraded its tactical radio system to the US made SINCGARS digital radio capable of reporting its position securely via GPS. It was decided to acquire a Battlefield Management System (BMS) to connect to the new radio that would allow a commander to see the disposition of her / his troops via an electronic map display and have the ability to transmit and receive orders. Geosolutions, an Irish Geographic Information Systems (GIS) company developed a Command and Control Information system known as Tactical Battlefield Management System (TBMS) which provided commanders with the capability to monitor friendly forces on a Map based display and have the ability to transmit and receive messages. However the initial version of TBMS was not interoperable with other Multinational C2 systems.

<sup>8</sup> Cebrowski, A. (2003). The Implementation of Network Centric Warfare. US Office of Force Transformation. [http://www.of.t.osd.mil/library/library\\_files/document\\_387\\_NCW\\_Book\\_LowRes.pdf](http://www.of.t.osd.mil/library/library_files/document_387_NCW_Book_LowRes.pdf). Accessed: 20 September 2006, p 22.

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The Defence Forces is focused on enhancing multinational interoperability capability which is a key driver for continued participation in the largest interoperability exercise in world 'Combined Endeavour' (CE) where CIS (Communications and Information Services) personnel from over 40 nations come together annually for a 2 week period to test interoperability between national communications and IT systems. In 2011 CE is taking place in Germany. In order to enhance the multinational interoperability capability of TBMS it was necessary to have the NFFI standard implemented in TBMS. The NFFI protocol was obtained prior to deployment on Combined Endeavour in 2009. It was then implemented in TBMS by *Geosolutions*. Prior to deployment on CE 09, initial testing of TBMS NFFI was conducted over the Internet between the Curragh and a test lab in Sweden. Sweden was chosen for the initial testing due to the Defence Forces commitment to participating in the Swedish led EU Battlegroup which stood up between Jan and Jun 2011. The Defence Forces are supplying surveillance and reconnaissance assets to the Battlegroup which requires a high level of interoperability between Swedish and Irish forces.

During CE 09 Friendly Force tracking information was successfully exchanged between Ireland's TBMS and multinational C2 systems using the NFFI protocol. Extensive NFFI testing was conducted between Ireland, Sweden, Finland and Holland. After successful certification in CE 09 the NFFI protocol was used operationally on the Swedish Nordic Battle group and will also be deployed on the German led Battlegroup in 2012.

The above example is one of a number of initiatives being taken by the DF to enhance interoperability capability. NEC is about getting 'the right information to the right person at the right time'. NEC implies the implementation by the Defence Forces of robust, secure and flexible networks to bring the right information to military decision makers in a timely manner. It is anticipated that NEC will allow the DF to operate more efficiently in the future strategic environment through the more efficient sharing of information within the DF and with other military and civil partners. The successful implementation of NEC is about more than just having the right technologies in place. In order to ensure that NEC is implemented effectively the right information management polices must be in place also. An Information Management cell will be established later in 2011 in order to support the DF's overall NEC strategy. It is anticipated that the implementation of NEC will contribute to the DF becoming a more interoperable, deployable and sustainable force in Peace Support Operations abroad and in aid to the civil power operations as home.

# T.E. Lawrence: Prophet of Guerrilla Warfare?

## Introduction

Thomas Edward Lawrence (1888-1935), usually referred to as “Lawrence of Arabia”, remains one of the most iconic figures of the twentieth century. Despite not being a career soldier, his WWI exploits had a major impact on the outcome of the war and he later played a crucial role in the creation of the modern Middle East. During the last decade, a new generation of scholars and soldiers have re-examined his career in the light of modern-day insurgencies in Iraq and Afghanistan. These include major theorists of COIN doctrine such as Rory Stewart and David Kilcullen. This is perhaps not surprising as, during the Arab Revolt of 1916-18, Lawrence had shown himself to have an almost instinctual grasp for guerrilla warfare. While he had little formal military training, he correctly identified his enemy’s weaknesses and also devised the best tactics to adopt to exploit them.<sup>1</sup> By 1918, he had directed Arab efforts and created a sophisticated insurgency that would undermine Ottoman power in Arabia and beyond. This article will examine the major phases of Lawrence’s wartime career and offer a summation of his thoughts on asymmetric warfare in an attempt to evaluate if he truly deserves the title of “prophet of guerrilla warfare”.<sup>2</sup>

## Early Life and Military Career

Thomas Edward Lawrence (“Ned” to his family and friends) was born in Tramadoc in North Wales on 16<sup>th</sup> August 1888. His family circumstances were far from orthodox. His father was Sir Thomas Robert Tighe Chapman of South Hill, Delvin, Co. Westmeath, who had who had run away with the governess to his children, Sarah Lawrence, to begin a second life and family.<sup>3</sup> As a young man, Lawrence seemed destined for a career as an historian or archaeologist. During his BA studies at Jesus College, Oxford (1907-10), he had chosen the subject of crusader castles for his dissertation. This necessitated travel to France and later to Syria. In 1910 he toured the Middle East again and then spent a period in Lebanon in order to learn Arabic. He spent much of the period 1911-14 in the Middle East, working as an archaeologist in Ottoman Syria and also Egypt.<sup>4</sup>

While he had served in the University of Oxford Officer Training Corps while an undergraduate, Lawrence would have been the first to admit the he was a rank amateur in all things military. In early 1914, however, he took part in a survey of Sinai under the auspices of the Palestine Exploration Fund. While this was ostensibly a civilian operation, it was in reality designed to serve the needs of British military intelligence in Cairo. It was to be Lawrence’s introduction into intelligence work.<sup>5</sup>

1 Wilson, Jeremy. (1989). *Lawrence of Arabia: the authorized biography of T.E. Lawrence*. London.

2 For a military assessment of Lawrence’s career, see Asher, Michael. (1998). *Lawrence: the uncrowned king of Arabia*. London.

3 Murphy, David. (2011). *T.E. Lawrence*. Oxford.

4 Lawrence James, Lawrence. (1990). *The Golden Warrior: the life and legend of Lawrence of Arabia*. London, pp 30-75.

5 Asher, op cit, pp 115-120.

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The outbreak of war in 1914 found him in England and he initially secured a civilian appointment at the War Office. In October 1914 he was given a temporary commission and sent to Cairo where he joined the intelligence staff. When Lawrence arrived in Cairo, the intelligence section at GHQ was being expanded and rooms were taken at the Savoy Hotel to accommodate the growing number of staff. GHQ had maintained a small intelligence staff before the war but by 1918 this had been expanded to over 700 people. Lawrence served in Section 1a, commanded by Newcombe, which concerned itself with gathering material on the enemy – formations, plans, intentions and the condition of the Ottoman army. (Section 1b was GHQ's counter-intelligence branch).<sup>6</sup>

Lawrence quickly established himself as an eccentric but also useful officer. In June 1915, he described his average day:

Well, drawing, and overseeing the drawing of maps: overseeing the printing and packing of same; sitting in an office coding and decoding telegrams, interviewing prisoners, writing reports, and giving information from 9a.m. till 7p.m. After that, feed and read, and then go to bed. I'm sick of pens, ink and paper and have no wish to send off another telegram.<sup>7</sup>

His language skills and knowledge of tribal issues made him an ideal officer for interviewing prisoners. A steady stream of these came in to Cairo; soldiers who had deserted or been picked up in desert skirmishes. Following the failed Ottoman offensive against the Suez Canal in February 1915, the number of Turkish POWs increased and Lawrence was kept busy. He used a friendly, ingratiating style for interrogation and found that, on showing that he had knowledge of Ottoman territories in Palestine and Syria, prisoners often talked quite freely, especially Arab tribesmen who had been conscripted.

Early in 1915, Lawrence had witnessed the preparations (such as they were) for the planned expedition to Gallipoli. He wrote that the expedition were "beastly ill-prepared, with no knowledge of where it is going, or what it would meet, or what it was going to do". It is also now known that Lawrence acted as a spymaster and on occasion ran agents for Section 1a. These were often of dubious quality and some were operating as double agents and were in German or Turkish pay. In August 1915, Lawrence travelled to Greece and in March 1916 he was sent to Mesopotamia (modern-day Iraq) in an effort to buy the freedom of the British army besieged at Kut. During this latter assignment, he first met Major Aziz Ali al-Masri, an Iraqi and former Ottoman officer who had deserted and now wished to instigate a rebellion against his former Ottoman masters.<sup>8</sup>

By 1916 therefore, Lawrence had gained some experience of intelligence work and had also met some of the former Ottoman officers who were part of wider dissident groups such as al-Fatat and al-Ahd within the Ottoman Empire. This experience would leave him ideally placed to work in the field once a wider revolt had broken out in Arabia in 1916.

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<sup>6</sup> James, *op cit*, pp 87-100.

<sup>7</sup> Quoted in James, *op cit*, p. 91.

<sup>8</sup> *Ibid.*, p. 136. See also Mohs, Polly, (2008). *Military Intelligence and the Arab Revolt: the first modern intelligence war*. London. Al-Masri appears in some sources as "Al-Misri" or "Al-Mazri". Some of his descendants are involved in Iraqi politics.

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## The Arab Revolt, June 1916-1918

Contrary to popular belief, Lawrence did not instigate the Arab Revolt. Pre-war tensions in the Ottoman Empire had resulted in the rise of dissident groups in Syria, Lebanon, Palestine and Arabia itself. In Arabia, Arab hopes focused on Sharif Hussein of Mecca, leader of the Hashemite faction, who had first made contact with GHQ Cairo before WWI had even begun. In the face of an Ottoman crackdown during early 1916, Hussein decided that the time had come to rebel. The size of the initial Arab army is uncertain but some estimates put it as large as 30,000 tribesmen. These were divided into smaller contingents commanded by Sharif Hussein's sons, the Emirs Ali, Abdullah, Feisal and Zeid.

On 5 June 1916, the Emirs Ali and Feisal informed the Ottoman commander at Medina, General "Fakhri" Pasha of Arab intentions to withdraw from the Ottoman Empire. Their subsequent attack on the town was repulsed and attacks on the Hejaz railway followed, while telegraph lines were also cut. Five days later, their father proclaimed the revolt in Mecca and attacks were carried out on the garrisons there and at Ta'if. Despite the initial success of this revolt, Turkish forces carried out a series of attacks on Arab forces and by the end of 1916 it seemed likely that the Arab Revolt would be snuffed out.<sup>9</sup>

Faced with this worsening situation, the GHQ Cairo sent an expedition to aid the Arab armies. This consisted of Egyptian troops and artillery under British officers, one of whom was Lt-Col Pierce C. Joyce from Galway. By the end of 1916, the Arabs had been further reinforced and could rely on a Royal Navy flotilla (the Red Sea Patrol) and also a flight of RFC aircraft. In the years that followed, the British and French would continue to send men, equipment, weapons and ammunition and vast quantities of gold to sustain the Arab Revolt.<sup>10</sup>

Lawrence was initially sent as an Arab expert rather than as a potential field commander. In early October 1916, Colonel Clayton of Military Intelligence suggested that Lawrence be sent to Arabia to carry out an appraisal of the military situation and report back. It is interesting to note that he left Egypt on board the steamer *Lama* in company once again with Major al-Masri.<sup>11</sup> Having carried out an initial survey and identifying the Emir Feisal (Hussein's third son) as the most effective military commander, Lawrence returned to Arabia again in December 1916. This secondment to the Arab Northern Army was to last until the end of the war.

## Lawrence's Guerrilla Campaign

First of all it must be stressed that Lawrence's initial role was largely political. There were already a number of military officers with the Arab army operating in a purely military role. These included Colonels Wilson and Joyce and also more junior officers such as Lieutenant Garland. These officers, mostly on assignment from the Egyptian Army, busied themselves with the defence of the coastal towns and also the training of the Arab tribesmen. The Royal Navy's Red Sea Patrol, which included a seaplane carrier, was under the command of Captain Boyle while a small RFC contingent was commanded

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<sup>9</sup> Murphy, David. (2008). *The Arab Revolt, 1916-18: Lawrence sets Arabia Ablaze*. Oxford. See also Barr, James. (2006). *Setting the desert on fire: T.E. Lawrence and Britain's secret war in Arabia, 1916-1918*. London.

<sup>10</sup> *Ibid.*

<sup>11</sup> Lawrence, T.E. (1962). *Seven Pillars of Wisdom*. (Penguin edition), p 65.



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by Captain A.J. Ross. Perhaps unsurprisingly, Lawrence succeeded in rubbing many of these officers up the wrong way due to his opinionated style. By 22 October, he had antagonized many and Wilson cabled Colonel Clayton in Cairo stating “Lawrence wants kicking and kicking hard at that”. Wilson continued:

I look on him as a bumptious young ass who spoils his undoubted knowledge of Syrian Arabs by making himself out to be the only authority on war, engineering, HM's ships and everything else. He put every single person's back up I've met from the Admiral [Wemyss] down to the most junior fellow on the Red Sea.<sup>12</sup>

Such opinion was not confined to Wilson. Ross found himself the recipient of unwanted advice on the running of the air war while Colonel Joyce despaired at the latest contingent arrived from Cairo, stating “there seems [to be] no-one in Khartoum taking the least interest in this show beyond sending a few travellers out here”.<sup>13</sup>

However, Lawrence quickly recognized that the Hejaz Railway, a single track railway that served the main Turkish garrison at Medina, was extremely vulnerable. From early 1917 he was one of several officers who advocated attacks on this vital piece of infrastructure in order to interrupt the flow of Turkish supplies and also prevent its use to evacuate the garrison at Medina. In March 1917 he carried out an attack on the railway himself near Medina. It would be the first of many and by 1918 he had evolved into an expert railway wrecker.

During the months that followed, Lawrence and other officers led numerous raids against the railway – far too numerous for them all to be dealt with here. In the initial stages, the raiding parties were quite small, perhaps just a dozen men. As they campaign progressed, they increased in size and sometimes numbered up to 200 men. Different methods were used to cause a maximum amount of damage. Lawrence and his colleagues quickly realized that rather than blowing up sections of rail, it was better to bend the rails out of shape with “tulip mines”, so-called as they bent the metal rails into shapes not unlike tulips bulbs. This ensured that Turkish repair parties first had to dismantle the sections of damaged line before replacing them. This increased the work – replacing line that had simply been blown away took half the time. Lawrence also preferred to damage curved sections of the line as, once again, it was more difficult to source and fit new rails to these sections.<sup>14</sup>

Apart from the actual railway, Lawrence and his raiding parties also began to target ancillary infrastructure. The telegraph line running beside the railway was an obvious target. They attacked and damaged station buildings, paying particular attention to water towers. They fired upon the Turkish blockhouses defending the line and made bridges a particular target. On one particular occasion, a raiding party under Lawrence and Lt-Col Joyce demolished either end of a bridge but left the seriously damaged centre section standing. This ensured that the repair party first had to undertake a dangerous demolition before rebuilding the bridge. The ultimate prize was, perhaps inevitably, to derail a moving train; a feat first carried out by Lt (later Major) Henry Garland in February 1917.

<sup>12</sup> University of Durham, Sudan Archive, General Sir Gilbert Clayton papers, 693/11 and 470/5,7.

<sup>13</sup> King's College, London, Liddell-Hart Archives, Joyce Collection, “Joyce H/27-28”, 21.12.16.

<sup>14</sup> Murphy, David (2008). Op Cit.

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Alongside these railway attacks, Lawrence was also thinking of ways to broaden the scope of the revolt. In the summer of 1917, his attention turned to Aqaba on the Red Sea coast. He realized that, if this vital port town was taken, it could serve as a new base for the Arab Northern Army. If based at Aqaba, Arab forces could then advance to the north-west, towards Palestine, Lebanon and Syria. This would put Ottoman forces under extreme pressure as their left flank would be threatened at the same time that conventional British forces were carrying out offensives on the Gaza-Beersheba Line.

In a period of over two months (May-July 1917), he led a small group of tribesmen through inhospitable enemy territory in order to carry out a *coup de main* attack on Aqaba. Advancing through the Nefudh Desert, his force approached its objective from an area in which actual survival was difficult and military action thought to be impossible. Near Wadi Rumm, he recruited further tribesmen of the Howeitat under their hereditary war leader, Auda abu Tayi and having over-run outlying Turkish forces and garrisons, Lawrence's force took the town on 6<sup>th</sup> July 1917. In the context of WWI operations, this success was nothing short of spectacular. An objective of huge strategic importance had been taken for minimal loss. This expedition would later serve as an inspiration for the operations of the Long Range Desert Group during WWII.<sup>15</sup>

The new base at Aqaba also facilitated further raids against the railway and vital stations such as those at Ma'an and Mudawarra were now brought within striking distance and were to become objectives for the Arab army in late 1917 and 1918, albeit though tough ones to crack due to the size of the Ottoman garrisons there. (The Ottoman garrison at Medina did not finally surrender until 1919!).<sup>16</sup>

In the weeks that followed the capture of Aqaba, the Arab Northern Army moved from Wejh to Aqaba, facilitated by the Royal Navy. Lawrence had been promoted to major and was placed in command of the tribal contingent. The Arab Northern Army now had a regular contingent – made up of ex-POWs from the Ottoman army and these were commanded by Lt-Col Joyce and Jafar Pasha al-Askari, who was another former Ottoman officer. These combined forces now had considerable military potential. By the end of 1917 they had been reinforced with an armoured car squadron, a battery of truck-mounted artillery and a flight of aircraft.

Attacks on the railway continued. These had grown in size and audacity as the Arab army grew and felt more confident in countering Turkish forces while out on raids. On one raid in July 1917, over 500 charges were detonated on the line south of al 'Ula. By this stage in the campaign, the tactics employed during railway raids had also evolved and Lawrence was one of the prime movers in this respect. He realized that when operating in the proximity of the larger railway garrisons that his tribal forces could not be expected to engage them on an equal basis. He countered Turkish force by bringing greater firepower to bear to overcome this imbalance. Where possible, he would include MG teams and mortar teams in his raiding parties. This tactical policy would later be expanded to include mountain guns, truck-mounted artillery and also armoured cars.

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<sup>15</sup> Ibid. See also Asher, *op cit*, pp 226-253.

<sup>16</sup> See Murphy (2008). *Op cit*.



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Also Lawrence, who had long-since been a believer in air power wished to facilitate aircraft travelling from Suez over Sinai and as early as August 1917 had begun laying out temporary airfields in the Sinai. These were stocked with petrol and bombs and they later proved to be of considerable value to aircraft travelling on bombing raids to the Turkish left flank.

In October, Lawrence flew to Cairo for a meeting with General Allenby. Allenby was planning for a new offensive on the Gaza-Beersheba line (3<sup>rd</sup> Battle of Gaza) and this was scheduled to begin for the end of October. In order to aid this offensive, Lawrence proposed to destroy westernmost bridge in the Yarmuk Valley a Jisr al-Hemmi, in modern-day Syria. This was an impressive steel bridge spanning a large gorge and, despite being a key piece of infrastructure, intelligence indicated that it was guarded by just a dozen sentries.

Lawrence left Aqaba on 24 October 1917 and he and his party traced a long circuitous route to Azrak in order to avoid Turkish detection. He had agreed with Allenby to time his attack for early November, in order to coincide with the planned offensive. If detected, he hoped that the chosen route would conceal their ultimate objective. At Azrak they recruited the further men required but events also began to change for the worse. Due to the fact that pro-Ottoman tribesmen lived near his original objective, Lawrence chose to attack a lesser objective, the bridge at Tel ash-Shebab. The actual raid itself took place during the night of 7-8 November 1917 but a local farmer fired upon Lawrence and his men, taking them for Arab raiders. Further noise gave away the attackers' position as, just as Lawrence crept forward to plant explosives on the line, a tribesman dropped his rifle and alerted a Turkish sentry. Gunfire broke out along the line as other sentries also began to fire and Lawrence's party scattered into the darkness, dropping their explosives and equipment as they fled. On reassembling his party, Lawrence found that he no longer had enough explosives to blow the bridge. As they retreated into the night, he could hear the artillery of the British offensive as the Gaza battle began. He later remarked that this noise of the British guns seemed to further signal his failure as "bitter recorders of the failure we had been".<sup>17</sup>

Despite this setback, Lawrence continued to play a major role in the Middle Eastern campaign. During late 1917 and 1918 he put increased emphasis on mobility and firepower. The Rolls Royce armoured cars performed well and Lawrence would later record that, over certain terrain, they could travel at up to 70 mph. He revelled in the protection that the armoured cars offered and realized that they could be used to suppress Turkish positions as demolitions took place on the line. In *Seven Pillars of Wisdom*, he wrote: "Armoured car work seemed fighting deluxe, for our troops, being steel-covered, could come to no hurt". He further described an attack on the line north of Mudawwarah that he carried out with Lt-Col Joyce on 1 January 1918:

The Talbot battery opened the affair, coming spiritedly into action just below our point; while the three armoured cars crawled about the flanks of the Turkish earthwork like great dogs nosing out a trail. The enemy soldiers popped up their heads to gaze, and everything was very friendly and

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<sup>17</sup> Lawrence, *Op Cit*, pp 428-433.

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curious, till the cars slewed round their Vickers and began to spray the trenches. Then the Turks, realizing it was an attack, got down behind their parapets and fired at the cars raggedly. It was about as deadly as trying to warm a rhinoceros with bird-shot.<sup>18</sup>

Such operations were followed by further success at Et Tafilah (in modern-day Jordan), where Lawrence stopped the advance of a Turkish brigade with a much smaller force of tribesmen in January 1918. By the beginning of September 1918, Lawrence and Feisal had assembled a small but highly mobile contingent of the Arab Northern Army to the east of Dera'a at El Untaiye. This force included a battalion of Arab regular troops and also the mobile contingent (armoured cars and truck-mounted artillery). Attached to this force were further teams of Gurkha machine-gunners, a mountain gun battery and also a detachment of the Imperial Camel Corps (camel mounted British yeomanry troops). Lawrence had assembled over 500 tribesmen under his personal command from tribes including the Howeitat, Bani Shakr, the Rwalla and the Agayl, among others. In concert with the main allied offensive, which began on 19<sup>th</sup> September 1918 (the "Megiddo Offensive"), Lawrence and his Arab force created mayhem on the Turkish left flank and in the Turkish rear area – destroying sections of railway and attacking retreating columns. As Allenby's main effort also included a large force of cavalry, Turkish resistance rapidly crumbled as mobile forces exploited initial successes, closely supported by aircraft.<sup>19</sup>

During this final phase of the war, an event occurred which is perhaps the most controversial in Lawrence's wartime career. On 27 September a column of around 2,000 Turkish soldiers (including 250 German and Austrian troops) retreated out of Mezerib and passed through the village of Tafas, where they carried out a massacre of the village's inhabitants. Lawrence came across this scene and ordered an attack on the Turkish column. He later admitted that he gave a "no prisoners" order and wrote in *Seven Pillars* that this was to avenge the massacre at Tafas: "In a madness born of the horror of Tafas, we killed and killed, even blowing in the heads of the fallen and the animals". It would also appear that around 250 troops, including Germans and Austrians did actually surrender. Lawrence later confided to his brother (Arnold Lawrence) that he had ordered them to be machine-gunned.<sup>20</sup>

During the final weeks of October 1918, Ottoman power in their former territory of Syria disintegrated. Despite the general confusion, Turkish troops maintained a level of cohesion and Lawrence and his tribal forces fought a series of actions as they pushed the Turks further northwards. By now they were joined by elements of the 4<sup>th</sup> and 5<sup>th</sup> Cavalry Divisions and the mobility of these formations came to the fore in the final actions. As Turkish command-and-control collapsed, Turkish troops surrendered in their thousands; Allenby's Megiddo Offensive had been a total success. Damascus was taken on 1 October by Arab tribesmen and British and Australian cavalry. Arab and British troops took the vital railway junction at Muslimiya on 29 October and the seizure of this junction cut the Turkish rail link to Mesopotamia. The Ottoman Empire sued for peace and was granted an armistice on 31 October. The war in the Middle East was over.

<sup>18</sup> Ibid, p.468. See also Murphy, David. (2011). *Lawrence of Arabia*. Oxford.

<sup>19</sup> Perret, Bryan. (1999). *Mediggo. 1918: The Last Great Cavalry Victory*. Oxford.

<sup>20</sup> Lawrence, Op Cit, pp 651-658.

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## Lawrence as ‘Prophet’ of Guerrilla Warfare

In a purely military sense, it is obvious that Lawrence played a major role during WWI. As a military commander he had an absolute grasp of guerrilla warfare and could translate this into appropriate action in the field. During a period of enforced inactivity due to sickness in early 1917, he formulated his plans for the campaign that followed. The neatest summation of his own art of war is contained in Chapter XXXIII of his wartime memoir, *Seven Pillars of Wisdom*.

He estimated Turkish strengths and weaknesses and also assessed what advantages the Arab forces had over the Turks. His final assessment contains many principles still recognised by students of asymmetric warfare. Lawrence rejected the rash, offensive mind set so characterised by commanders on the Western Front. The Turks, he realised were bound to protect territory in Arabia and also the railway as, if evicted from Arabia, they knew they would never be able to return. The corresponding Ottoman trade-off was in mobility as they remained bound to vulnerable lines of communication. The Arabs on the other had could range far and wage a war of surprise, using their knowledge of terrain and wells to pass through desert regions. A reasonably modest supply of machine guns and explosives would allow them to increase the Arabs’ advantages. Lawrence neatly summed up his ideas in *Seven Pillars*:

Most wars were wars of contact, both forces striving into touch to avoid tactical surprise. Ours should be a war of detachment. We were to contain the enemy by the silent threat of a vast unknown desert, not disclosing ourselves till we attacked. The attack would be nominal, directed not against him, but against his stuff; so it would not seek either his strength or his weakness, but his most accessible material.<sup>21</sup>

Since its publication as a subscriber’s edition in 1926, *Seven pillars of Wisdom* and his abridged memoir *Revolt in the Desert* (1927) have been returned to again and again by historians, soldiers and strategists.<sup>22</sup> This is perhaps proof of the accuracy of his theories on irregular warfare. It was his instinct for guerrilla warfare that coalesced with his knowledge of the tribes and terrain of Arabia and allowed him to operate with success during WWI. His success at operating in the desert with irregular forces, supplemented by light armour, artillery and aircraft would be built upon by desert explorers during the 1920s and 1930s. In conjunction, these methods would be used by special forces, such as the Long Range Desert Group and the SAS, during desert operations in WWII.

Lawrence remains, therefore, one of the most influential figures in guerrilla warfare and the development of desert warfare tactics. He realized that difficult climate and terrain could be used to one’s advantage. With adequate preparation and training in survival techniques, desert terrain could actually be used to one’s advantage while on operations, allowing a force to emerge from the desert and gain a tactical advantage. Lawrence knew that prudent use of wells and supply depots would allow him to cover vast distances.

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<sup>21</sup> Ibid, Chapter XXXIII, pp 193-202.

<sup>22</sup> Both books have been in print since his death in 1935.

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He could survive during long expeditions and could travel through desert considered as totally inhospitable by the enemy, emerging from it with considerable tactical advantage to attack his target. This was basic principle behind the Aqaba raid and he would re-use this tactic again.

A note of caution should be sounded at this point, however. Modern scholars, particularly Michael Asher (himself an ex-SAS soldier and desert explorer) has seriously questioned some of Lawrence's claims. By carefully examining Lawrence's own diaries and comparing them with accounts in *Seven Pillars*, Asher has noted several discrepancies and feels it was not possible for Lawrence to cover the distances in the times that he later claimed. Also, some of the more dramatic episodes in Lawrence's account, such as the claim that he was captured, tortured and raped in 1917, these cannot be supported by any other sources.<sup>23</sup>

Also, we should consider the matter of just where Lawrence drew his inspiration from. He has been cast as a natural-born guerrilla leader but it is now suspected that he may have derived inspiration from elsewhere. We now know that Major al-Masri, whom Lawrence had first met in 1916 before being posted to Arabia, had very similar theories as to how the war should be waged in Arabia. From the time he defected to the allied side, he proposed an irregular form of warfare in Arabia. On being seconded to the Arab army himself in 1916, he identified the vulnerability of the railway and suggested that a 'flying column' of 3,000 men with eight mountain guns be formed into a mobile force and used to attack the railway and later other targets.<sup>24</sup> This force, al-Masri argued, should never be used to fight pitched battles with the Turks. In short, al-Masri's "art of war" was very similar to that later adopted by Lawrence and other officers.

Despite these reservations, it is without doubt that Lawrence pursued a highly successful campaign and that he also was in touch with Arab political sensibilities and aspirations. It is not surprising therefore that, since 2001, a new generation of scholars and soldiers have returned to his writings in an effort to gain greater insight into contemporary insurgencies in Iraq and Afghanistan. Such an approach again requires caution. It must be remembered that, technically-speaking, Lawrence was an advocate and facilitator of Arab insurgency. He offered few insights at the time as to how this insurgency could be countered. For that we must look to Ottoman accounts of the campaign.<sup>25</sup> Also, Lawrence operated in a very specific historical and political context, a context that bears little resemblance to modern insurgencies.

Also, there are practical difficulties in incorporating aspects of his own education in Arab languages and cultural awareness. Lawrence had spent long periods in the Middle East for seven years before war broke out and he had been living there essentially full-time since 1911. No modern army could possibly hope to train its personnel to the same degree in languages and cultural awareness in the time-frame that is allowed pre-deployment.

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<sup>23</sup> See Asher, op cit, various places in the text but particularly pp 288-298.

<sup>24</sup> Ibid, p 164

<sup>25</sup> For a comprehensive treatment of the Ottoman army of this period, see Uyar, Mesut and Erikson, Edward (2009) *A military history of the Ottomans, from Osman to Atatürk*. USA.

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Despite these reservations, Lawrence will continue to remain a key figure in the history of both irregular warfare and the Middle East. His own post-war writings and career fuelled the 'Lawrence myth' and by the time of his death in 1935 he was an iconic figure while the 1962 film *Lawrence of Arabia* reintroduced him to a global audience. Each passing year finds this public fascination fuelled by new publications and it is understandable that military professionals have returned to him in recent years. But Lawrence must be approached with caution. His own pre-war career ideally suited him to the Middle East theatre during WWI. He does seem to have possessed an instinctual grasp of guerrilla warfare and his methods do have much to recommend them. But he was also a context-specific individual. Little of his story is transferable to current situations. It should also be borne in mind that the Arab Revolt was populated by inspirational and competent officers. It is just that they have been forgotten while the Lawrence myth has gone from strength to strength.<sup>26</sup>

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<sup>26</sup> For a fascinating alternate opinion, see Mousa, Suleiman. (1966) *T.E. Lawrence: an Arab view*. Oxford University Press, Oxford.





# A Failure in Command:

## A Study of the British Army's First Day on the Somme, 1 July 1916

All war is contingent. On 1 July 1916 thousands of British rose from their trenches on the Somme to implement a battle plan that did not allow for any contingencies. The focus for this essay is the British Army's ill-fated actions on the first day of the Somme Offensive and therefore will attempt to shed some light on the topic by exploring the background to the battle, the planning and preparation made by the British General Headquarters and of course the implementation of a strategy that was expected to deliver a crucial Allied victory. In particular, this essay seeks to explain how critical failures at command level betrayed the efforts of the British citizen soldier and proved to be a millstone around the necks of the men tasked to achieve this goal.

Following the outbreak of war on 4 August 1914 the British Expeditionary Force, that 'contemptible little army'<sup>1</sup> of six infantry and one cavalry division crossed the English Channel and took up positions opposite the marauding German armies in Northern France, upholding the *entente cordial* with its French allies whilst simultaneously attempting to symbolically preserve the neutrality of Belgium and other small nations. The autumn of 1914 was witness to a massive war of movement as the German army attempted to implement the daring Schlieffen plan and make a dash to seize Paris. It was only the costly Allied rearguard action at the Marne (the 'Miracle of the Marne') in September that stalled the month-long German offensive and provoked the 'Race to the Sea' as both sides attempted to turn the northern flank and resume the manoeuvre war that the generals were so desperate to implement.

Neither force could achieve this however and eventually the inevitable happened; the space to manoeuvre dissipated and the race ground to a halt as the English Channel was reached. The war of movement quickly became a war of attrition as a continuous line of fortifications were constructed that stretched five hundred miles between the Channel and the Swiss border. There were simply no more flanks to turn and as 1914 drew to a close the haunting spectre of trench warfare became a reality. Stalemate was the adjective to describe 1915 as the first half of the year heralded a see-saw of ineffective offensives with both sides attempting to break the deadlock. A British offensive at Neuve Chappelle in March was halted in its tracks whilst the Ypres salient witnessed the second of three bloody battles as the German Fourth Army attempted to probe for Allied weaknesses. Extremely limited gains were made on either side and in an effort to regain the initiative the Allies repeatedly tried to go on the offensive. Aubers Ridge, Festubert and Loos were all scenes of vast carnage as the British and French attacks were beaten down by dogged German defence.

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<sup>1</sup> Middlebrook, Martin. (1971). *The First Day on the Somme*, London, p xvii.

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New approaches were tried and the Turkish entry into the war on Germany's side produced the costly sideshow campaign in Gallipoli and the Dardanelles. All belligerents were haemorrhaging casualties with 'each fresh effort more demanding than the last... the more ambitious an attack, the heavier the cost. 1915 was a year of complete victory for defence; a combination of machine-guns, barbed wire and artillery defied all offensive moves.'<sup>2</sup> The fruitless endeavours of 1915 were all the more serious for Great Britain who, long dependent on her vast navy for territorial defence, had declined to build a vast conscript army in the years preceding the war, preferring instead to maintain a small, highly professional land force. The tempo and scale of operations in 1915 had steadily bled the British Expeditionary Force dry and by October both sides were happy to settle into a phase of static defence and 'while the soldiers made the best of their miserable conditions, the politicians and generals made their plans for 1916.'<sup>3</sup>

The Allies had begun planning a new offensive on the Western Front in December 1915. Terrain dictated where this assault would take place for 'much of the terrain which the trench line crossed was unsuitable for decisive operations.'<sup>4</sup> The plan for 1916 therefore was an offensive on a new front and 'by any sensible strategic reckoning, there were only three sectors where the lie of the land and the direction of the railways so ran as to favour an Allied attack; the Somme, Artois and the Champagne.'<sup>5</sup> The Somme, a sub-department of the Picardy region that takes its name from the river which flows through it, was the most sensible option and was chosen as it was a quiet sector, was a dry and well-drained area and most importantly it was the spot where the British Expeditionary Force met the French Sixth Army, thus allowing a combined operation between the two allies. Furthermore, there was plenty of time allocated to prepare the offensive, a measure which would utilise the staff skills of the British Army, 'skills not better shown than in preparations for the Somme.'<sup>6</sup>

However, the leisurely pace of Allied planning was to be rudely interrupted, when the German forces switched from the defensive to the offensive in mid February 1916 with a surprise offensive at Verdun, the lower hinge of the Western Front.<sup>7</sup> After the inconsequential fighting of the previous year, the German Chief of General Staff, Erich von Falkenhayn was of the opinion that a major breakthrough might not be achievable. He therefore went about drawing up a plan that would "bleed the French army white" by focusing an attack on a narrow and confined section of the front from which the French would be unable to withdraw, thus forcing them to feed reinforcements into a battle of attrition that favoured the Germans whilst gravely weakening the French. Verdun was a natural choice as the site for this offensive. An ancient fortress town, it was not only a historically significant landmark but also strategically vital. Furthermore, Verdun was isolated – it occupied a salient in the lines, was vulnerable on three sides, had poor rail communications and was completely dependant on a single road, the *Voie Sacrée*, for reinforcement. Falkenhayn's plan therefore was to concentrate vast artillery fire on the French positions around Verdun and follow them up with limited infantry assaults – the

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2 Ibid, p xix.

3 Ibid.

4 Keegan, John. (1976). *The Face of Battle*, Suffolk, p 214.

5 Ibid.

6 Keegan, John. (1998). *The First World War*, London, p 311.

7 Keegan, John, (1976). *Op Cit*, p 216.

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idea being that the artillery would do the hard work of destroying the French lines while the infantry would mop up. In a memo to the Kaiser at Christmas 1915, Falkenhayn articulated his strategy:

The strain on France has reached breaking point. A mass breakthrough—which in any case is beyond our means—is unnecessary. Within our reach there are objectives for the retention of which the French General Staff would be compelled to throw in every man they have. If they do so the forces of France will bleed to death.<sup>8</sup>

Whilst Falkenhayn's offensive failed to achieve a breakthrough it did have the potential to bleed the French Army to death. 'So hard did the Germans press their attacks that it was feared the French would be unable to hold on at Verdun. The Allied plans for their own simultaneous offensive were thrown into disarray as the French cried out for help.'<sup>9</sup> French casualties reached the 90,000 mark by March and when Joffre, the French Commander-in-Chief, met the new commander of the British Expeditionary Force, Douglas Haig, at the beginning of May 'it was calculated that losses would have risen to 200,000 by the end of that month.'<sup>10</sup> These staggering escalating casualty figures pressurised the Allied Commanders to bring forward the planned offensive;

Haig conceded the need to fix an early date of the opening of the Somme offensive; he indicated the period from 1 July to 15 August. At the mention of the later date, Joffre, extremely agitated, burst out that 'the French army would cease to exist' if nothing had been done by that date. On the spot, the two generals settled for 1 July. The British would attack with a dozen divisions north of the river, the French with twenty to the south.<sup>11</sup>

Effectively, then, the *raison d'être* for the largest British action in the war to date had now been diluted from the original plan to launch a large scale offensive that would smash the German lines and deliver victory by the superimposition of a new requirement that it also serve to relieve the pressure on Verdun. From the very beginning, then, the Somme offensive was compromised and that compromise was compounded at every stage in the subsequent preparation for and execution of the battle plan. The actual soldiers who would fight the battle are a case in point.

It was in this spirit of impetuosity that the British Army's would fight one of its largest actions. In order to fathom the consequences of such a rushed offensive we must therefore examine the men who would take part in it.

As mentioned previously the regulars and territorials of the British Expeditionary Force had been whittled down by nearly two years of fierce fighting. Their place was taken by the battalions and divisions of the 'New Army' – the interim force created by the Minister of War, Lord Kitchener. Upon the outbreak of war on 4 August 1914 'the popular opinion

8 Keegan, John. (1998). *Op Cit*, p 300.

9 Middlebrook, Martin. (1971). *Op Cit*, p xx.

10 Keegan, John. (1976), *Op Cit*, p.216.

11 *Ibid*, p.216.

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was that it was to be a short war,<sup>12</sup> however, Kitchener was one of the few dissenting voices and with remarkable foresight he not only predicted a 'conflict lasting at least three years' but also that 'there would need to be a much bigger army' to counter the vast German army on the continent.<sup>13</sup> Using the existing county regiment and depot system as a foundation, Kitchener was able to process the vast numbers of men who volunteered in the heady wave of patriotism and adventurism that followed the declaration of war that August and in total eighteen new divisions (500,000 men) were raised by the British Army by the end of 1914.

In tandem with the county regiments, many local authorities in Great Britain took the initiative in recruitment and a major draw to the 'New Army' was the promise that men of a particular locality, occupation or association could serve together in the same battalion. Thus the Clerks and Warehousemen of Manchester became the 18<sup>th</sup> Battalion, The Manchester Regiment, whilst men who volunteered from the small textiles town of Accrington and its surrounding boroughs (the Accrington Pals) became the 11<sup>th</sup> Battalion, The East Lancashire Regiment. This intense concentration of men from one locality or walk of life was to have tragic consequences as battle was joined at the Somme.

British General Headquarters (GHQ) was given a free rein to plan the summer offensive. With the French Army still consumed by the Verdun 'meat grinder', the hastily reinforced B.E.F. became the primary tool by which they would crack the German defences when battle was joined on the 'hard, dry, chalky soil of the Somme.'<sup>14</sup>

GHQ was painfully aware that 'their infantry battalions were wholly inexperienced; so too, and more critically, were their batteries of supporting artillery.'<sup>15</sup> Kitchener's divisions had come to France in late 1915 with the scantest of training and lacking experienced officers and NCOs. General Headquarters felt that the tried and tested tactics of fire and manoeuvre would be too complicated for the New Army to grasp and therefore felt resigned to devising an extremely basic tactical plan of attack comprised of three phases.

Firstly there would be a five-day bombardment of German positions of the like never seen before. Approximately 1,425 guns of various calibres or 'a gun, howitzer or mortar for every seventeen yards of the enemy front line'<sup>16</sup> fired nearly 1,508,653<sup>17</sup> shells, more in 'one week than the first twelve months of the war,'<sup>18</sup> in an attempt to destroy the German trench system, lines of communication and of course the barbed wire. Furthermore, sappers from the Royal Engineers tunnelled beneath the German's lines and planted seventeen mines to be detonated just prior to the infantry assault.

Secondly, following the detonation of the mines, the artillery bombardment would lift off the German lines and at 07.30 on 1 July (zero hour) the British infantry were to rise from their trenches and in battalion-sized waves would proceed forward at a steady pace to take the German front line. It was estimated that following such a tremendous

<sup>12</sup> Middlebrook, Martin. (1971). Op Cit, p 5.

<sup>13</sup> Ibid, p xx.

<sup>14</sup> Keegan, John. (1998). Op Cit, p 311.

<sup>15</sup> Ibid, p 312.

<sup>16</sup> Middlebrook, Martin. (1971). Op Cit, p 87.

<sup>17</sup> Ibid, p 105.

<sup>18</sup> Ibid, p 97.

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barrage the German wire would be cut and the occupants of their trenches either dead or incapacitated. Finally, reserve elements and cavalry units would advance through the now secure battlefield and advance through the German rear and take the town of Bapaume, some six miles to the rear.

On a strategic level the plan was even more basic. It called for the British Fourth Army under General Sir Henry Rawlinson to seize a 'ten mile front from Montauban, his most southerly point, to the River Ancre'<sup>19</sup> and hold them before the three cavalry divisions of Lieutenant General Sir Hubert Gough's Reserve Army exploited the gaps and advanced through the German rear. The crux of the operation therefore was for;

Rawlinson's infantry to break clear through the German lines [so] Haig could pass his cavalry through the gap and achieve his war of movement. If all went well he might even be able to force the collapse of the Germans in 1916 after all.<sup>20</sup>

The final piece on Haig's chessboard was the Third Army, commanded by General Sir Edmund Allenby, the man who later would lead a stellar campaign in the Middle Eastern theatre. However, on the 1 July 1916 it fell to two of his divisions (the 46<sup>th</sup> North Midland and the 56<sup>th</sup> London) to implement a risky and thoroughly unglamorous diversionary attack on the German salient at Gommecourt, a task that allowed Haig to 'kill two birds with one stone... to eliminate the awkward salient and, at the same time, provide a worthwhile diversionary effort to assist the main attack of Rawlinson's Fourth Army.'<sup>21</sup>

This plan was unpopular with many British officers (most notably Henry Rawlinson) who advocated a more limited 'bite and hold' operation to occupy a small section of the enemies lines which could then be exploited using their vast reserves of infantry and cavalry. However, Haig - under pressure from the French to relieve Verdun - could not be dissuaded and insisted on implementing the broad offensive initially envisioned.

Planning completed, zero hour was set for 07.30am, 1 July 1916. 'The battle was in the hands of the men, now; the generals could do nothing. For the first half an hour it would not even be a battalion commander's battle. The outcome would be decided by captains and second-lieutenants, lance corporals and privates.'<sup>22</sup>

At 07.20am on 1 July some 40,000lbs of mined explosives detonated beneath the German positions at Hawthorn Ridge redoubt and eight minutes later the remaining mines went off. An eerie silence descended on the battlefield as the week long artillery bombardment shifted off the German front lines 'and gun-layers adjusted their sights for the next target'<sup>23</sup> – the German's rear echelon. As the clock struck 07.30 officers whistles thrilled up and down the British lines and 'long lines of young men, burdened by the sixty pounds of equipment judged necessary to sustain them in a long struggle inside the German trenches, plodded off almost shoulder to shoulder.'<sup>24</sup>

<sup>19</sup> Ibid, p 70.

<sup>20</sup> Ibid, p 71.

<sup>21</sup> Ibid, p 73.

<sup>22</sup> Ibid, p 121.

<sup>23</sup> Ibid.

<sup>24</sup> Keegan, John. (1998). Op Cit, p 316.

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Despite their raw inexperience, Kitchener's men went into their first battle with the professionalism and discipline of a Guards regiment trooping the colour. 'The long lines rose, men looked to left and right as if to correct their on a parade ground and set off after their officers at a steady, well rehearsed pace towards the enemy. There was no rushing, no shouting.'<sup>25</sup> Unfortunately for the men of the B.E.F. it was from here that the battle began to go against them. Despite the record number of artillery shells fired in the build up to the offensive it soon became apparent that this preliminary bombardment had failed to give the infantry any advantage whatsoever. Not only were the German defenders (protected in deep, fortified dugouts) largely unscathed by the intense shellfire but also the barbed wire in no-mans land and surrounding the German lines was intact and uncut – the result of artillerymen using incorrect munitions (shrapnel shells instead of regular high explosive shells). To compound this problem, the British artillery regiments were not in contact with the infantrymen they were supporting, so as the battle progressed they continued to fire at pre-registered targets beyond the German front lines, targets that had little relevance to the battle that was unfolding.

The result of the offensive was a foregone conclusion from this point on. Six German divisions, seasoned by two years of fighting, extremely well trained and equipped, emerged from their bunkers and dugouts to engage their advancing foe. Five days of intense but ineffective shellfire had forewarned them of a British assault, and when the mines were detonated between 07.20 and 07.28 they knew the Allied push was imminent.

Their reaction was swift and deadly. An attacker at Gommecourt could hear a bugle as a look-out called the Germans from their dug-outs to man the trenches. The first machine-guns were soon in action and found easy targets. British soldiers struggling out of their trenches were hit and tumbled back, some dead before they fell. The Germans spotted some gaps in the British wire and their machine-guns soon turned these narrow alleys into death traps.<sup>26</sup>

These scenes were repeated across the length and breadth of the British advance. North of the Albert-Bapaume road (between Ovillers and Serre), the advance was almost a complete failure from the outset with many units failing even to reach the German lines, let alone gain a foothold.<sup>27</sup> The only slight success in this sector was achieved by the men of the 36<sup>th</sup> (Ulster) Division who gained a toehold on the Schwaben redoubt and pushed forward towards Bapaume. However, their success was not exploited and despite the Ulstermen's tenacity they were forced to pull back to their start line by late afternoon. After suffering heavy casualties and running desperately short on ammunition their position had become untenable.

The bulk of Rawlinson's Fourth Army, however, did not even manage to reach their first objectives, instead becoming entangled in German wire and cut down by accurate small arms fire from the opposing trenches. The story of 1 July is littered with tales of tragedy such as the decimation of the Newfoundland Regiment at Beaumont Hamel, or that of

<sup>25</sup> Middlebrook, Martin. (1971). *Op Cit*, p 122.

<sup>26</sup> *Ibid*, p 123.

<sup>27</sup> Sheffield, Gary. (2003). *The Somme*. London, p 10.

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the Tyneside-Irish Brigade at La Boisselle, both of whom were ordered to advance from reserve positions over open ground before reaching their own front line, all the time suffering withering fire from German machine guns and snipers. The Newfoundlanders suffered ninety-one percent casualties – twenty six officers and 658 men,<sup>28</sup> whilst each battalion of the Tyneside Irish suffered on average six hundred casualties.<sup>29</sup>

The few success stories for the British were mainly on the extremes of the front, to the far south and far north of the offensive. On the southerly axis, the three divisions attacking alongside their more experienced French Allies (the 7<sup>th</sup>, 18<sup>th</sup> and 30<sup>th</sup> Divisions) seized their objectives and captured the towns of Mametz and Montauban, albeit at the cost of 3,000 men. Ironically, the other success story of the day was that of the 56<sup>th</sup> (London) Division, part of Allenby's diversionary attack on Gommecourt. They seized the opposing German trenches but, like the Ulster Division, were forced to withdraw as casualties mounted and reinforcements failed to arrive. It is also worth mentioning the astounding successes of one isolated battalion, the 17<sup>th</sup> Highland Light Infantry (a New Army battalion nicknamed the Glasgow Commercial) who seized the Leipzig Salient by crawling to within forty yards of the German lines before zero hour and then rushing the trenches as soon as the barrage lifted. This use of initiative and ingenuity highlighted the effectiveness and innate talents of Kitchener's Army, initiative that was smothered by British High Command.

As dusk fell across the battlefield 'the two hundred British battalions that had attacked began to count the gaps in their ranks.'<sup>30</sup> All told, 'some 21,000 soldiers representing the cream of the manhood of Great Britain, Ireland and the colony of Newfoundland, had been killed or would die as a result of their wounds.'<sup>31</sup> Only five of the seventeen attacking divisions entered the German trenches, and of those five only three were able to hold the positions they had taken at such bitter cost. No British unit penetrated further than 2,000 meters inside the German lines and Haig's beloved cavalry were never used to exploit the few gaps opened by the infantry. Furthermore, medical services had collapsed from the strain of so many casualties. There were insufficient trains available to evacuate the wounded and the Casualty Clearing Stations were clogged with injured men. Many died as a result of these shortcomings and many more were maimed for life due to infections on untreated wounds. In essence, 1 July was a 'catastrophe, the greatest loss of life in British military history.'<sup>32</sup> Perhaps the magnitude of this tragedy was summed up most succinctly by Martin Middlebrook:

The only good to emerge from that terrible day was the display of patriotism, courage and self sacrifice shown by the British soldiers. Theirs is a memory that their country should cherish.<sup>33</sup>

The first day on the Somme was one of the darkest days in the history of the British Army and it thoroughly exposed the glaring inadequacies of the British General Staff.

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28 Middlebrook, Martin. (1971). *Op Cit*, p 189.

29 *Ibid*, p 267.

30 Keegan, John. (1998). *Op Cit*, p 317.

31 Middlebrook, Martin. (1971). *Op Cit*, p 243.

32 Keegan, John. (1998). *Op Cit*, p 318.

33 Middlebrook, Martin. (1971). *Op Cit*, p 292.



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There are obvious criticisms to be made. The rigid performance of the Royal Artillery who, despite the massive firepower at its disposal, seemed to have no effect whatsoever on either the German positions or the razor wire protecting them. The cavalry divisions, so costly to maintain and of dubious value in twentieth century warfare, kept in France at Haig's insistence yet ignored when gaps at Gommecourt or the Schwaben Redoubt could have been excellently exploited by fast moving horsemen. And of course there was the catastrophic failure of the medical service which consigned thousands of wounded men to agony as they waited in the open for even the most rudimentary medical care.

However, all of these pale in comparison to the failings of General Sir Douglas Haig and his senior staff. All war is contingent, a point lost on British General Headquarters. Rather, they conducted the actions of 1 July in a manner akin to a peacetime exercise on Salisbury Plain, adopting a plan that was more hope than strategy. This criticism is not simply a question of hindsight. Basic and elementary errors that should have been apparent at the time were committed again and again. One is given the impression that Haig and his subordinates treated the battle like a mathematical equation, presuming that the massive artillery bombardment would crush the German defences and preparing no contingencies for when the Germans fought back.

This sclerosis in command was further compounded by GHQ denying junior commanders on the ground the use of their own initiative to tailor their attack to suit local conditions. As previously identified, GHQ doubted the quality of Kitchener's Army and therefore confined the new troops with a simple yet inflexible plan of attack. Battalions who adhered rigidly to this plan inevitably suffered massive casualties, however, when initiative was used (as in the case of the Glasgow Commercial) the efforts bore fruit. The weakness therefore was not the New Army – it was a command structure handicapped by its own myopia. In essence, the British plan for 1 July was one of mistrust, by denying initiative and failing to establish the conditions necessary for the troops to deliver victory. Perhaps the most damning indictment of Haig and General Headquarters however, is the fact that for the men, achievement ultimately lay with those who had abandoned the battle plan altogether.

# How Lawyers Lead the Way on Torture

## An Examination of the Bush Administration's Departure from International Human Rights norms after 11 September 2001

The law exists together with torture in a dance between good and evil. Torture lurks beneath the law, waiting to see the light of day, never destroyed. The trauma of 9/11 seems to have reawakened the power of torture in contradistinction to the law.<sup>1</sup>

### Introduction

At the outset of World War II, there existed in Germany a struggle over the application of the Geneva and Hague Conventions, which as Horton<sup>2</sup> noted, represented a fascinating insight into the study of legal ethics under the most stressful of conditions. On one side stood a band of political lawyers, who shredded the essence of international humanitarian law because they saw in it a hindrance to the effective prosecution of a war effort against an ideologically driven opponent. Indeed, the Nuremberg tribunal commented on the behaviour of such lawyers as having “prostituted a legal system for the accomplishment of criminal ends.”<sup>3</sup>

On the other side, stood a small group of dedicated and conscientious military lawyers attached to the Abwehr,<sup>4</sup> led by Helmuth James von Moltke. This group of lawyers advocated a faithful application of international humanitarian law that demonstrated supreme courage. As Horton notes, “it was not merely a bad career move to adopt these positions which openly challenged the views of their political ideologue masters – it was viewed as an act of betrayal, which put their lives at risk.”<sup>5</sup>

Horton outlines how Moltke, disgusted by an atmosphere in which the law was subverted to political expedience, went so far as to draft a memorandum, dated 14 June 1943, that envisioned a special international criminal tribunal to be convened at the conclusion of World War II for the purpose: “of bringing to justice all who had shamelessly violated the

1 Greenberg, K. (2006). *The Torture Debate in America*. New York, Cambridge University Press, p 6.

2 Horton, S. (2006). 'Through a Mirror, Darkly: Applying the Geneva Conventions to a new kind of warfare' in Greenberg, K. (ed), *The Torture Debate in America*. New York. Cambridge University Press, pp 136-151.

3 United States v. Altstotter, 3 Trials of War Criminals before the Nuremberg Military Tribunals under Council Law No. 10, 1086 (1949).

4 The *Abwehr* or *Abwehr im Oberkommando der Wehrmacht* was the German military intelligence organization from 1921-1944. Its chief reported directly to the German High Command.

5 Horton, Op Cit, p 146.

laws of war.”<sup>6</sup> Tragically, Moltke was executed by the Nazis in 1945 for his outspoken views but his vision of a ‘special international criminal tribunal’ was made a reality by the Nuremberg tribunal which eventually brought his executioners to justice.

This article seeks to better understand why US government lawyers in the aftermath of 9/11 failed to hold themselves to the high ethical standards of Helmuth James von Moltke and his colleagues in the Abwehr. Unlike von Moltke, US government lawyers post 9/11 saw international law as a malleable instrument that could be twisted to achieve a desired political objective. This approach was best demonstrated by the now infamous Bybee memo, whereby lawyers of the Office of Legal Counsel (OLC) interpreted the United Nations Convention Against Torture (UNCAT) in a manner so vastly askew from the norm that a former OLC official described it as “...the most clearly erroneous opinion I have ever read.”<sup>7</sup> It is arguable that US lawyers not only failed to follow the example of Moltke but rather stepped back in time and in sync with Moltke’s tormentors. The relevance of this paper as regards the Irish Defence Forces is to determine what lessons Irish military legal advisors (Legads) can learn from the fallout of the Bybee memo, so as to avoid the mistakes of the past and present.

### **Understanding the Torture Battleground-Utilitarianism Vs Humanitarianism**

In order to better understand how lawyers working for the OLC came to formulate the Bybee memo, it is instructive to examine the two philosophies which underpin the torture debate. For those that support the use of torture in extreme circumstances such as the ‘ticking bomb’ scenario,<sup>8</sup> their central theme is that of utilitarianism and for those in opposition, their argument is rooted in the deontological stream of humanitarianism. Krauss and Lacey make the point that these two schools of thought have long battled for pre-eminence among policymakers, the political elite, and the society they both serve.<sup>9</sup> In discussing the diametrically opposed philosophies, Krauss and Lacey state:

Unfortunately, each side views the other as the enemy. It may only be a slight oversimplification to suggest that the utilitarian sees the humanitarian as intent upon shattering the national defense, while the humanitarian views the utilitarian as unconcerned with the killing of innocent civilians.<sup>10</sup>

Their analysis dovetails with the torture debate, in that utilitarians view torture as a necessary evil, whereas the humanitarians of the Kantian stream believe that by contemplating torture one is in fact creating the evil.

### **After 9/11 the Gloves Came Off**

As Krauss and Lacey note, humanitarians and utilitarians have long fought for pre-eminence amongst policy makers. Indeed, the aftermath of 9/11 provided a new battleground for these ancient adversaries. While the US and others had suffered at the

<sup>6</sup> Ibid, p 147.

<sup>7</sup> Koh, 2002; cited by Dean, J. (2005) The Torture memo by Judge Jay S. Bybee that haunted Alberto Gonzales Confirmation Hearings. Findlaw, [Internet], available from :<<http://writ.corporate.findlaw.com/dean/20050114.html>>.

<sup>8</sup> The ticking bomb scenario is an often used argument by those in favour of torture in extreme situations. The argument maintains that if a captured terrorist had information relating to an imminent terrorist attack that would cause mass casualties; then it would be morally acceptable to torture that terrorist in order to save innocent lives.

<sup>9</sup> Krauss, E.S. and Lacey, M.O. (2002). ‘Utilitarian vs. Humanitarian - The Battle Over the Law of War.’ *Parameters, US Army War College Quarterly*, Vol. XXXII, No.2.

<sup>10</sup> Ibid, p 73.

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hands of terrorists before, the 9/11 attacks resulted in the US adopting a new approach to combating terrorism. Prior to the 9/11 attacks, the US regarded terrorism as a crime as defined by section 2331(A) of the 18<sup>th</sup> US Criminal Code (USC).<sup>11</sup>

An example of an act of terrorism that subsequently resulted in a successful criminal prosecution was the FBI investigation of the Lockerbie bombing of 1988. Nevertheless, on the 20 September 2001, President Bush in his address to a joint session of Congress, described the 9/11 attacks as an “Act of War.”<sup>12</sup> It was perhaps felt that the sheer scale of the attacks and the resultant casualties justified an abandonment of the criminal justice system. As the Harvard Law Review noted, “...the criminal law, which may once have seemed a sufficient mechanism for combating terror may no longer appear adequate to the task.”<sup>13</sup>

After 9/11, the US felt compelled to move from a humanitarian based liberalist outlook on world affairs to that of the utilitarian realist perspective. This new realist position was best described by Cofer Black, the State Department’s counter-terrorism co-ordinator, who in giving evidence to Congress post 9/11, stated that “...as regards terrorists, post 9/11 the gloves are off.”<sup>14</sup>

This new ‘gloves off’ approach of the then US Administration is reflected in what is now commonly referred to as the ‘Bybee memo’ after its author Jay S. Bybee.<sup>15</sup> The Bybee memo was a formal legal opinion of the OLC which interpreted UNCAT to which the US is a signatory. The memo defined torture so narrowly that only activities resulting in death, organ failure or the permanent impairment of a significant body function would qualify as torture.<sup>16</sup> Dorf notes that the August 2002 memo seized on the definition of torture as defined in UNCAT, which refers to torture as any act that causes “severe pain or suffering.”<sup>17</sup> Therefore, the basic strategy of the memo was to treat all but the most horrific acts as insufficiently severe to constitute torture.

Thus the Bybee memo set the torture threshold at “excruciating and agonizing pain” or pain “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.” A former counsel to the US President, John W. Dean has stated that Bybee’s interpretations guided the Bush Administration for twenty-two months and may in fact have led to Americans engaging in torture at Abu Ghraib and elsewhere.<sup>18</sup> It is against this backdrop or ‘gloves off’ approach to terrorism that one can best compare how US practices during the presidency of George W. Bush squared with existing International Human Rights norms.

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11 “Involving violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any state, or that would be a criminal violation if committed within the jurisdiction of the United States, or of any state.” (USC, 2000).

12 Bush, G.W. (2001). *Address to Joint Session of Congress following 9/11 Attacks*, available from: <http://www.americanrhetoric.com/speeches/gwbush911jointsessionspeech.htm>.

13 Wilkens, (2002). ‘Responding to Terrorism: Crime, Punishment, and War’, *Harvard Law Review*, 4, p 1231.

14 Black, C. 2002; cited by Bowden, M. (2003). ‘The Dark Art of Interrogation’, *Atlantic Monthly*, 292, p 56.

15 Memo was dated the 01st August 2002 and was signed by Jay S. Bybee, the then Assistant Attorney General for the OLC.

16 Bybee, J.S. (2002). *Memorandum for Alberto Gonzales Re; Standards of Conduct for Interrogation under 18th USC 2340-2340A dated 01 August 2002*, available from: [http://www.lawofwar.org/bybee\\_memorandum\\_of\\_1\\_august.htm](http://www.lawofwar.org/bybee_memorandum_of_1_august.htm).

17 Dorf, M.C. (2006). ‘Renouncing Torture’ in Greenberg, K. (ed), *The Torture Debate in America*, New York, Cambridge University Press, pp.247-253.

18 Dean, J. (2005). ‘The Torture memo By Judge Jay S. Bybee that Haunted Alberto Gonzales Confirmation Hearings.’ *FindLaw*, January, available from: <http://writ.corporate.findlaw.com/dean/20050114.html>.

## Torture – The International Human Rights Norms

The roots of the absolutist position as regards torture are found in the 1950 European Convention on Human Rights (ECHR). Article 3 of the ECHR prohibits torture in absolute terms, in that it states “No one shall be subjected to torture or to inhuman or to degrading treatment or punishment.” Furthermore, Article 15(2) provides that there can be no derogation from Article 3 whatsoever. While the ECHR is a regional document, its comprehensive case law has been instrumental in helping one to understand what actions actually constitute torture, inhuman or degrading treatment.

An important case in determining what acts actually constitute torture is *Ireland v. United Kingdom* [1978] 2 EHRR 25. This case concerned five particular interrogation techniques used by the UK security forces against suspected terrorists in Northern Ireland in the 1970s. The techniques included wall standing, hooding, subjection to noise and deprivation of sleep, food and drink. Initially, the European Commission was unanimous in holding that all of these measures amounted to torture. However, the European Court found against the decision and classified the techniques as inhuman treatment. Nevertheless, Fionnuala Ní Aoláin noted in respect of the case and its judgement that “the courts standards have shifted over the intervening 25 years; were this case to appear on the courts docket today the outcome might well be a very different one.”<sup>19</sup> Ní Aoláin’s comments ring true when one examines the French case of *Selmouni v. France* [1999] 29 EHRR 403, where the European Court found that the French state had violated the torture prohibition. The Court commented that:

Certain acts which were classified in the past as ‘inhuman and degrading’ as opposed to ‘torture’ would be classified differently in the future. The increasingly high standard being required in this area of the protection of human rights and fundamental liberties correspondingly and inevitably require greater firmness in assessing breaches of fundamental values of democratic societies.<sup>20</sup>

Perhaps the most significant international document directly concerning the prohibition of torture is UNCAT. This Convention was enacted in 1984 and is generally acknowledged as a significant development in international law. Indeed, Hathaway noted that “...the Convention stands as a symbol of the triumph of international order over disorder, of human rights over sovereign privilege.”<sup>21</sup> A key aspect of UNCAT is that it provides for a definition of torture, unlike the ECHR which relies on its ever developing case law. Article 1(1) of UNCAT states “For the purpose of this Convention, the term ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person....”

While UNCAT and its definition of torture were seen as advancing human rights norms, the provision of a definition, unlike the ECHR, has resulted in lawyers interpreting UNCAT in a manner that suits their own needs, as evidenced by the Bybee memo. Indeed Philippe

19 Ní Aoláin, F. (2004). ‘The European Convention on Human Rights and its Prohibition on Torture’ in Levinson, S. (ed), *Torture, A Collection*, Oxford, Oxford University Press, p 213

20 *Selmouni v. France* [1999] 29 EHRR 403 at 101.

21 Hathaway, O.A. (2004). ‘The Promise on Torture and the Limits of the Law’, in Levinson, S. (ed), *Torture, A Collection*, Oxford, Oxford University Press, p 199.

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Sands QC noted that “the memo read not as an objective assessment of what the law permits or precludes, but as a strained effort to rationalize a predetermined and illegal result.”<sup>22</sup>

### **Advisor or Advocate – Ethics and the Bybee Memo**

The legal ethicist, David Luban<sup>23</sup> in commenting on the Bybee memo asked the question; aren't lawyers supposed to spin the law to their client's advantage? In answering his own question, Luban stated that when you're advising your client, the answer is absolutely not. Further, he states “the distinction between lawyers in their roles as advisors and advocates is fundamental to the ethics of the legal profession.”<sup>24</sup> Luban states that the clearest explanation of the lawyer's dual functionality appears in the report on professional responsibility issued by a joint conference of the ABA and the Association of American Law Schools in 1958. In respect of the advocate the report states that:

The man who has been called into court to answer for his own actions is entitled to a fair hearing. Partisan advocacy plays its essential part in such a hearing, and the lawyer pleading his client's case may properly present it in the most favourable light.<sup>25</sup>

However, the report adopts an entirely different approach, when examining the role of the advisor in providing pre-decisional advice. The report outlines that the reasons that perhaps justify and even require partisan advocacy in a trial do not apply when a lawyer is acting as an advisor. The report states that the advisor “... must be at pains to preserve a sufficient detachment from his client's interests so that he remains capable of a sound and objective appraisal of the propriety of what his client proposes to do.”<sup>26</sup>

Nevertheless, it remains the case that lawyers working in hierarchical institutions such as government departments and militaries are under various pressures to produce opinions that coincide with their employer's policy objectives. Bowker acknowledges this point when he states that some government lawyers in the aftermath of 9/11 “understandably had a single-minded desire to help the President defend the country and win the war on terrorism. His advisors were expected to think ‘outside the box’ about ways to thwart further acts of terrorism after 9/11.”<sup>27</sup> Therefore, in order to garner a deeper understanding of the underlying thought process of those behind the Bybee memo and of those that opposed their actions, it is instructive to examine the various legal ethical issues from a theoretical perspective.

### **The ‘Dominant View’**

The underlying ethical perspective of lawyers, who seek to advise their clients with one eye on their client's particular policy, as reflected by the Bybee memo scenario, is referred

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<sup>22</sup> Sands, P. and Cole, D. (2009). *The Torture Memos: Rationalizing the Unthinkable*, Oxford, Oneworld, p 4.

<sup>23</sup> Luban, D. (2006). ‘Liberalism, Torture, and the Ticking Bomb’ in Greenberg, K. (ed), *The Torture Debate in America*, New York, Cambridge University Press, pp.35-84.

<sup>24</sup> *Ibid*, p 68.

<sup>25</sup> Fuller, L. and Randall, J.D. (1958). ‘Professional Responsibility: Report of the Joint Conference of the ABA/AALS’, *American Bar Association Journal*, 44, p 1159.

<sup>26</sup> *Ibid*, p 1159.

<sup>27</sup> Bowker, D.W. (2006). ‘Unwise Counsel: The War on Terrorism and the Criminal Mistreatment of Detainees in U.S. Custody’ in Greenberg, K. (ed), *The Torture Debate in America*, New York, Cambridge University Press, p 199.

to as the 'dominant view.' Perlman outlines that the dominant view consists essentially of two concepts: the principles of partisanship and non-accountability.<sup>28</sup> He informs us that the partisanship principle supplies the dominant view's prescription regarding strategy choice ethics, and the non-accountability principle refers to the belief of those who subscribe to the dominant view that lawyers are not morally accountable for their choices of clients or their tactics. He further states that the partisanship principle outlines that lawyers should undertake all lawful actions that best serve their clients interests, even if those actions are antithetical to the interests of justice or morality in particular cases. In his defence of this principle, Professor Charles Fried also explains that a lawyer should "adopt as his dominant purpose the furthering of his client's interest . . . [and should] put the interests of his client above some idea, however valid, of the collective interest."<sup>29</sup> In short, if the client wants the lawyer to pursue a lawful strategy no matter how morally objectionable, the dominant view posits that the lawyer must pursue it.

Perlman informs us that the second component of the dominant view, referred to as 'the non-accountability principle' is the view that lawyers are not morally responsible for the clients they represent or for the lawful means they employ to accomplish their client's objectives. He cites the example whereby a lawyer decides to represent a client that society deems morally or politically repugnant, such as an admitted child molester or a Ku Klux Klan rally organiser. Essentially, the non-accountability principle posits that the lawyer is never morally responsible for taking on such clients. As Professor Fried argues, "the individual lawyer does a morally worthy thing whomever he serves. . . . As long as the tactic is lawful, the lawyer should not be criticized for pursuing it."<sup>30</sup> Therefore, similar to the partisanship principle, the non-accountability principle intimates that the lawyer as a legal professional is essentially immunised from moral critique.

### **The Moral Activist Viewpoint**

While the authors of the Bybee memo would subscribe to the ethics as outlined above, there exists an opposite viewpoint, best espoused by Luban, as regards how lawyers should behave ethically.<sup>31</sup> In essence, the critics of the dominant view of ethics point to its lack of morality and social values. In referring to the advisory role as opposed to the normal criminal advocacy role as previously discussed, Luban states that the morally activist lawyer aims to share with his/her client responsibility for the ends s/he is promoting in their representation. Further, the moral activist lawyer would also care more about the means used rather than simply rely on the fact that such means are sterilely legal. As a result, the morally activist lawyer will challenge the client if the representation seems to him or her to be morally unworthy. Luban states that such a lawyer "...may cajole or negotiate with the client to change the ends or means; she may find herself compelled to initiate action that the client will view as betrayal; and she will not fear to quit."<sup>32</sup> In short, Luban's moral activist lawyer will not countenance the principle of non-accountability and will impose severe limitations on what partisanship permits.

<sup>28</sup> Perlman, A.M. (2001). *A Career Choice Critique of Legal Ethics Theory*, Suffolk University Law School.

<sup>29</sup> Fried, C. (1976). 'The Lawyer as Friend: The Moral Foundations of the Lawyer-Client Relation', *Yale Law Journal*, 85, p 1060.

<sup>30</sup> *Ibid*, p 1078.

<sup>31</sup> Luban, D. (1988). *Lawyers and Justice*, Princeton, Princeton University Press.

<sup>32</sup> *Ibid*, p xxii.

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## Legad – A Moral or Amoral Adviser?

Having considered the varying ethical positions as outlined above, it is instructive from a personal perspective to ascertain the position that Irish military legal officers should adopt when advising commanders. Schmitt<sup>33</sup> notes in respect of US legal officers, known as Judge Advocate General Staff (JAG) officers, that the morally centred JAG can in fact act as a force multiplier. Schmitt states that in the reality of the twenty-first century battlefield, JAGs must often provide advice that goes beyond that which is strictly legal. Schmitt opines that the enemies of the US often engage in 'lawfare', which involves allegations of unlawful actions to weaken domestic and/or international support for US operations.

By way of an example, Schmitt notes that some forces use civilians as military shields thereby forcing US commanders to choose between not striking a shielded target or attacking it (as allowed by ROE) and causing civilian casualties which will be used by the enemy to condemn US operations. Therefore the stakes are high, a point made succinctly in the recently issued US Army and Marine Corps counterinsurgency field manual which states "Lose Moral Legitimacy, Lose the War."<sup>34</sup> While Schmitt and Luban emphasise the importance of lawyers understanding that they cannot operate as amoral individuals, both acknowledge that the lawyer must in the first instance understand when it is that they are an advisor or advocate.

## Conclusion

### The Bybee Memo - a Failure of Legal Ethics

Central to the development of the Bybee memo was the extent to which lawyers in the OLC simply lost their ethical compass and allowed the two distinct roles of the lawyer; the advocate and advisor, to become blurred. As Schmitt noted in discussing the Bybee memo and this dual function of lawyers; the Bybee memo represented a "classic example of the lawyer crafting a legal opinion in order to give the boss what he wanted to hear."<sup>35</sup> Schmitt further stated that it was important to realise that the advice rendered was "confidential advice"<sup>36</sup> to a client on the state of the law. Therefore, Schmitt believed that when rendering such advice "a lawyer, especially a government lawyer, is obligated to provide 'objective' advice to the client on the state of the law."<sup>37</sup> This, Schmitt believes, is the lawyer acting in the advisory role, which was required in the Bybee example, as opposed to the advocacy role.

Considering that the very best of US lawyers could fall short of their ethical responsibilities, it is paramount that Irish Defence Forces Legal Officers learn from their mistakes. While lawyers, as a result of professional training, are aware of the ethical importance of the dichotomy of the advisor and advocate roles; even the most competent and morally centred individuals in pressurised times can allow these roles to blur. Therefore, it is with all the more reason and admiration that one should return to the story of Helmuth James von Moltke during World War II. Moltke, under the very real peril of execution for simply fulfilling the role of an ethical legal advisor, not only believed in what was best about the

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<sup>33</sup> Schmitt, M. (2008). 'Lawyers on Horseback? Thoughts on Judge Advocates and Civil-Military Relations', *UCLA Law Review*, 55, p 1407.

<sup>34</sup> U.S. DEPT OF THE ARMY, FIELD MANUAL 3-24, COUNTERINSURGENCY 7-9 (2006).

<sup>35</sup> Interview with Professor Schmitt on the 04 March 2010 by author.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*



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law - seeking justice, regulating state power and respecting human dignity - he ultimately gave his life to prevent its worst excesses; the manipulation of legal doctrine, twisted cynically in whatever direction that serves the client's desires. To that end, if international law is to be respected, it is up to its practitioners to understand, that in times of crisis, if the law is to mean anything, then it is that it cannot be endlessly malleable.

# Direct Participation in Hostilities Under International Humanitarian Law – Time for Introspection?

However, new reality at times requires new interpretation. Rules developed against the background of a reality which has changed must take on a dynamic interpretation which adapts them in the framework of accepted interpretational rules, to the new reality.<sup>1</sup>

## New Realities

Law has always responded and evolved to the tectonic shifts in warfare. In light of this symbiotic relationship, it is always important that we inform ourselves of new developments/theories which of themselves may either strain or strengthen aspects of that body of law.<sup>2</sup> In this regard one of the vexed issues of the 21<sup>st</sup> century battle space has been the increased role of non-combatants (civilians) in the ever increasing non-linear, non-contiguous 'armed conflict' battle space.<sup>3</sup> The issue becomes more accentuated, when engaging in 'attacks' in international armed conflicts<sup>4</sup> and /or non-international armed conflicts<sup>5</sup> against adversaries, in a battle space where the distinction between 'civilian' and 'combatant' becomes increasingly blurred. This has particular resonance where civilians, in electing to directly participate in hostilities, effectively, as the Israeli Supreme Court opined "change their hat at will, between the hat of a combatant and the hat of a civilian",<sup>6</sup> resulting in what is otherwise referred to as the "revolving door phenomenon". This article conducts a brief examination<sup>7</sup> of the central tenets of the recently International Committee of the Red Cross (ICRC) issued *Interpretative Guidance on the Notion of Direct Participation in Hostilities*<sup>8</sup> to see in what respects the guidance offers within both the inter-State and intra-State strands as it pertains to both 'combatants' and 'civilians'. In the

1 President (Emeritus) A. Barak *The public Committee against Torture in Israel v. The Government of Israel*; [2005] Supreme Court HCJ 769/02. The case concerned a public interest challenge to the State of Israel's 'policy of targeted frustration' between 2000 and 2005 the period of the second *intifada*. Under this policy the security forces act in order to kill members of terrorist organisations involved in the planning, launching, or execution of terrorist attacks against Israel.' *Since the commencement of these acts and up to the end of 2005 close to 300 members of terrorist organisations have been killed by them*' *ibid* 1 at paragraph 2.

2 Schmitt. (2007). 'Effects Based Operations and the Law of Aerial Warfare.' *Washington University Global Studies Law Review* 2007.

3 This paper is confined to the spectrum of 'armed conflict' as prescribed under Geneva Law; Geneva Convention For The Amelioration of the Condition of the Wounded in the Field; Geneva Convention For The Amelioration of The Condition Of Wounded, Sick And Shipwrecked Members of Armed Forces at Sea; Geneva Convention Relative To The Treatment of Prisoners of War; Geneva Convention Relative To The Protection of Civilian Persons in Time of War; Protocol I of the 8th June 1977 Additional to the Geneva Conventions of 12 August 1949 (hereinafter Additional Protocol II); Protocol II of the 8th June 1977 Additional to the Geneva Conventions of 12 August 1949 (hereinafter Additional Protocol I).

4 Dinstein, Y. (2004). *The conduct of hostilities Under the Law of International Armed Conflict*. United Kingdom, University Press Cambridge, p. 2.

5 *Ibid* 4 at page 14. Intra-State conflict is regulated by both common article 2 and 3 of the Geneva Conventions and Protocol II of the 8th June 1977 Additional to the Geneva Conventions of 12 August 1949.

6 President (Emeritus) Barak, *Op Cit*, paragraph 12.

7 An exhaustive analysis of all aspect of the Interpretative Guidance is not within the scope of this article.

8 ICRC. 'Interpretative Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law.' reprinted in *872 Int'l Rev. of the Red Cross* 991-1047, 995 (Dec.2008). Although the date of the journal is 2008, the guidance was not released until mid -2009. Available at [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0990/\\$File/ICRC\\_002\\_0990.pdf](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0990/$File/ICRC_002_0990.pdf).

final analysis the article will briefly examine the complexity of applying such guidance within the 21<sup>st</sup> century battle space as currently experienced in Afghanistan, where the Troop Contributing Nations (TCNs) face scrutiny pertaining to targeted killings<sup>9</sup> within a conflict paradigm some governments<sup>10</sup> and experts<sup>11</sup> recognise as non-international in character.

The significance of any new interpretative guidance albeit descriptive, as in the instant case, should not be understated, in particular, where it seeks to provide granularity and guidance within existing International Humanitarian Law (IHL) normative frameworks, especially, where those normative frameworks form a not insignificant part of Irish statute law.<sup>12</sup> They consequently shape the Defence Forces operational law paradigm and our own commanders' lawful duties, should they find themselves deployed within such conflict spectrum or transposed into one. Accordingly, it is the author's view that any discourse generated from this article, needs to be shared and not remain the exclusive domain of the legal advisor.

Against this backdrop the question of what constitutes a 'combatant' and a 'civilian' for the purposes of the law naturally arises.

### **Combatant**

What makes a person a combatant? The answer to this question must always be preceded by a determination as to the nature and classification of the 'armed conflict' – International or non-international. Since critically the classification of the conflict determines the normative framework within which the commander functions.

The international armed conflict paradigm includes of course the 'armed forces'. It also includes people who fulfil the following conditions:

The laws, rights and duties of war apply not only to armies but also to militia and volunteer corps fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognisable at a distance;
3. To carry arms openly;
4. To conduct operations in accordance with the laws and customs of war.<sup>13</sup>

Article 13 of the First<sup>14</sup> and Second<sup>15</sup> Geneva Conventions and Article 4 of the Third<sup>16</sup> Geneva Conventions repeat the wording. Article 43 paragraphs 1 and 2 of Additional

9 Stern, J. (2010). 'German Foreign Minister defends targeted killings in Afghanistan': <http://www.wsws.org>; Time (2010). 'Germany comes to terms with its new war': <http://www.time.com/time/world/article/0,8599,1978800,00.html>.

10 Schaller, C. (2010). *Military operations in Afghanistan and international humanitarian law*. German Institute for International and Security Affairs, SWP Comments, No.7- Germany qualifies the conflict as being non-international in character.

11 Turns, D. (2009). 'Jus as pacem in bello? Afghanistan, stability operations and international law relating to armed conflict.' *Israeli Yearbook on Human Rights*, Vol 39, 36. asserts that the UK would regard the ongoing hostilities as non-international armed conflict. This position however is not agreed by some jurists including Yoram Dinstein (2009) 'Concluding remarks on terrorism and Afghanistan' *Israeli Yearbook on Human Rights* 325.

12 Geneva Conventions Acts 1962; Geneva Conventions (Amendment) Act 1998.

13 Section 1 Chapter 1 of the Convention (IV) respecting the Laws and Customs of War on Land. The Hague, 18 October 1907.

14 Geneva Convention For The Amelioration of The Condition of The Wounded in the Field.

15 Geneva Convention For The Amelioration of The Condition Of Wounded, Sick And Shipwrecked Members of Armed Forces at Sea.

16 Geneva Convention Relative To The Treatment of Prisoners of War.

Protocol 1 expanded the definition to certain private armed groups.<sup>17</sup> The expanded definition ended what Hays Parks describes as the “centuries old monopoly that only nations and their authorised armed forces ... may engage in war...while providing new rules for the manner in which private armed groups may engage in hostilities.”<sup>18</sup> Again it is important to note these definitions are applicable within the international armed conflict normative framework or as stated earlier ‘inter-State conflict’.

The non-international armed conflict normative framework, prescribed at Article 1 of Additional Protocol II and Common Article 3 to the Geneva Conventions, delineates between armed forces and dissident armed forces or other organised armed groups which under responsible command exercise such control over part of its territory as to enable them to carry out sustained and concerted military operations. The case law of the International Tribunal for the Former Yugoslavia (ICTY) in *Tadic*<sup>19</sup> set out that there must be “protracted armed violence and any armed non-state actor must possess a certain level of organisation...” The relevance of this is underpinned by the increasing acknowledgement that the “armed conflict in Afghanistan is currently governed by the customary and treaty rules applicable to armed conflicts of a non-international character.”<sup>20</sup> This naturally impinges on a commander's target set underpinning the requirement for a clear understanding as to who constitutes; ‘dissident armed forces’ and or ‘organised armed groups’ within his or her battle space.

### Civilian

Interestingly, the definition of civilian under Geneva Law is negative in nature. According to Additional Protocol 1 in situations of international armed conflict civilians are defined as all persons who are neither members of the armed forces of a party to the conflict nor participants in a *levée en masse*<sup>21</sup>. While in situations of non-international armed conflict civilians are defined in manuals as all those who are not fighters<sup>22</sup> i.e. not members of State armed forces or organised armed groups of a party to a conflict.

### Third Categories?

It is important, to underpin by way of preambular reference, that this article views only two categories of individuals on the battlefield: ‘combatants’ and ‘civilians’. It is the view of the author that the terms ‘Unlawful combatants/unprivileged belligerents’ are not a third battlefield category and would not be reflective of Ireland's interpretation of our own statute law. It is this author's view that Cassese articulates the more accurate legal position:

Unlawful combatant’ is a shorthand expression useful for describing those civilians who take up arms without being authorised to do so by international

<sup>17</sup> Article 43 Protocol I of the 8th June 1977 Additional to the Geneva Conventions of 12 August 1949 (“The armed forces of a party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to a party for the conduct of its subordinates, even if that party is represented by a government or an authority not recognized by an adverse party. Such armed forces shall be subject to an internal disciplinary system which *inter alia* shall enforce compliance with the rules of international armed conflict...members of the armed forces of a party to a conflict...are combatants, that is to say, they have the right to participate directly in hostilities”)

<sup>18</sup> Parks, M. (2009). “Part IX of the ICRC ‘Direct Participation in Hostilities’ Study: No Mandate, No Expertise, and legally incorrect.’ Vol. 42:769, *NYU Journal of International Law and Politics*. 780. available at <[http://www.law.nyu.edu/ecm\\_dlu3/groups/public/@nyu\\_law.com](http://www.law.nyu.edu/ecm_dlu3/groups/public/@nyu_law.com)

<sup>19</sup> ICTY, Prosecutor v. Tadic, Case No.IT-94-1-T, Decision on Defence Motion for Interlocutory Appeal on jurisdiction, 2 October 1995, para 70.

<sup>20</sup> Bellal, A., Giacca, G., Casey-Maslen, S. (2011), ‘International Law and armed non-state actors in Afghanistan.’ *International Review of the Red Cross* Vol.93 Number 881, 5.

<sup>21</sup> Op Cit, Art 50.1

<sup>22</sup> Schmitt, Garraway, Dinstein. (2006). *The manual on law of Non-International Armed Conflict*. Martinus Nuhoff Publishers, Leiden/Boston, p. 5.

law. It has an exclusive descriptive character. It may not be used as proving or corroborating the existence of a third category.<sup>23</sup>

It is also a view endorsed by successive Israeli Supreme Court decisions. Barak stating “It is difficult for us to see how a third category can be recognised in the framework of the Hague and Geneva Conventions”<sup>24</sup> and further, “the term ‘unlawful combatants’ does not create a separate category but “is a sub category of civilians recognised by international law.”<sup>25</sup> It is a view that runs contrary to the State of Israel’s position on these matters.

### **Preserving Distinction within the context of the Interpretative Guidance**

The principle of distinction is important to understand within the context of this examination of the ICRC’s Interpretative Guidance. A principle recognised as a “fundamental and intransgressible principle of customary international law”<sup>26</sup>, It represents the seminal rule that “there must be a clear distinction between armed forces and civilians or between combatants and non-combatants...”<sup>27</sup> It is also symptomatic of the delicate balance between two principles; military necessity and humanity. For jurists and the international community this “dialectical relationship undergirds virtually all the rules of IHL and must be borne in mind in any effort to elucidate them”<sup>28</sup>. The balance of this ‘relationship’ would be the subject of much controversy amongst experts throughout the work of the Interpretative Guidance.

The codification of the principle in ‘Geneva law’ is unambiguous: Article 51, paragraph 1 of Additional Protocol 1 states that the “civilian population and individual citizens shall enjoy general protection against dangers from military operations.” Article 51 paragraph 2 further states in part that “The civilian population as such, as well as individual citizens shall not be the object of attack.” Critically and central to the subject at hand, paragraph 3, however, conditioned the principle of distinction with the caveat that it applies “**unless and for such time as [civilians] take a direct part in hostilities.**”<sup>29</sup> Similarly Article 13.3 of Additional Protocol II sets out a similar caveat in non-international armed conflicts.

The combined effects of these provisions were, as Schmitt posits, threefold:

Firstly, the ‘direct participation’ caveat means that ....those [civilians] who engage in acts amounting to direct participation in hostilities may be specifically and intentionally targeted ... Second, to the extent that civilians may be attacked under the ‘direct participation’ rule, their death or injury need not be considered in proportionality assessments. Third, by the same logic, states need not consider harm to direct participants when taking ‘constant care’ to ‘spare civilians during attack.’

23 Cassese, A. (2006) expert opinion, “On whether Israel’s Targeted Killings of Palestinian Terrorists is Consonant with International Humanitarian Law” available at:<http://www.stoptorture.org.il>.

24 President (Emeritus) Barak, Op Cit, para 28.

25 Israel v. The State of Israel (*The five techniques case*) [1999], Supreme Court HCJ 5111/94. Available at [http://elyon.court.gov.il/files\\_eng/94/000/051/A09/94051000.09.htm](http://elyon.court.gov.il/files_eng/94/000/051/A09/94051000.09.htm)

26 Advisory opinion on Legality of the threat or Use of Nuclear Weapons, 1996 I.C.J. Reports 226-257 (July 8).

27 Rodgers, APV. (2004) *Law on the Battlefield* (2nd edn), Manchester, Manchester University Press, 8.

28 Schmitt, M. (2010). ‘The interpretative Guidance on the Notion of Direct Participation in Hostilities: A critical analysis.’ *Harvard National Security Journal* 2010- available at <[http://www.law.nyu.edu/ecm\\_dlu3/groups/public/@nyu\\_law.com](http://www.law.nyu.edu/ecm_dlu3/groups/public/@nyu_law.com), posted on line 05 May 2010.

29 Article 51 paragraph 3 of, Protocol of the 8th June 1977 Additional to the Geneva Conventions of 12 August 1949 [hereinafter Art 51.3 Protocol 1].

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Therefore, as one can see a sound cognitive understanding of the application of Article 51.3 would be a necessity for any commander.

### **Challenging the ‘Relationship’**

The principle of distinction of course is based on what Hays Parks correctly sets out as “mutual responsibility.”<sup>30</sup> Roberts positions this supposition neatly within the “Geneva Law” framework setting out that:

Article 51, paragraphs 2 and 3 of Additional Protocol 1 obligate military forces to refrain from direct attack of the civilian population as such and individual civilians. In turn there is a concomitant obligation on the part of an individual civilian not to use his or her protected status to engage in hostile acts - the ‘equal application’ principle in the law of war.<sup>31</sup>

The relationships of course have never been, as Parks describes as ‘easily defined’<sup>32</sup>. In particular in what Dunlap describes as ‘Lawfare’ “a method of warfare whereby the law may be used as a means to realise a military objective”<sup>33</sup> – the farmer by day and fighter by night. The problems associated with this aspect of contemporary modern warfare were, as identified by the Interpretative Guidance, twofold: civilians were increasingly liable to arbitrary targeting; with armed forces, unable to properly identify their adversary, running an increased risk of being attacked by persons they cannot distinguish from the civilian population.

### **The Devil is in the Detail**

Giving definitional substance to the phrase ‘unless and for such time as they take a direct participation in hostilities’ naturally became increasingly central to addressing the issues of civilians engaging in hostilities. Article 51.3 of Protocol 1 recites “Civilians shall enjoy the protection afforded by this section [General Protection Against Effects of Hostilities], unless and for such time as they take a direct part in hostilities.” Accordingly, as stated hereto, civilians become legitimate targets for attack for such time as they take a direct part in hostilities. Similarly, ‘terrorists’ who divesting themselves of the defining characteristics of combatants and who take part in hostilities do not cease to be civilians, but, as articulated by the Israeli Supreme Court, “by their acts they deny themselves the aspect of their civilian status which grants them protection from military attack.”<sup>34</sup> The use of the word ‘hostilities’ is important in so far as it is consonant with a state of either international or non-international armed conflict. The corollary being, as set out in the Interpretative Guidance, that direct participation in hostilities cannot refer to conduct occurring outside situations of armed conflict, such as internal disturbances “riots, isolated and sporadic acts of violence.”<sup>35</sup> Notwithstanding, “Publicists, practitioners, and scholars have debated the meaning of ‘for such time’ and ‘direct part’ since the publication of the Protocol.”<sup>36</sup> The difficulty lay in the simple fact that the treaty law did

<sup>30</sup> Parks, Op Cit, p. 769.

<sup>31</sup> Roberts, A. (2008). ‘The Equal Application of the Laws of War: A principle under pressure’ *International Review of the Red Cross*, p. 931.

<sup>32</sup> Parks, Op Cit, p. 773.

<sup>33</sup> Dunlap, C.J., (2001). ‘Law and Military Interventions: Preserving Humanitarian Values in 21st Century Conflicts (online) available from: <URL: <http://www.ksg.harvard.edu/cchrp/intervention.shtmlpapers.htm>>.at35.

<sup>34</sup> President (Emeritus) Barak, Op Cit, para. 31

<sup>35</sup> Op Cit, p.1012.

<sup>36</sup> Solis, G. (2010). *The Law of Armed Conflict*, Cambridge University Press, p. 202.

not explain the intended meaning of the phrase, in particular the critical temporal scope of “unless and for such time” and “direct part in hostilities.”

### **Addressing the Problem**

In 2003, the ICRC in cooperation with the TMC Asser Institute launched a major research effort to explore the concept of Direct Participation in Hostilities. The purpose was to achieve greater clarity regarding the international humanitarian law (IHL) governing the loss of protection from attack when civilians involve themselves in armed conflict. In this regard a five year study was commenced comprising of over forty eminent international law experts, including government attorneys, military officers, representatives of non-governmental organisations (NGOs) and academics who participated in their personal capacity in a series of workshops held between 2003 and 2008.<sup>37</sup> The guidance was adopted by the assembly of the International Committee of the Red Cross on the 26<sup>th</sup> day of February 2009 following which, in May 2009, the ICRC published the culmination of this process as the ‘*Interpretative Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law.*’ Although the project was intended to be a consensus document, it would appear that the proceedings proved contentious amongst some of the experts. While some prominent commentators like Solis opine that the work “although not perfect...provides clarity previously absent”,<sup>38</sup> others have adopted an unequivocal contrary view.<sup>39</sup>

### **Constitutive Elements of ‘Direct Participation in Hostilities’ (DPH)**

On the issue of DPH the ICRC Interpretative Guidance sets out three cumulative criteria for a civilian in an international armed conflict to be considered directly participating in hostilities.

#### **Threshold of Harm**

In order to reach a threshold of harm a specific act must be likely to adversely affect the military operations or military capacity of a party to an armed conflict or, alternatively, to inflict death, injury, or destruction on persons or objects protected against direct attack.<sup>40</sup>

#### **Direct Causation**

In order for the requirement of direct causation to be satisfied there must be a direct causal link between a specified act and the harm likely to result either from the act or from a co-ordinated military operation of which that act constitutes an integral part.<sup>41</sup>

#### **Belligerent Nexus**

In order to meet the requirement of belligerent nexus, an act must be specifically designed to directly cause the required threshold of harm in support of a party to the conflict and to the detriment of another.<sup>42</sup>

<sup>37</sup> Schmitt, Op Cit.

<sup>38</sup> Op Cit, p.203.

<sup>39</sup> Parks, M. (2010) ‘Part IX of the ICRC “Direct Participation in Hostilities” Study: No Mandate, No Expertise, and legally incorrect.’ 42 *NYU Journal of International Law and Politics* 769; Boothby, B., ‘ “And For Such Time As”: The Time Dimension To Direct Participation In Hostilities.’ 42 *NYU Journal of International Law and Politics* 741.

<sup>40</sup> Op Cit, p. 1017.

<sup>41</sup> Op Cit, p. 1019.

<sup>42</sup> Op Cit, p. 1025.

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The criteria as stated are cumulative; all three must be met for an act to constitute one of direct participation. In relation to the 'Threshold of Harm' the guidance sets out that the qualification of an act does not require the materialization of harm reaching the threshold but merely the objective likelihood that the act will result in such harm. In this regard the guidance sets out examples; denying the adversary the military use of certain objects, equipment or territory; clearing mines placed by the adversary; computer network attacks (CNA), all would reach the required threshold of harm.<sup>43</sup> However, the acts over all must have a military context; they must have a military effect. In this regard the guidance cites the "building of fences or road blocks the interruption of electricity would not in the absence of adverse military effects cause the kind and degree of harm required to qualify as DPH."<sup>44</sup> On this point, this author would affirm that a careful balance was struck in attempting to be somewhat prescriptive, something which was lacking in the treaty provisions. Some experts, however, expressed the view that 'harm' should have extended to actions by civilians where the strengthening of enemy capacity "may be just as much concern for commanders in the field as weakening ones own forces."<sup>45</sup>

On the second criterion the guidance is unambiguous on the requirement for a direct causal link between the harm and the harm likely to result. This is what is referred to as the "one causal step requirement." In this regard the guidance emphasises that individual conduct that merely builds up or maintains the "capacity of a party to harm its adversary, or which ...indirectly causes harm is excluded from the concept of [DPH]"<sup>46</sup> Solis draws an excellent analogy between the "civilian volunteer driving a military ammunition truck to operationally engaged fighters" and "moving ammunition from the factory where it is manufactured to a port for shipment to a warehouse."<sup>47</sup> The former act being a direct causal link constituting DPH thereby the civilian forfeits immunity, the latter on the other hand not a direct causal link. The guidance lists other acts not constituting a direct causal link; recruitment and training of personnel save where they are recruited and trained for the execution of a predetermined hostile act. Similarly, civilian's provision to an armed terrorist group of financial contributions or construction materials "would have a potentially important, but still indirect, impact on the military capacity or operations of that party."<sup>48</sup> It certainly appears that the guidance's efforts to avoid the indirect causation of harm was premised on avoiding bringing the entire war effort within the concept of DPH which would deprive large parts of the civilian population of their protection against direct attack. In other words distinguishing between activities which of themselves build up a capacity to cause harm and activities which of themselves cause direct harm. The guidance in this respect sets out that "assembly and storage of an improvised explosive device (IED) in a workshop" does not have the requisite nexus for 'direct harm' as opposed to the "planting and detonation of that device."<sup>49</sup> Not surprisingly, Schmitt opines that the Interpretative Guidance "went astray by equating the assembly of an IED with the production of munitions in a factory far removed from the battlefield, which all the experts agreed was indirect in nature."<sup>50</sup> This author would submit that while the 'one size fits all'

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43 Op Cit, p. 1019.

44 Op Cit, p. 1019.

45 Schmitt, Op Cit, p. 11.

46 Op Cit, p. 1021.

47 Solis, Op Cit, p.203.

48 Op Cit, p.1021.

49 Op Cit, p.1022.

50 Op Cit, p. 13.



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approach is problematic, giving way on ‘war sustainment’ may create a slippery slope to collateral calamity.

The third criterion of belligerent nexus requires that the act in question, in addition to the other two criteria, must specifically be designed to directly cause the required threshold of harm in support of a party to a conflict and to the detriment of the others. It acknowledges situations where there may be inter-civilian violence; civil unrest; individual self defence situations where civilians may employ armed force the purpose of which is not to support a party to the conflict against another.

### **‘Unless and for Such Time’- Revolving Door**

The Guidance sets out that the phrase “unless and for such time” clarifies that “such suspension of protection lasts exactly as long as the corresponding civilian engagement in DPH.”<sup>51</sup> On this the Guidance held that “measures preparatory to the execution of a specific act of direct participation in hostilities, as well as the deployment to and the return from the location of its execution constitutes an integral part of the Act.”<sup>52</sup> The Guidance included “transport of personnel, the transport and positioning of weapons”<sup>53</sup> all preparatory measures aiming to carry out a specific act, while measures such as “smuggling and hiding of weapons”<sup>54</sup> were preparatory measures aiming to establish the general capacity to carry out unspecified hostile acts and as such were excluded. It was felt amongst some of the experts that the Guidance approach to the timing issue was overtly restrictive with many of the experts arguing that “the period of participation should extend as far before and after the hostile act.”<sup>55</sup> Here the experts raised the ‘IED’ question holding that “the point of acquisition of the materials necessary to build the device as well as its construction and emplacement comprise preparatory measures qualifying temporally as the period of direct participation.”<sup>56</sup> Again, one must revert back to the overriding imperative of preserving as much as possible the principle of distinction, while maintain the balance between force protection issues i.e. military necessity and humanity. This in part may explain the reluctance to close the ‘revolving door’. In fact the Guidance acknowledges that a revolving door exists, setting out that it is “an integral part, not a malfunction, of IHL...preventing attacks on civilians who do not at the time represent a military threat.”<sup>57</sup> This rigid application to a temporal framework was the source of much dissent amongst the experts with the prevailing view amongst the objectors being that “civilians who directly participate lose their protected status for the approximate period of that participation, there being no revolving door of protection.”<sup>58</sup>

### **Organised Armed Groups**

In terms of the irregular or ‘Organised Armed Groups’ more commonly associated with non-international armed conflict, the Guidance has in this author’s opinion achieved measurable success. These groups are in fact rarely formalised and are not “expressed through uniforms, fixed distinctive signs and various degrees of membership...clan or

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51 Op Cit p. 1035.

52 Op Cit p. 1032.

53 Op Cit p. 1033.

54 Op Cit, p. 1033.

55 Schmitt, Op Cit, p. 15.

56 Ibid, p.15.

57 Op Cit, p.1035.

58 Boothby, B. (2010). Op Cit.

family.”<sup>59</sup> The guidance has set out for the first time a defining criterion referred to as the ‘Continuous Combat Function’. In this regard the Guidance sets out that “...the decisive criterion for individual membership in an organised group is whether a person assumes a continuous combat function for the group involving his or her direct participation in hostilities.”<sup>60</sup> Critically, it distinguishes members of organised fighting forces of a non-state party to a conflict from civilians who directly participate in hostilities spontaneously and sporadically and may only be targeted “for such time as they directly participate”. Whereas, those members of organised armed groups who assume a ‘continuous combat function’ like, as Solis sets out, the ‘Taliban fighter’ who plants IEDs “remains a lawful target when he puts down his tools and walks home for lunch with his family.”<sup>61</sup> In short, members of organised armed group who have a continuous combat function may be attacked at any time. While this development introduces a term new to IHL and at least puts in place a framework to target the “insurgent commander whenever he may be located and whatever he may be doing”<sup>62</sup> some experts have criticised it for not allowing membership per se of the ‘organised armed group’ i.e. those members who do not assume a continuous combat function, to be targeted in a similar vein. However, it will necessitate, at least within the Afghanistan scenario, a clear intelligence input when making critical determinations on a target list between a functional role of a person who, for example, is a propagandist, financier, recruiter or general contributor to the war effort<sup>63</sup> and a person whose function additionally includes activities amounting to direct participation in hostilities thereby assuming the critical ‘continuous combat function’.

### **Conclude: New Reality requiring new Interpretation?**

Dr. Jakob Kellenberger, President of the ICRC, set out in his foreword to the document “the interpretative guidance is not and cannot be a text of a legally binding nature.”<sup>64</sup> Notwithstanding, the publication of such guidance marks a significant watershed in the advancement of the discourse on this important balance between military necessity and humanity as currently challenged in what this author would affirm is the ‘new reality’ of the 21<sup>st</sup> century battle space. A ‘discourse’ or introspection that we, as signatories to the Conventions and Protocols, retain a legal duty to examine. Principally, to clarify the effects of the Interpretative Guidance on Ireland’s declarations that the Protocols “represent the minimum level of legal and actual protection bound to be afforded to persons...in armed conflicts.”<sup>65</sup> This is underpinned by the Defence Forces own increasingly robust and complex peace support operations within a multi-national framework. A framework where commanders need granularity to ensure that our operations comport with our obligations under the established treaty law (and Irish statute law), and do not become unwitting party to a divergent interpretation where innocent civilians’ lives are lost. The Interpretative Guidance, it is submitted, presents a fresh platform from which to re-examine or affirm, as the case may be these declarations.

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59 Op Cit, p.1006.

60 Op Cit, p.1007.

61 Op Cit, p. 203.

62 Solis, Op Cit, p. 206.

63 The guidance extends this to individuals whose function is limited to the purchasing, smuggling, manufacturing and maintaining of weapons... outside specific military operations.

64 ICRC. (2009). *Interpretative Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law* ( Nils Melzer ed), available at [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0990/\\$File/ICRC\\_002\\_0990.pdf](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0990/$File/ICRC_002_0990.pdf)

65 ICRC (1999) ‘Reports and Declarations: Ratifications of the Protocols Additional to the Geneva Conventions of 12 August 1949.’ *International Review of the Red Cross*, No 834,418-422.Ireland signed on the 19th of May 1999.

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Notwithstanding its prescriptive reach<sup>66</sup> and self evident fault lines; these criteria, in this author's view give the opponent of the civilian who directly participates in hostilities "guidance that offers significant targeting latitude"<sup>67</sup> both within the 'new reality' international and non-international armed conflict paradigm. A 'new reality; and 'new interpretation' that should be tested against our own existing operational law framework.

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<sup>66</sup> Schmitt, *Op Cit*, p. 19.

<sup>67</sup> Solis, *Op Cit*, p. 205.

# Unauthorised Pre-emptive Use of Force – Is the Authority of the United Nations Irrelevant?

The terrorist attacks of 9/11 and the subsequent global war on terrorism initiated a great deal of discourse regarding the relevance of the UN, and the subsequent US policy which was characterised as “very broad anticipatory, or pre-emptive self defence.”<sup>1</sup> This controversial policy sent out a message to the world that the US alone would decide when and how it will employ its extremely powerful military, to strike at states or non state actors that were deemed a threat, or allegedly linked to terrorism. The US responded to the 9/11 attacks by implementing a “strategic revolution that assumed the best form of military defence was offence.”<sup>2</sup> The 2002 National Security Doctrine fully endorsed pre-emptive self defence for military operations engaged in the global war on terror.<sup>3</sup> This policy underpinned the logic for launching the war against Iraq in 2003, despite the fact that the US did not face an immediate threat of armed attack by Iraq. Weiss describes the ‘Bush doctrine’ of pre-emption as a ‘Pandora’s Box’ setting precedence for other powerful states, to bypass the UN’s responsibility to legitimise the use of force.<sup>4</sup> An important component of the controversial policy was the “declaration that the US will undertake preventative military action against specific threats.”<sup>5</sup> In other words, the US planned to eliminate threats before they materialised.

The US attempted to justify use of force by alleging that Iraq may place WMD at the disposal of terrorist networks. The link to terrorism was placed in the same “framework of previous resolutions”, which authorised force against the Taliban regime in 2001.<sup>6</sup> The Taliban were deemed by the US government as inextricably linked with al Qaeda. The US therefore invoked the right of self defence quoting UN Security Council Resolution (UNSCR) 1368 which expressed the Security Council’s “readiness to take the necessary steps to respond to the attacks... and to combat all forms of terrorism in accordance with its charter responsibilities.” This right of self defence was interpreted to legitimise the attack on Afghanistan in 2001.

Pre-emptive use of force against Iraq in 2003 called into question the authority of the UN in regards to its ability to legitimise the use of force, and maintain international peace and security. The US invoked a series of resolutions that authorised military force for

1 Weiss, Thomas. G. et al. (2007). *The United Nations and Changing World Politics*. (5th Ed). Oxford, Westview Press, p 100.

2 Cox, Michael. (2006). ‘From the Cold War to the War on Terror.’ In Baylis, J and Smith, S. *The Globalisation of World Politics*. (3rd Ed) Oxford University Press, p 131 – 157.

3 US National Security Strategy 2002, 09 Sep 2002, accessed at: <http://2001-2009.state.gov/r/pa/ei/wh/c7889.htm>

4 Weiss, Op Cit, p 101.

5 Lombardi, Ben. (2002). ‘The Bush Doctrine: Anticipatory Self – Defence and the New National Security Strategy.’ *The International Spectator*. 37:4, p 94.

6 Weiss, op cit, p 100.

previous conflicts against Iraq in 1991, and Afghanistan in 2001. The coalition deemed the resolutions as sufficient authority to use force against Iraq in 2003. The legality of the 2003 Iraq war and the impact upon US-UN relations has engendered much debate amongst academics regarding authorised use of force. Thakur raises the question “Did the war demonstrate the irrelevance, or potential complicity of the UN?”<sup>7</sup> This paper examines the debate around the UN during the run up to these resolutions in order to evaluate the relevance and utility of the UN in dealing with such conflicts.

### **Justifying Unauthorised Use of Force**

After the terrorist attacks of 9/11, the US unilaterally declared that it was legally justified in exercising a right to self-defence, to attack hostile states or states that harbour terrorists, even if no such attack had taken place. The US claimed that Iraq posed a grave threat, and pre-emptive self defence was justified because of Iraq's WMD and support of terrorism. Weiss posits that anticipatory self defence, in which a state uses force to defend itself in response to an imminent armed attack, or a potential attack by an aggressor, is not “completely ruled out, but not explicitly endorsed” by the UN.<sup>8</sup>

In March 2003, the US led coalition conducted military action against Iraq for the purpose of disabling Iraq's WMD capability and disrupting its alleged links to terrorism. The coalition's rationale was based upon Iraq's failure to disarm in accordance with the terms of the ceasefire agreement of the first Gulf War in 1991. The basis of the coalition's argument was that the authority to use force under the terms of UNSCR 678 (1990)<sup>9</sup> had been suspended, and not terminated, by the permanent ceasefire of UNSCR 687(1991).<sup>10</sup> Prior to the invasion, intense legal debate was conducted within the UN by member states regarding the legitimacy of the use of force against Iraq. Member states who opposed the invasion, asserted that the coalition was not justified, and required a further specific resolution authorising the use of force. The coalition disagreed, claiming that previous resolutions provided authority to take action, and did not believe it was necessary that the UNSC determine further non-compliance, or invoke further resolutions to authorise the use of force. The coalition relied heavily on the interconnection of previous resolutions to justify its use of force against Iraq. Its argument was based upon the following resolutions. UNSCR 678 authorised the use of force for the 1991 Gulf War. UNSCR 687 established the conditions for a permanent ceasefire, which all parties accepted. It also imposed obligations on Iraq to disarm and declare the details of its WMD programme and associated facilities. UNSCR 1441(2002)<sup>11</sup> provided Iraq with a final opportunity to allow inspections and disarm. The coalition claimed that UNSCR 687 suspended, but did not terminate the authority to use force under UNSCR 678, and any breach of UNSCR 687 renders the ceasefire ineffective, thus reviving the authority to use force under UNSCR 678. UNSCR 687 created a ceasefire agreement between Iraq and the coalition, this ceasefire could only hold as long as Iraq co-operated with the UN.

Many subsequent resolutions, which followed UNSCR 687, found Iraq in material breach of the ceasefire resolution. The critical point is that nothing in any of those resolutions,

7 Thakur, Ramesh. (2006). *The United Nations, Peace and Security*. Cambridge University Press, p 223.

8 Op Cit, p 12.

9 UNSC Resolution 678 (27 Nov 1990), full contents available at: <http://www.un.org/Docs/scres/1990/scres90>.

10 UNSC Resolution 687 (03 Apr 1991) full contents available at: <http://www.un.org/Docs/scres/1991/scres91.htm>

11 UNSC Resolution 1441 (08 Nov 2002), full contents available at: <http://www.un.org/Docs/scres/2002/sc2002.htm>

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including UNSCR 1441, authorised force as a legitimate response. The US referred back to UNSCR 678, as they did in 1993 and 1998 when they conducted missile and air strikes against Iraq, and again in 2003 when they claimed Iraq did not comply with the terms of UNSCR 1441. UNSCR 678 authorised use of force to remove Iraq from Kuwait in 1991, it did not authorise the invasion of Iraq in 2003. The coalition claimed that UNSCR 678 was neither time-limited, nor restricted to the purpose of expelling Iraq from Kuwait, and warned that “serious consequences would follow upon non compliance”<sup>12</sup> arguing that UNSCR 1441 permitted the use of force in this case.

The US believed it had sufficient authority to use force against Iraq. Firstly they believed Iraq was in ‘material breach’ of UNSC resolutions. Secondly, the right of pre-emptive self-defence could be exercised against a state which posed a threat to the US by allegedly possessing WMD, and sponsoring terrorism. Finally, the US believed that the failure of the UNSC, to fulfil its responsibility to maintain international peace and security left a vacuum and provided sufficient justification to employ unilateral unauthorised force.

Article 51 of the UN Charter permits states to utilise force as a means of self defence. The right of self-defence is permitted in response to an armed attack by another state. However, since 9/11 US policy clearly demonstrates that it would not wait to be attacked. The war launched by the US in 2003 was based upon ‘anticipatory self defence of an imminent armed attack.’ While Iraq may have been capable of sponsoring terrorist activities it was in no position to conduct a conventional attack on the coalition. The mere possibility of collusion between Iraq and terrorist groups was seized upon by the US as a justifiable motive to take pre-emptive action. Interestingly its main ally, the UK, utilised another legal argument for commencing hostilities. The Blair government justified the intervention on the basis of an alleged breach of UNSCR 687 adopted after the ceasefire ending the first Gulf War in 1991.

Can the war launched against Iraq really be considered a form of pre-emptive self defence? Pre-emptive self defence must be conducted in some way proportionate to the threat posed. In this case a question mark lingers over the requirement to conduct a full military invasion. It is arguable that Iraq did not pose a threat to international peace and security. The Iraqi regime was isolated and its military forces were successfully contained and severely weakened by years of UN sanctions. Secretary of State Colin Powell provided an extremely unconvincing presentation to the UN General Assembly regarding the threats from WMD, state sponsored terrorism, and links to Al Qaeda. History has subsequently proven these claims to be overstated. An overwhelming majority of UN member states at the time opposed pre-emptive use of force against Iraq. Former British Foreign Secretary, Jack Straw, (an important ally of the US) recommended that UN inspectors be given a firmer mandate and more time, and any refusal by Iraq to cooperate would have “strengthened justification to authorise use of force.”<sup>13</sup> The majority of states based their opposition upon the violation of the norm of non-intervention without UN authorisation. Johnstone (2006) claims that: “the Iraq intervention was perceived as a

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<sup>12</sup> Weiss, *op cit*, p 100.

<sup>13</sup> Thakur, *op cit*, p 217.

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sharp break from the existing normative and institutional framework, for which the US has since paid a price, economically, politically and in other ways.”<sup>14</sup>

### **Questioning the Relevance of the UN**

Terrorism has changed the battlefield. The law regarding anticipatory self defence was originally envisaged to deal with inter state wars, however it must now be “re-interpreted in light of the new threat environment” and account for non-state actors and terrorists.<sup>15</sup> The notion of idly standing by waiting to be attacked by adversaries is no longer acceptable. US policy asserts that “it can no longer solely rely on a reactive posture” therefore it will invoke anticipatory self defence as a means of protection.<sup>16</sup>

This policy of unsanctioned pre-emptive use of force threatens to undermine both the relevance and the authority of the UN in its role of maintenance of international security. By dropping the requirement for an armed attack and rejecting the need for an imminent threat in the case of pre-emptive action, the US doctrine makes some dramatic departures from existing international norms governing the use of force. It has set a dangerous precedent, in that states may assume the right to act unilaterally without recognising the authority of the UN.

It could be argued that the UNSC failed in its handling of the Iraqi situation, and failed in its responsibility to maintain international peace and security, partly because resolutions were ambiguous and open to manipulation. Existing resolutions were open ended and the ‘serious consequences’ mentioned in UNSCR 1441 were not explicit. A combination of resolutions passed by the UN in the immediate aftermath of 9/11 to specifically confront terrorism, and resolutions associated with the 1991 Gulf War, may have “paved the path to the Iraq war in 2003.”<sup>17</sup> The ambiguity concerning the validity of the use of force, under the terms of previous resolutions required clarification by the UNSC. The UNSC engendered further ambiguity through its failure prior to the outbreak of hostilities to achieve consensus on the issue of continued weapons inspections and on whether or not Iraq had complied with UNSCR 1441. The US claimed that the UN was acting irresponsibly and “not exercising a tough line in keeping with the terms of UNSCR 1441.”<sup>18</sup>

As the crisis developed the UN found itself in a no win situation receiving criticism for not taking a stronger stand against the Iraqi regime, which continuously disregarded UN resolutions. The Security Council remained in deadlock with on one side the “interventionists and on the other the inspectionists.”<sup>19</sup> Members failed to agree upon the details of a further clarifying resolution. France threatened to use its veto if military action was approved in response to any breach of an additional resolution, while other member states such as Germany maintained an anti war stance. The UN found itself in a situation where its resolutions were ignored by Iraq, threatened with vetoes by Security Council members, and manipulated or liberally interpreted by a coalition which was prepared to use

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<sup>14</sup> Johnson, Ian. (2006). ‘Deliberate Legitimacy in International Decision Making.’ In Thakur, op cit, p 221.

<sup>15</sup> Lombardi, op cit, p 99.

<sup>16</sup> Ibid, p 94.

<sup>17</sup> Thakur, Op cit, p 209.

<sup>18</sup> Weiss, op cit, 102.

<sup>19</sup> Gareis, Bernhard. Et al. (2005). *The United Nations: An Introduction*. Palgrave Macmillan, Basingstoke, p 128.

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unauthorised force. These issues may have discouraged the US from relying upon further resolutions, ultimately influencing the decision to take action sooner rather than later.

However events preceding the decision to go to war and the unfolding of events once the war was launched suggest that the UN continues to play a relevant role in the maintenance of international peace and security. First of all, it should not be forgotten that prior to the Iraqi conflict the UNSC unequivocally supported US military action in Afghanistan in response to the global threat posed by terrorism through the adoption of UNSCR 1373.<sup>20</sup> The organisation retained some moral high ground therefore in relation to its position on dealing with terrorism. Furthermore, even though the US was the dominant, if not the only, global superpower it still continuously sought international legitimacy through a UN Security Council Resolution for its military action leading up to the outbreak of the war. The UN retained utility throughout the crisis not least because it provided the only global forum to debate the legitimacy of the case for war and because it imposed some degree of restraint on all parties up to the outbreak of hostilities. Prior to the conflict the UN sanctions had restricted the development of Iraq's WMD programme, and the UN inspection teams had provided (in hindsight very accurate) assessments of Iraqi capability in this regard. Perhaps more importantly the US led coalition quickly turned to the Security Council to authorise stability operations once the conventional phase of the conflict was over, demonstrating once again the relevance of the UN when states seek legitimacy for their actions in international relations. As Thakur posits: "winning the war without authorisation is the easy component, securing the peace without UN endorsement and involvement proved to be the tougher challenge, victory in battle is pointless without a resulting secure peace afterwards."<sup>21</sup>

## Conclusion

This paper has shown that while swift military action may be required to deal with the contemporary global terrorist threat, preemptive action alone cannot provide security from potential attacks. Although a cursory study of the Iraqi crisis might suggest that the UN is irrelevant when the US decides to take unilateral action in the international arena, closer analysis reveals a more complex reality. In the longer term the UN has in some ways been strengthened. By refusing to mandate use of force in Iraq it has retained credibility as an objective agent rather than an instrument of a powerful member. The UN sanctioned stability operations conducted both in Afghanistan and Iraq underline the importance of international legitimacy which cannot always be overcome by sheer military power, and suggest that an authorised, well supported, multilateral approach is more likely to achieve success in dealing with complex international security problems. As UN Secretary General Ban Ki Moon put it: "The Iraqi situation is not a US or an Iraqi problem, but rather a problem for the whole world."<sup>22</sup> UN support not only conveys legitimacy but it also can assist with burden sharing.<sup>23</sup>

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20 UNSC Resolution 1373 (28 Sept 01), full contacts available at: <http://www.un.org/Docs/scres/2001/sc2001.htm>.

21 Op cit, p 226.

22 Cited in Johnstone, Ian. & Corbin, Ethan. (2008). 'The US Role in Contemporary Peace Operations: A Double – Edged Sword?' *International Peacekeeping*. Vol 15:1. 1 -17.

23 Talyor, Paul. & Curtis, Devon. (2006). 'The United Nations.' In Baylis, J. & Smith, S. (2006). *The Globalisation of World Politics*. 3rd Ed. Oxford University Press, pp 406 – 424.



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In the future justifiable acts of pre-emptive self defence must be conducted as a response to obvious or imminent attack. Nevertheless: “generally threatening situations do not justify the use of military force.”<sup>24</sup> Any unilateral action will have to be based on substantial and reliable intelligence and will require rapid sanction through the UN Security Council. Relying on the word of an individual state alone threatens to undermine the legitimacy of any potential action as Glennon explains; “justice requires legitimacy, and without it widespread acceptance of the new intervention will appear to be built on neither law nor justice, but power alone.”<sup>25</sup> This lesson does not appear to be lost on the US which subsequently underwent a policy reversal demonstrating a cautious and slow embrace of the multilateral approach to nation building, as peace operations are now viewed as a potentially viable method of preventing failed or weak states from becoming safe havens, and training grounds for terrorist organisations.<sup>26</sup> Post conflict experience in both Iraq and Afghanistan may persuade the US to adopt an extremely cautious approach to future military operations that do not obtain clear, unambiguous, and multilateral support by organisations such as the UN.

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<sup>24</sup> Gareis, *op cit*, p 71.

<sup>25</sup> Glennon, M. (1999). 'The New Interventionism: The Search for a Just International Law.' *Foreign Affairs*. Vol 78, 3. May / Jun, p 7.

<sup>26</sup> Johnstone, & Corbin, *op cit*.

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# Military Involvement in Humanitarian Operations

### Introduction

The lack of stability, infrastructure, and communications in harsh and/or remote areas are situations that military forces are trained and prepared to operate in. Military command and control systems are able to deal with large scale disaster situations or war, displaced and injured people. The mandates humanitarian agencies and military organizations obey are markedly different. Humanitarian agencies have a clear mandate to implement impartial aid programmes to all sufferers as an inalienable right, whereas the military focus, especially in peace keeping operations, have political mandates. This article will discuss the various roles military organizations fulfil within humanitarian operations. It will discuss some of the positives and negatives associated with such involvement and conclude that when military organizations work in close cooperation with humanitarian agencies the overall effectiveness and efficiency of the total humanitarian operations are improved.

Today the complexities of conflict and resultant humanitarian needs often seem to merge. Military involvement in humanitarian aid and especially in logistical support has become more central to the United Nations (UN) relief support systems. The UN's Office for the Coordination of Humanitarian Affairs (OCHA) in 2003 stated that there is an:

...evolution of military thinking in regard to the provisions of humanitarian aid and services. In NATO and elsewhere there has been an evolution of the doctrine of military-civilian operations, with an increasing tendency for military forces being used to support the delivery of humanitarian aid, and sometimes even to provide this aid directly.<sup>1</sup>

### MILITARY CONTRIBUTIONS TO HUMANITARIAN OPERATIONS

#### Rapid Response

Within the new Strategic Framework of OCHA there is an aim to improve their suite of surge response solutions. OCHA aims to improve its Response Division with adjustments to its contractual requirements as well as adding a roaming surge response capacity that will have the ability to deploy field staff immediately. This is an area where military forces excel. They are trained to deploy quickly and in great numbers. Key contributions include: global reach; reactive and proactive approaches; dedicated systems, personnel

<sup>1</sup> OCHA. (2003). *Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Activities*. Geneva, Switzerland, p 12.

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and equipment to green field or chaotic situations, protection capabilities; surveillance and intelligence capabilities that enable pre-kitting and accurate targeting for logistical air drops. Other contributions include the long term nature of military logistical teams who are regularly trained and exercised.

New sense and respond models developed by military forces rely more on intelligence and surveillance gathering of information in remarkably quick times and aims to ensure that supply chains are more responsive to the required needs of the victims.<sup>2</sup> For example, in November, 2007 the Oro Province in Papua New Guinea (PNG) was struck by Cyclone Guba killing over 150 people and creating wide spread disaster over the region. Within a day, Joint Task Force 636 from Australia arrived in the province to help the victims. Their level of preparedness permitted them to immediately provide relief food and water provisions. They assessed the health situation on the ground and set up facilities within two days. An engineering team assessed the damage to local infrastructure including the port facilities, roads and availability of water and sanitation and continued to assist the follow-on humanitarian agencies re-establish the basic water and sanitation requirements which prevented the spread of disease.

### **Air Response**

Military aircraft are regularly used to make airdrops of humanitarian aid over disaster areas. The C-17 Globemaster aircraft have a long fuel range and can carry three times the load of the older C-130s. The US Air Force under Operation Unified Response Mission responded to the Haiti earthquake on 12<sup>th</sup> January 2010 by dropping food and water parcels into Port-au-Prince and surrounding areas immediately after the initial quake. Aircraft are the quickest response to reach the affected areas. They can access extremely hazardous or inhospitable areas that ground transport cannot reach. The US military took control of the Port-au-Prince airport and military support flowed in to maintain security on the island. The military received much criticism as it was seen that the military aircraft were bringing in troops rather than aid provisions.<sup>3</sup> The US military movements choked the airport and prevented other aid aircraft to land due to this congestion.<sup>4</sup> Some saw this disaster as an excuse for the United States to politically secure Haiti whilst others saw the military taking the opportunity to prevent drug smuggling in the area – both at the expense of choking the airport and preventing the distribution of both land and air relief stores.

### **Sea Response**

Maritime services into disaster areas provide a number of services. Military ships provide huge volumes of aid; they act as aid worker relief stations; they are often secure havens for refugees; they provide hospitalization services. Their auxiliary services of associated landing craft and deck winches and cranes can alleviate the congestion at ports. Their associated helicopter pads and air craft can distribute rapid air aid to isolated coastal areas. The aid supplies that are transported by sea to disaster areas have the advantage of delivering large volumes in one movement. The choke point at ports, for example the

2 Tripp, R.S., Amouzgar, M.A., McGarvey, R.G., Bereit, R., George, D. (2006). "Sense and Respond Logistics: Integrating Prediction, Responsiveness, and Control Capabilities." Rand Corporation.

3 BBC, (2010). <http://news.bbc.co.uk/2/hi/americas/8469800.stm>

4 Doctors Without Borders. (2010). <http://www.doctorswithoutborders.org/press/release.cfm?id=4176>

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Port au Prince during the Haiti disaster, causes the distribution of supplies to be held up to some extent. In the Haiti earthquake disaster the helicopter carrier USS Bataan and three large dock landing ships as well as two US survey/salvage vessels created a sea base for the rescue efforts. The French Navy provided the Navy ship, the Francis Garnier, and an amphibious transporter, the Siroco. The US hospital ship, USNS Comfort, was extensively used for emergency operations on over 600 casualties of the earthquake. The US Navy contribution to the Haiti disaster was 17 ships, 48 helicopters and 12 fixed-wing aircraft together with 10,000 sailors and Marines. The US Navy delivered 32,400 gallons of water and 532,440 bottles of water, over 100,000 meals and massive medical supplies by the 20<sup>th</sup> January.

When military air forces and navy forces work in co-ordination, the initial thrust of aid relief is delivered by air with the back up large volumes for sustainable aid relief being supplied by sea transport. Heavy equipment such as cranes, bulldozers, reconstruction equipment and materials are suitable for navy to transport and land on beaches such as the recent delivery by HMAS Tobruk to the island of Niuatoputapu in Tonga which was one of the hardest hit islands in the Samoan tsunami of October, 2009.<sup>5</sup>

### **Protection and Safety**

The need for protection of humanitarian workers risking their lives to assist civilians experiencing disasters has risen recently. United Nations Security Council (UNSC) resolutions on the protection of civilians include S/RES1267 of October 15<sup>th</sup> 1999 and continue through to this day. The President of the Security Council has issued statements on protection of civilians in humanitarian disaster areas, such as February 12<sup>th</sup> 1999 (S/PRST/1999/6) and May 29<sup>th</sup> 2009 (S/2009/277). Military uniformed personnel involved in the United Nations peacekeeping operations increased from 47,883 in 2001-02 to 72,822 in July 2006.<sup>6</sup>

In 2009 UN agencies and NGOs in Afghanistan alone were involved in 114 security incidents and eighteen NGO staff were killed. Increasing violence, kidnappings, attacks and deaths of humanitarian workers in Pakistan, Sudan, Chad and the Congo have led to recognition that aid workers will require greater security and protection of themselves, their bases and their supplies. Security measures are costly and often hamper humanitarian efforts.<sup>7</sup>

The need for protection of civilians in conflict regions needing humanitarian assistance is also rising. This has led to a recent study by OCHA and UN Department of Peacekeeping on protection mandates by peacekeeping missions. It found that:

Military forces are sometimes assigned humanitarian assistance missions, often without adequate training, policies or doctrine to integrate into the international response system.<sup>8</sup>

<sup>5</sup> Austin, T. (2009). "Tobruk's Proud Mission." *Navy News*. [www.defence.gov.au/news/navynews](http://www.defence.gov.au/news/navynews) accessed on 12 Feb 2010.

<sup>6</sup> Keating, C., Weschler, J., Ward, C.A., Claude, A., Fernandes, F.R. (2006). "Twenty Days in August: The Security Council Sets Massive New Challenges for UN Peacekeeping." Security Council Report – Special Research Report No.5. Security Council, New York, United Nations Security Council 1 – 15.

<sup>7</sup> OCHA. (2010). *To Stay and Deliver. Good Practice for Humanitarian Operations in Complex Security Environments*. Geneva, Switzerland.

<sup>8</sup> *Ibid*, p 4.

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Generally military involvement in humanitarian space can be in the form of deterrent deployment; peace building; peacemaking; peace keeping; or peace enforcement with the latter implying the maximum force and deterrent deployment implying no military force. Peacekeeping missions have changed from the implementation of peace agreements. They are now multidimensional and include the monitoring of human rights, protection of civilians and rebuilding the capacity of the host country.

The military roles within peacekeeping missions have also changed. Within hostile environments the military forces supporting the humanitarian efforts are very important as they might face a range of hostilities within the one region. There might be low grade civil disorder, terrorist or guerrilla activities or even full scale regional wars. For instance in Darfur, relief aid has been persistently hindered by conflicts. In all these cases the military forces need to be extra vigilant and provide at least some of the following services:

- defending the perimeters of the central distribution nodes and initial entry point into the area
- provide escorts for safe passage of relief convoys and medical teams
- assisting in personnel recovery
- protection of refugee camps
- prevention of relief resources transferring to corrupt governmental, political, social personnel for either personal gain or hostile combatant's needs.

The multidimensional peace building and peace enforcement mission in Burundi from 2004 and ongoing, not only included protection of civilians from physical violence but also involved: monitoring a ceasefire agreement; collection and disposal of weapons as well as the dismantling of militias.

The peace keeping mission in Somalia deployed over four thousand military personnel to expressly protect and keep operational the sea and air ports to enable the incoming humanitarian aid to reach the country. The ports of Mogadishu as well as the distribution centres within Mogadishu were heavily guarded. The military were required to protect humanitarian convoys and distribution centres throughout Somalia. Not only were the ports maintained operational by military peacekeeping forces but these forces were also mandated to secure the lines of communication for humanitarian assistance. Similarly the need for security of movements in Darfur, Sudan was provided by military peace keeping forces.<sup>9</sup> The Irish Defence Forces have contributed to this developing role within the humanitarian sphere through participation in (and indeed command of) the EUFOR Chad / CAR mission commencing in October 2007. Mandated by UN Security Council Resolution 1778, the military force was authorised to protect refugees, internally displaced persons, humanitarian organisations and civilians in danger.

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<sup>9</sup> Franke, V.C. (2009). "Building Peace: an inventory of UN Peace Missions since the end of the Cold War." *International Peacekeeping*. 16 (3), pp 407-436.

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## Preventing Corruptive Activities

When the 2004 Tsunami hit the south east Asia region the devastation to Indonesia was enormous. Within the region of Aceh there was a history of conflict ranging from sporadic instances of violence to full scale concentrated military operations. The Islamic separatist movement in Aceh, the Free Aceh Movement (GAM) was at the time quite strong in the region. Under Operation Sumatra Assist the devastated areas of Aceh were laid open to GAM corruptive influences. The Indonesian and Australian Defence Forces recognized the potential for the threats posed by GAM and protected the many NGOs and aid agencies including their supplies and provisions from looting. The continual threat of conflicts flaring up was a major concern which was effectively dampened by military involvement. It was the sovereign military influences that adapted to local threats which allowed the humanitarian mission to continue. Protection of the agencies involved in Operation Sumatra Assist by military included discouraging and/or preventing illegal arms flows within and across region borders during the chaos. It dispersed militias without open conflict and disposed of illegal weapons. It ensured that the distribution systems were protected and assisted in the fair and equitable distribution of aid (Greet 2009).<sup>10</sup>

## Engineering Support

Military engineering support to humanitarian operations covers some distinct segments but essentially its overall role is to reinstate essential engineering services. Within humanitarian operations this includes repairing or rebuilding infrastructure such as warehousing, sanitation and water provision and transportation facilities. The following mini case studies demonstrate the importance of engineering support to humanitarian operations as well as the diversity of support.

### Lashkar Gah, Afghanistan

In July 2006 the 28<sup>th</sup> Engineering Regiment of the UK Army was deployed under the International Security Assist Force (ISAF) to the Helmand province in Afghanistan to begin the reconstruction of humanitarian efforts. The province was considered not stable to support a civilian driven redevelopment. This regiment started with security of the transport routes, repairing a couple of bridges and improving road pavement to enable supplies to flow more easily and constructed, with the able assistance of local contractors, warehousing for storage. Once the initial foundations for support for redevelopment were achieved the local contractors and other aid agencies continued the redevelopment program. Nevertheless the 28<sup>th</sup> Engineering Regiment was retained to supervise and oversee the contractual arrangement to ensure that the bridge facilities were not only robust from an engineering perspective but the contracts were financially auditable and commercially sound. The engineers took on the role of project engineer managers.<sup>11</sup>

### Samoa

Engineers from the U.S. Army Corps of Engineers (USACE) were rapidly deployed to Samoa in response to the earthquake and subsequent tsunami disaster on 29<sup>th</sup> September, 2009. Personnel expert in handling debris, emergency power support and establishing water systems were deployed from their base in Honolulu. They assisted

<sup>10</sup> Greet, N. (2009). "ADF Experience on Humanitarian Operations: A New Idea?" *Security Challenges* 4 (2), pp 45 – 63.

<sup>11</sup> Allen, G.W. (2007). "Reconstruction and Development on Operation Herrick 5 Using Local Contractors." *The Royal Engineers Journal*. 121 (2), pp 84 – 89.

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with the installation of US Federal Emergency Management Agency (FEMA) generators at critical life saving and life sustaining facilities, sewer and water treatment plants, police, fire and medical facilities. USACE provides essential support for Emergency Support Function (ESF-3) under the U.S. Department of Homeland Security's National Response Framework. The diversity of the engineering support to ESF is shown in the seven divisions, namely, ice, water, emergency power, debris removal, temporary housing and facilities, temporary roofing and structural safety assessment. The FEMA generators also provided power for communication systems used to coordinate the inflows of aid.<sup>12</sup>

As a follow on from this field work a team of the USACE Reachback Operations Centre (UROC) trained key personnel at a Hawaii-based interagency exercise. Included in this exercise were members of the 565<sup>th</sup> Forward Engineering Support Team (FEST) in the use of multiple technologies that can serve assets globally in the aftermath of any storm or natural disaster. These included communications and technologies such as the Automated Route Reconnaissance Kit and the Ike/Geospatial assessment tools for engineers. The UROC team covered the coordination and logistics for area reconnaissance and conducted site assessments of supply chain critical infrastructures. The overall result was training for overall hurricane preparedness for engineers.

### **Gulf of Mexico, USA, Hurricane Katrina**

Although the U.S. military was very heavily involved in numerous ways supporting the disaster relief efforts associated with Hurricane Katrina which hit the Florida coastline in 2005, one interesting logistical support effort was undertaken by the Naval engineers. The Expeditionary Unit Water Purification Program (EUWP) has been used in a number of humanitarian missions. The U.S. Navy's response to drinkable water for affected residents led to the Navy engineers using their on board desalination plants to provide 100,000 gallons of purified water per day from the turbid Gulf of Mexico. This engineering feat replaced the daily convoy of tankers shipping water into the area and thus cleared some of the choke points and congestion on the main road highways accessing the region.<sup>13</sup>

### **Australia: Floods at one end and Bush Fires at the Other**

In February 2009 the worst bush fires ever were experienced in Victoria whilst at the same time extensive cyclones and flooding occurred in northern Queensland. There was massive devastation over huge areas at both ends of the country. The Australian Defence Force and in particular the No 1 Airfield Operational Support Squadron (1AOSS) and the Army's 3<sup>rd</sup> Combat Engineer Regiment (3CER) provided heavy plant and equipment to clear debris and repair washed roads and bridges. Engineers and work crews battled elements to establish sanitation, ablutions and laundries for the thousands made homeless in northern Australia. The town of Normanton was isolated for six weeks and engineers were unable to clear the airfield for landed supplies so all provisions were air dropped in by helicopter. With approximately sixty percent of Queensland under water during the month it was difficult for the engineering crews to maintain the critical air fields for the establishment of aerial distribution hubs. All roads and rail access were flooded. The water pipelines were damaged and drinking water was a critical provision that had to be transported over large distances.

<sup>12</sup> Justinger, L. (2009). "USACE Deploys Response Teams Following Pacific Tsunami." *The Military Engineer*. 101 (662), pp 22 – 23.

<sup>13</sup> Jackson, J. M. E. (2009). "Desalination Technology Increases Naval Capabilities, Meets Humanitarian Needs." *The Military Engineer* 101 (662), p 36.

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At the other end of the country in Victoria the fire ravaged area of Kinglake and Marysville also required the 1AOSS and 3CER teams. Once roads were cleared and checked by the engineering teams they were accessible and the Army sent convoys of trucks with provisions, tents, and engineering equipment. 1AOSS established communication networks and shelter centres which had make shift laundry facilities and ablutions and 3CER set up clean water facilities (Edwards 2009).<sup>14</sup>

### **Conclusion**

The relationships between military personnel and other humanitarian organizations are becoming more blurred. Most military organizations have doctrinal documentation now covering military involvement in humanitarian activities. The key challenge of impartiality in most instances, even in failed states scenarios, appear not to impact so adversely on the humanitarian operations and the military support of those operations. The reactions of other neutral agencies and the host nations and its people in response to military involvement in humanitarian assistance still pose challenges and this is an area for more research. Military organizations of the future need to be equipped and trained to undertake both peacekeeping and war-fighting. This duality of requirements will affect future policies, training needs and organisational aspects of most military commands.

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<sup>14</sup> Edwards, K., Matthews, L. (2009). "Fires and Floods: What a month for 1AOSS." *Combat Support*. Spring, pp 12 – 14.





# How Does Overseas Service Affect the Families of Irish Defence Forces Personnel?

Considering the number of ongoing peacekeeping operations and the increase in the number of peacekeeping and peace-enforcement operations since 1990, an increasing number of family members of peacekeepers will have to deal with stressors of the deployment and adjustment problems of the peacekeeper following deployment.<sup>1</sup>

## Introduction

The Defence Forces continues "...to contribute to the maintenance of international peace and security through participation in approved United Nations – Mandated peace support, crisis management and humanitarian relief operations."<sup>2</sup> This fact is borne out by the numbers of military personnel assigned to service overseas in recent times. For example, in 2008, 1,639 or 19 per cent of all Enlisted Personnel served overseas. In the case of officers, the number was 340, or 32 per cent of all officers.<sup>3</sup> These figures portray an organisation in which deployment overseas for extended periods is a routine and regular part of life.

Our soldiers appropriately undergo psychological preparation for entry into mission areas and receive further debriefing and counselling as required on their return. While partners are strongly encouraged to understand their soldier's emotional concerns, the same emphasis is not placed on understanding their own.<sup>4</sup> Indeed, in some situations at least, it is fair to say that, "Until now, little systematic research has been done among family members of veterans who participated in international peacekeeping operations."<sup>5</sup>

This gap is surprising considering that the contentment of family members is acknowledged as a significant factor in the contentment of military personnel. Indeed, of four major elements of military life, including the risk of death to the military member, frequent separation due to deployments is the most significant to the families themselves.<sup>6</sup> "Research has shown that the health and well-being of military spouses is important, both

1 Dirkzwager, A.J.E., Bramsen, I., Ader, H. and Van Der Ploeg, H.M. (2005). 'Secondary Traumatization in Partners and Parents of Dutch Peace-keeping Soldiers' *Journal of Family Psychology* 19(2), 217-226.  
2 Ireland (2008). *The Annual Report of the Defence Forces 2007*. Department of Defence.  
3 Ireland (2009). *The Annual Report of the Defence Forces 2008*. Department of Defence.  
4 Hamilton, S., Nelson Goff, B.S., Crow, J.R., and Reisbig, A.M. (2009). 'Primary Trauma of Female Partners in a Military Sample: Individual Samples and Relationship Satisfaction.' *The American Journal of Family Therapy* 37, pp. 336-346.  
5 Dirkzwager et al, Op Cit, p. 218.  
6 Burrell, L.M., Adams, G.A., Durand, D.B. and Castro, C.A. (2006). 'The Impact of Military Lifestyle on Well-Being, Army, and Family Outcomes' *Armed Forces and Society* 33:1, 43-58.

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to the individual family unit and to the operational unit.”<sup>7</sup> This essay is based on a thesis completed for an MA (LMDS). In it I provide our Defence Community with a baseline from which to make meaningful and useful progress in this neglected area.

### **A Brief Description of my Research**

The research conducted for the thesis was qualitative in nature in which I adopted a hermeneutic phenomenological approach to data collection. The data was drawn from a series of semi-structured interviews with members of Defence Forces’ families. Participants were selected who have ‘lived experience’ of overseas deployments, who were happy to talk about their experiences, and who were diverse enough from one another to provide for rich and unique feedback.<sup>8</sup> Therefore, the military personnel included senior officers, NCOs and privates, with a balance of male and female, while the number of dependent children within families varied from one to four.

### **Definition of Key Terms**

The initial challenge in framing research of this kind was to find an acceptable definition of ‘family’. While much of the available international research confines itself to the traditional nuclear family, with married parents and children, a more flexible and inclusive definition is required to more accurately reflect modern Irish life. We can accept a family as a number of individuals “sharing an idea of being and becoming over time”, coupled with the notion of interdependence and caring between family members.<sup>9</sup> A refinement for my research adopted a constraint that a family will have at least one dependent/carer relationship between an adult and a child. My guiding definition of a family was therefore; ‘A group of persons in an interdependent and caring mutual relationship, where one of the adults is a member of the Defence Forces with overseas experience, and there exists at least one dependent/carer relationship between an adult and a child within the family structure’.

## **THE INTERNATIONAL LITERATURE**

### **The Children’s Perspective**

There is overwhelming agreement internationally that the deployment of a parent overseas can have a negative effect on children, from infants to teenagers. The negative changes observed range from refusal to eat, tantrums and toilet accidents in younger children, leading to more serious changes including isolation and substance abuse in teenagers. In more serious cases up to one third of the children of deployed military personnel can be ‘high risk’ for psychosocial morbidity.<sup>10</sup> This level of disturbance is manifested in a range of behavioural changes, some of which endure for the separation period, and others which have a longer duration. These changes can include anxiety, sleep disturbances, phobias and other physical ailments.<sup>11</sup>

There is evidence that not only does the absence of the father for a prolonged period have a negative effect on children, but that such an effect is more marked in the case

<sup>7</sup> Eaton, K.M., Hoge, C.W., Messer, S.C., Whitt, A.A., Cabrera, O.A., McGurk, D., Cox, A. and Castro, C.A. (2008) ‘Prevalence of Mental Health Problems, Treatment Need, and Barriers to Care among Primary Care-Seeking Spouses of Military Service Members involved in Iraq and Afghanistan Deployments’ *Military Medicine* 173(11), 1051 – 1056. p.1052.

<sup>8</sup> Van Manen, Op Cit.

<sup>9</sup> Isovaara, S., Arman, M. and Rehnfeldt, A. (2006). ‘Family suffering related to war experiences: an interpretative synopsis review of the literature from a caring science perspective.’ *Scandinavian Journal of Caring Sciences* 20, pp. 241-250.

<sup>10</sup> Flake, E.M., Davis, B.E., Johnson, P.L. and Middleton, L.S. (2009) ‘The psychosocial effects of deployment on military children.’ *Journal of Developmental & Behavioral Pediatrics* 30:4, pp. 271-278.

<sup>11</sup> Black, W.G. (1993). ‘Military-induced family separation: A stress reduction intervention’ *Social Work* 38:3, pp. 273-280.

of male children.<sup>12</sup> It should be noted however, that many of the studies deal with a traditional military system, where the deployed parent is more likely to be male. Some more recent studies acknowledge that this situation is changing and that more females are deploying as part of peacekeeping and peace enforcement missions.

A worrying aspect arising from the literature is the possibility that the increased stress in the remaining parent, combined with the absence of the deployed parent, can have a negative impact on the quality of the child-parent relationship during the deployment:<sup>13</sup> "...findings indicate that both departures to and returns from operational deployment impose stresses on military families and likely increase the rate of child maltreatment".<sup>14</sup>

### **The Adult Perspective**

The deployment overseas of a partner is a challenging time, where "Feelings of loneliness, role overload, financial difficulties, child-related issues, worry over long distance relationship maintenance and separation anxiety are common concerns related to deployment".<sup>15</sup> Some partners cope better than others. Where many report feelings of loneliness and domestic and financial difficulties, others report positive personal effects during the deployment, including deliberate weight loss, learning new skills and the acquisition of greater self-confidence as a result of their husband's absence.<sup>16</sup> Subjects considered that the long-term financial benefits of military life were an adequate compensation for the negative aspects, including their husband's unpredictable and frequent periods of absence. Some differences in the effect of male versus female deployment have been reported. During the First Gulf War, deployment of male soldiers did not appear to have any effect on divorce rates. In contrast, the deployment of female soldiers led to a statistically significant increase in divorce rates, suggesting that the deployment of women placed a marked strain on marriages.<sup>17</sup> Another study reported that while divorce rates are high for American military families, the rate for female service personnel is higher than for both the male military community and the general female population.<sup>18</sup>

Much of the literature indicates that pre-existing conditions within families will have a significant bearing on how well they cope with deployments. A study of South African naval personnel proposed a nexus of resilience for families that comprises eight principle dimensions including 'emotional continuity', 'positive perspectives on separation', 'support systems', 'financial preparation', a 'partner aware family structure', 'resilient children', 'flexible marriage' (where both partners adapt more easily to the deployment) and 'family oriented management'.<sup>19</sup> There is evidence that stable marriages can survive six month

12 McCubbin, H.I. and Dahl, B.B. (1976). 'Prolonged family separation in the military: A longitudinal study' In H.L. McCubbin, B.B. Dahl and E.J.Hunter (Eds) *Families in the military system*, pp. 112-144 Sage Publishers.

13 Palmer, C. (2008) 'A Theory of Risk and Resilience Factors in Military Families' *Military Psychology*, 20, pp. 205-217.

14 Rentz, E.D., Marshall, S.W., Loomis, D., Casteel, C., Martin S.L. and Gibbs, D.A. (2007). 'Effect of Deployment on the Occurrence of Child Maltreatment in Military and Nonmilitary Families' *American Journal of Epidemiology* 165(10), 1199-1206, p1204.

15 Dimiceli, E.E., Steinhart, M. A. and Smith, S.E. (2010). 'Stressful Experiences, Coping Strategies, and Predictors of Health-Related Outcomes among Wives of Deployed Military Servicemen' *Armed Forces and Society* 36, pp. 351 - 373.

16 Dandeker, C., French, C., Birtles, C. and Wessely, S. (2006). 'Deployment Experiences of British Army Wives Before, During and After Deployment: Satisfaction with Military Life and Use of Support Networks.' *Human Dimensions in Military Operations – Military Leaders' Strategies for Addressing Stress and Psychological Support* 38-1–38-20.

17 Angrist, J.D. and Johnson, J. H. (2000). 'Effects of Work Related Absences on Families: Evidence from the Gulf War' *Industrial and Labour Relations Review* 54:1, p. 41.

18 Adler-Baeder, f., Pittman, J.F. and Taylor, L. (2005). 'The Prevalence of Marital Transitions in Military Families', *Journal of Divorce and Remarriage* 44:1/2, pp. 91-106.

19 Van Breda, A.D. (1999). 'Developing Resilience to Routine Separations: An Occupational Social Work Intervention. Families in Society' *The Journal of Contemporary Human Service*, pp. 597-605.

deployments without significant long term decrease in marital satisfaction or quality. However, for those personnel whose marriages were in difficulty before the deployment there was an especially low marital stability rate reported.<sup>20</sup> The psychological well being of the returning family member can have a serious effect on how the post deployment phase is carried out. One study of returning peacekeepers found that where Post Traumatic Stress Disorder (PTSD) was a factor, there was more likely to be an effect on the family and relationships.<sup>21</sup> Even where PTSD was not a factor, there may be an association between the duration of the deployment and severe alcohol abuse problems.<sup>22</sup> On the other hand, there appears to be a clear association between a willingness to openly discuss experiences during deployment and lower distress levels within the family.<sup>23</sup>

## A CONCEPTUAL FRAMEWORK

### The Deployment Cycle

A structured and sensitive framework of deployment is offered in the 'Theory of the Deployment Cycle', which divides the experience into five distinct stages, namely pre-deployment, deployment, sustainment, re-deployment and post-deployment.<sup>24</sup>

### Interaction with the Military Organisation

It is interesting to note that even though the British army has dedicated facilities to assist families of deployed personnel, less than one fifth of the wives of deployed soldiers looked for formal assistance from military sources as a result of their husband's departure. Many preferred to seek assistance from other military wives or from their extended families.<sup>25</sup> This is supported by other studies, which found that returning Peacekeepers are more likely to talk to friends, family and other informal groups rather than to the formal counselling services offered by the military.

## RESEARCH RESULTS THE ADULT PERSPECTIVE

All participants agreed, in keeping with the international perspective, that the implications of overseas service for the family were generally negative, and influenced the most important of family decisions. It was seen as something to be coped with, rather than experienced in a more positive light.

### Pre-Deployment

The interviewed families felt that this was an emotional time. However, in contrast with other studies there was very little reporting of friction. This can be partly explained by the relatively well defined timeframe experienced by Irish families in the pre-deployment phase, which contrasts with less certain and more elastic conditions which comprise the international experience. Families reported frustration with the duration and intensity of

20 Schumm, W.R., Bell, D.B. and Gade, P.A.(2000) 'Effects of a military overseas peacekeeping deployment on marital quality, satisfaction , and stability' *Psychological reports* 87:3:1, pp. 815-821.

21 Maguen, S., Stalnak, M., McCaslin, S. and Litz, B.T., (2009). 'PTSD Subclusters and Functional Impairment in Kosovo Peacekeepers' *Military Medicine*, 174(8), pp. 779-785.

22 Rona, R.J. (2007). 'Mental health consequences of overstretch in the UK armed forces: first phase of a cohort study' *British Medical Journal*.

23 Greenberg, N., Thomas, S.L., Iversen, A., Unwin, C., Hull, L. and Wessely, S. (2003) 'Do military peacekeepers want to talk about their experiences? Perceived psychological support of UK military peacekeepers on return from deployment' *Journal of Mental Health* 12(6), pp. 565-573.

24 Pincus, S. H., House, R., Christenson, J., & Adler, L. E. (2007). *The emotional cycle of deployment: A military family perspective*. Accessed November 1, 2009, <http://www.hooah4health.com/deployment/familymatters/emotionalcycle.htm>

25 Dandeker, Op Cit.

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pre-deployment training, which appeared to them to be inflexible and unnecessary, taking the deployed person out of the family sooner than required.

### **Deployment and Sustainment**

There was a general feeling that the experience was quite lonely, and had an isolating effect within the community. Surprisingly, several families felt that while it was difficult for civilian friends to understand the situation, the level of support from other military families was also quite poor. The stress of having sole responsibility for running the family affairs was marked in each case, concurring with other studies.<sup>26</sup>

Some positives in the form of increased independence and a sense of achievement were reported, correlating closely with international norms.<sup>27</sup> There was also a general feeling that adult relationships could be strengthened by the experience. Where extended families were 'onside', and where remaining partners were also in the Defence Forces, or had a comfortable level of knowledge, the experience was easier to manage.

### **Communications During Separation**

Some of the families felt that there could be too much communication, where deployed partners were being asked to deal with routine domestic issues over which they had no control. Other families were more positive, and stressed the importance of frequent communication.

On the other hand, some remaining partners were frustrated at having to stop their busy lives routinely to chat to their partners. This was particularly true where the deployed partner seemed to have more free time, particularly in the evenings, than the partner remaining at home.

Each interviewed family acknowledged the comfort of knowing that communications were reliable and instant in the event of an emergency. This was developed into the idea of knowing that the deployed soldier could be extracted relatively quickly from a mission area in the event of a family crisis. This was crucial in the family decision to participate in overseas deployments, and led directly to a preference for European rather than African mission areas, acknowledged by both deployed and remaining partners.

### **Working Partners**

In all of the families interviewed, the remaining partner worked either full or part time for the duration of the overseas deployment. This is unusual in terms of much of the international literature, where many of the remaining partners are not in employment. In each case, the principle reason given for working was that of financial necessity. Working partners found that while they enjoyed the support and the friendships of work, they found that it placed significant extra pressure on their reserves of time and energy.

### **Operational Environment**

Most of the soldiers interviewed conceded that for them, the experience of service

26 Chandra, A., Burns, R.M., Tanielian, T., Jaycox, L.H. and Scott, M.M. (2008). 'Understanding the Impact of Deployment on Children and Families'  
A working paper produced for the Centre of Military Health Policy Research.

27 Dandeker et al, Op Cit.

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overseas was overwhelmingly positive from a professional point of view. This was more marked in the case of senior NCOs and Officers, offering a change from routine regimental life and a usually interesting and rewarding appointment.

On the other hand, where the deployments have been stressful, or even dangerous, it has been difficult to prevent that leaking back onto the home environment. This is in accord with international experience, where stressful overseas deployments are more likely to have an adverse affect on the family and relationships<sup>28</sup>.

Female soldiers interviewed found that the deployment overseas could be problematic. They felt excluded to a certain extent, from the closeness of friendship and camaraderie that male soldiers are able to take for granted. This contributed to a more stressful experience of deployment. This is particularly interesting when viewed in light of the increased levels of relationship stress and eventual break-up noted internationally where the deployed partner is female.<sup>29</sup>

### **Re-Deployment and Post Deployment**

Even while discussing other stages, families would return to these two stages as the most important, or the most vivid in their recollection: A striking aspect was the emergence of conflicting emotions as each of the partners prepared for the reunion. The remaining partners spoke of the shifting balance of power, where they were moving from a position of complete autonomy in the home to a new reality. This led to anger and frustration on the part of the remaining partner, largely tempered with relief that the ordeal is over. Where a family was relatively newly formed, the readjustment could be more difficult.

Soldiers returning from immersion in a relatively uncomplicated military environment found readjustment difficult. This led to irritability and impatience, developing into arguments and silences before the adjustment was complete. There were also irrational feelings of resentment that everything had worked fine in their absence, and regret that a portion of their children's development had been denied to them. These feelings are very much in line with those described internationally, where redefinition of roles and boundaries, loss of independence and the readjustment of routine domestic norms have proved stressful.<sup>30</sup>

### **The Effect of Pre-existing Resilience in Families**

Each of the families interviewed was a functioning unit. As such, they each stressed the need for a solid based relationship as an absolute necessity for surviving continued exposure to overseas service. This is again in keeping with international norms, mirroring the notion that pre-existing conditions in the family have a significant bearing on how the family copes with the stress of deployment.<sup>31</sup>

## **RESEARCH RESULTS THE CHILD'S PERSPECTIVE**

Each of the families interviewed pointed to the effects of the deployments on children as the single most worrying factor in overseas deployments. All of the participants agreed

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28 Maguen et al, Op Cit.

29 Angrist and Johnson, Op Cit.

30 Reinkober Drummet, A., Coleman, M, and Cable, S. (2003). 'Military Families Under Stress: Implications for Family Life Education.' *Family Relations* 52:3, pp. 279-287.

31 Van Breda, Op Cit.

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that the age of the children and the stage of their development was an important factor in how they coped with the overseas deployment of a parent.

### **Emotional Effect on Children**

The reporting of the effects on children was varied. In some cases, the emotional effect lasted for the duration of the deployment period, and then was not observed within a short time of the return of the deployed partner. Some participants noticed very little disruption at all.

However others noticed more significant disruption. The most common manifestations of emotional disturbance in children were sleeplessness and anxiety, in common with findings of other studies.<sup>32</sup> In some cases this continued for a considerable period after the return of the deployed parent. A common thread which emerged was a continuous need for reassurance on the part of some children for a long period after the return of the deployed parent. This took the form of constant checking to ensure that the parent is still there and not planning to leave again, and obvious distress if they suspect it is happening again.

### **The Effects on Boys Versus Girls**

There was agreement that the experience was different for boys than for girls. This was attributed in part to the fact that most deployed soldiers are fathers, and that this absence produces a different dynamic than the absence of a mother. This supports the international perspective, where parental absence is associated with temporary behavioural difficulties and that these difficulties are more marked in male children.<sup>33</sup> The overall impression from the interviews however is that there was no measured difference in the effect of paternal rather than maternal separation, again agreeing with international literature.<sup>34</sup>

### **The Effect of Leave**

Just as with the effect of leave on adults, there was some divergence in relation to the experience of leave on children. One of the most striking points made was that when the remaining partner had leave, they enjoyed a respite from the negative aspects of trying to run the home by themselves. This improved their morale and had an observable positive effect on the children. This agrees with other findings which reported that increased stress in the remaining parent has a negative effect on the child – parent relationship during the deployment.<sup>35</sup>

There were negative effects associated with leave. These were particularly noted when trying to settle the children down into a routine again after the deployed parent returned to the mission area. Other families considered that the overall positive effect on the children outweighed any temporary negative effect. Where the child was consciously experiencing overseas for the first time, it was reassuring to see the deployed parent

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<sup>32</sup> Black, Op Cit.

<sup>33</sup> McCubbin, H.I. and Dahl, B.B. (1976). 'Prolonged family separation in the military: A longitudinal study' In H.L. McCubbin, B.B. Dahl and E.J. Hunter (Eds) *Families in the military system*, pp. 112-144 Sage Publishers.

<sup>34</sup> Applewhite, L.W. and Mays, R.A. (1996). 'Parent-Child Separation: A Comparison of Maternally and Paternally Separated Children in Military Families' *Child and Adolescent Social Work Journal* 13:1, pp. 23-39

<sup>35</sup> Palmer, Op Cit.



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again, and knowing that even though they went away again, that the pattern of eventual return had been established.

Families developed their own strategies for dealing with children's questions about the deployment, particularly in relation to time. Where the child was old enough to understand, some of the families used calendar type countdowns, and made a ceremony of marking the days and weeks off. This could have a negative effect however, particularly where unforeseen circumstances prevented the parent returning on the specified day.

### **Communications During Separation**

There was interesting divergence in relation to families' experience of communications between children and the deployed Parent during the period of the deployment. While one family felt that daily communication was essential, others felt that it could be counterproductive, causing confusion and some distress. However, just as with the communications issue relating to adults, there was general agreement that knowing that there were good communications available if required was a significant source of comfort.

### **Interaction with the Defence Forces**

In keeping with the international literature, the Families interviewed were uniformly reluctant to use any of the support structures offered by the Defence Forces during a deployment.<sup>36</sup> However, while internationally the reasons given for this reluctance have been a preference for more informal structures, the reasons given by the participant families in this study have been more definite and more complex. The most significant reason given relates to privacy, while there exists a feeling that any official contact with the Defence Forces while a partner is away is an indicator that something is wrong, or that a family is not coping.

There was considerable frustration at how the Defence Forces attempts to project its services to the families of deployed personnel. This became quite emotive in relation to the availability of information, and was common through each family interviewed. While families were willing to recognise that a lot of work has been done to improve the services offered to individual soldiers before, during and after their overseas deployments, they felt strongly that the leap had not yet been made to recognise that soldiers are also family members.

This perceived lack of understanding is particularly meaningful when it comes to selection for overseas service. There was a significant degree of frustration observed in relation to notification times, the processing of mandatory selection and overall family friendly career planning. This frustration is more marked when soldiers observe military personnel from other organisations who appear to have a superior system.

### **Motivation**

In each case, the motivating criteria within families for overseas service evolved over time, with the advent of children and family responsibilities playing a significant role in moving from a more adventurous to a more considered attitude. Future deployments overseas become a family rather than an individual decision.

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<sup>36</sup> Dandeker et al, Op Cit.

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A primary motivation for further service overseas is career based, with acceptance within some of the families that promotion is predicated on a satisfactory overseas record, and that as such, it can't be avoided.

While some of the families felt that financial considerations would influence any future service overseas, others placed it quite low on their list of priority. Others were accepting of the requirement to travel overseas as a reality of military service, but viewed it now as a necessary evil, rather than a positive part of their military existence. This conflicts with some of the international findings, where in general there appears to be more contentment and acceptance of the requirement for overseas service.

### **Summary**

The Research provided a strong stream of data that supported the premise that there is a significant impact on the lives of Defence Forces Families as a result of overseas deployments. In the case of adults, the most difficult time for remaining partners was the deployment and sustainment stages, with reported feelings of isolation and loneliness. The Family as a unit found the period of readjustment during redeployment and post deployment to be difficult. In the case of children, there is evidence of significant emotional effects. Families reported a reluctance to use military support systems and felt the level of communication with the Defence Forces during deployments was inadequate. Motivation for further overseas deployments was adversely affected by the advent of children into the family.

### **Conclusion**

The following recommendations are presented in light of these research findings:

- Provision of an independent counselling service, outside of the Defence Organisation but available locally, to provide easy confidential access to families of deployed personnel as required. This was explicitly suggested by one of the participant families.
- Provision of a comprehensive and frequently updated information service, available online, to the families of deployed personnel. The Defence Forces Website may be the ideal vehicle to provide some form of password protected access to families where resources could be made available, and which families could use in a voluntary and confidential manner.
- An examination of the current system for overseas selection to achieve an effective assessment of individual domestic situations before the selection process is initiated, and a transparent and medium term forecast of overseas service to personnel and their families to allow for domestic planning and organisation, significantly reducing the stress of overseas deployments.
- A policy of making other public bodies and the general population aware of the difficulties experienced by families during deployments, with emphasis on teachers within the education system.

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- The development of initiatives, including further study, to gain a clearer understanding of how overseas deployments are currently experienced, to include an emphasis on family motivation for overseas deployments when soldiers become parents.

### **Direction of Further Research**

All of the subjects who participated in the study were viable and existing family units. However work needs to be done in relation to the rate of marital and relationship failure in the Defence Forces as opposed to the general population, and how this is affected by the inclusion of routine overseas deployments as a part of family life.

Additional work, by suitably qualified and tasked personnel, which achieves direct access to the children of military families, will provide a valuable insight into how they experience the overseas deployments of their parents.

### **Final Remarks**

Overseas service has a profound impact on our partners and on our children. While sharing the normal stress of modern Irish life, they cope with the loneliness and frustration of the regular absence for sustained periods of a parent and partner, often in circumstances where that parent is serving in a dangerous and hostile environment.

In the final analysis, soldiers will continue to serve overseas, projecting the foreign policy of the State, and improving the lives of the most unfortunate people on the Planet. Our families will continue to deal with the difficulties associated with this service as they have in the past. This is not at issue. Overseas service is an important part of our lives as military personnel, and our families appreciate that. This study recognises the contribution of our families, indicates where further study can progress this issue and points towards how support to families of deployed personnel can be improved.

# ‘From Vancouver to Vladivostok with Valentia in Between’ – Ireland’s Chairmanship of the OSCE

## Introduction

Ireland assumes the 12 month chairmanship of the Organisation for Security and Cooperation in Europe (OSCE) for the first time in January 2012. This demonstrates Ireland’s commitment to seeking security and promoting its values through multi-national forums, a tradition reflected in the past through Ireland’s tenure of the EU presidency and as a non-permanent member of the UN Security Council. Despite the size of the organisation (56 member states spread from ‘Vancouver to Vladivostok’) and the importance of its security objectives, the OSCE has failed to enter the Irish public conscience in the same way that the other two aforementioned international organisations have. The timing of Ireland’s chairmanship makes it apposite in this paper to review the state of affairs of the OSCE and outline some of the issues and challenges that Ireland faces during its term in office. It may also provide some useful background information for any officers of the DF who find themselves assigned to activities associated with the chairmanship either at the Vienna HQ or in any potential assignment to a Field Mission.

Having established a purpose, the paper continues with a review of the background of the OSCE and its development to date before looking at the current challenges facing the organisation. There follows a review of the organisational relationship with Russia to provide greater understanding of some of the stasis affecting the working of the OSCE. It is argued that room for manoeuvre to improve cooperation does exist and the paper concludes examining how Ireland can contribute to this process and what steps may facilitate progress.

## Background

The OSCE has its roots in the early détente period of the Cold War. Following the Cuban Missile crisis both the Western democracies and the Soviets were anxious to find a forum for East - West communications that could avert the threat of a nuclear confrontation.<sup>1</sup> Initial soundings led to the 1975 Helsinki Final Act and the establishment of Conference for Security and Cooperation in Europe (CSCE). The Final Act fulfilled a number of Soviet objectives by securing western acceptance of the political status quo in Europe and thereby guaranteeing Soviet hegemony in Eastern Europe.<sup>2</sup> It also

1 Pourchot, Georgeta. (2011). ‘The OSCE: a Pan – European Society in the Making?’ *Journal of European Integration*. 33: 2, pp 179 – 195.

2 Zellner, Wolfgang. (2005). ‘Russia and the OSCE: From High Hopes to Disillusionment.’ *Cambridge Review of International Affairs*, 18: 3, pp 389 – 402. Entin, Mark & Zagorski, Andrei. (2009). ‘Can the European Security Dialogue Return Russia the Sense of Ownership of the OSCE?’ *The EU-Russia Centre Review: ‘Russia, the OSCE and European Security,’* Issue Twelve, November 2009. EURussia Centre, pp. 14 – 20.

opened up greater opportunities for trade enlargement with the West and improved access to western technology. From a western perspective, the Act paved the way for the internationalising of concerns for human rights protection throughout the Soviet space.<sup>3</sup> The conference, by focusing on political rather than legal concepts of security, played an important role in the unfreezing and eventual end of the Cold War.<sup>4</sup> Buoyed by the détente and possibilities for closer cooperation arising at the end of the Cold War the Conference became an Organisation, with its own set of permanent institutions following the 1994 Budapest Summit.

### **Underpinning Principles**

The OSCE supports the concept of the indivisibility of security positing that European security rests on three pillars or within three dimensions namely; the traditional politico–military dimension, the economic dimension and the human dimension. Real security can not be achieved unless all three categories are addressed. From the initial Helsinki conference to the end of the Cold War most activity was focused on the first or politico–military dimension, reflecting the concerns of potential military confrontation. Agreements such as the 1989 Conventional Forces in Europe Treaty (CFE); the 1992 *Vienna Document* and the 1992 *Open Skies Treaty* (Not an OSCE document but relevant to its activities) reduced traditional security tensions through a series of confidence and security building measures (CSBMs) providing greater transparency and over-watch of security issues such as numbers and movement of troops, equipment, military exercises, budgets, etc.

After the collapse of the Soviet Union and the subsequent break up of Yugoslavia the threats in the first or politico–military dimension decreased significantly within the European theatre. The OSCE then began to play a more prominent role in the third or human dimension, dealing with issues such as; human rights; the conduct of elections; media freedom; independence of the judiciary; etc. This role was supported institutionally through the creation of separate organs such as the Office for Democratic Institutions and Human Rights (ODHIR) with an office in Warsaw, the High Commissioner on National Minorities with an office in The Hague and the Representative on Freedom of the Media based in Vienna. An organigram of the OSCE institutions and activities is shown in Figure 1.

In the early 1990s broad support existed throughout the OSCE zone for these activities. Western democratic states considered them appropriate if the former soviet bloc countries were to embrace democratic capitalism. In the former soviet bloc support for these activities amongst some political elites was muted initially and eventually gave way to criticism and obstruction – particularly on the part of Russia. Many of the smaller states of Eastern Europe embraced the third dimension activity as they saw it as a way to strengthen their case for EU and NATO membership. Throughout the 1990s the OSCE set up field missions in most of the former soviet republics and played an active role in dealing with armed conflicts in some of them (for example in Georgia, Moldova and the disputed Nagorno-Karabakh region between Armenia and Azerbaijan). Human dimension activities such as observing elections also took place throughout the area east of the line of the former iron curtain.

3 Lynch, Dov. (2009). 'The State of the OSCE.' *The EU-Russia Centre Review*. 'Russia, the OSCE and European Security,' Issue Twelve, November 2009. EURussia Centre, pp 5 – 13.

4 Galbreath, Davd. J. (2007). *The Organization for Security and Cooperation in Europe*. Routledge, New York.

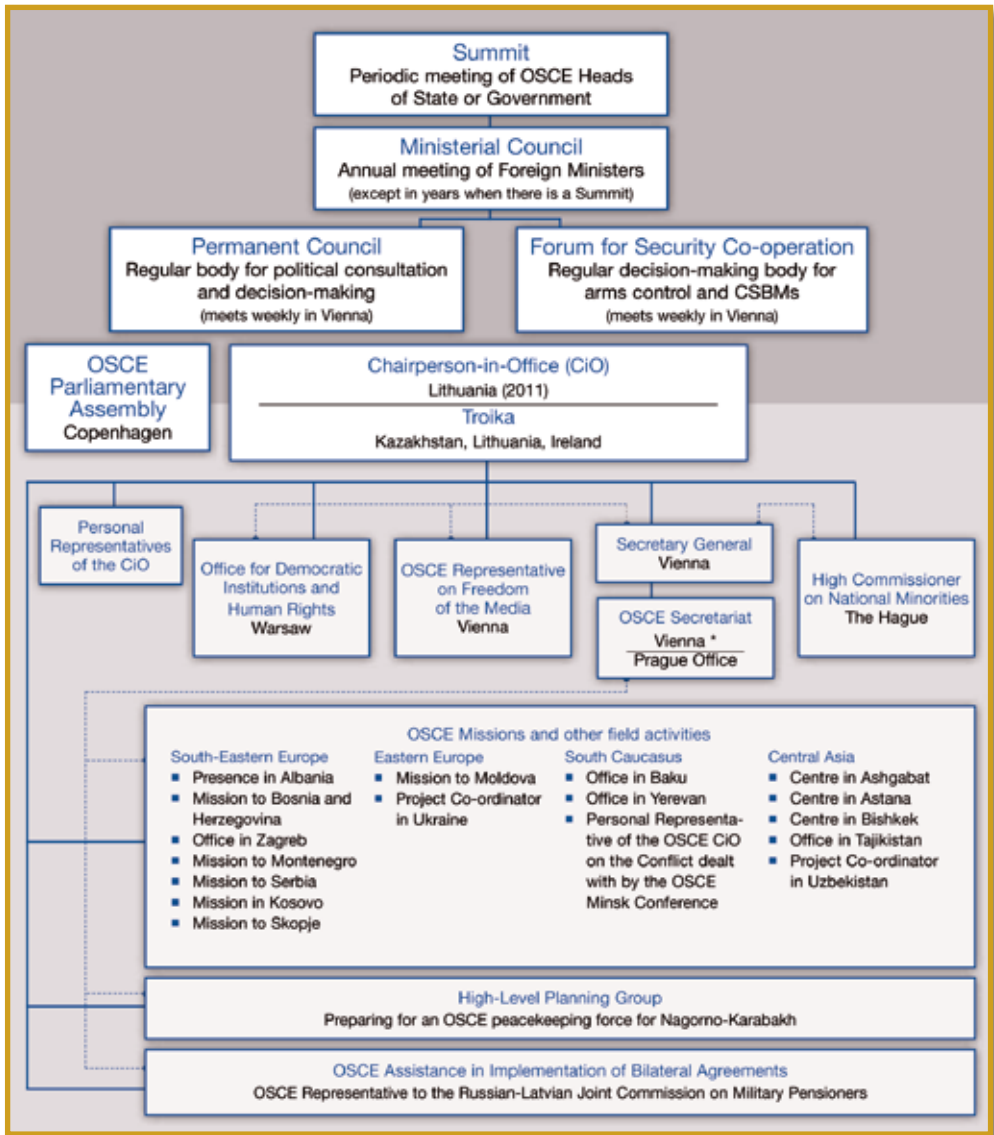


Figure 1. Overview of the OSCE.<sup>5</sup>

The criticism of such activity eventually came to a head in Russia. By the time Vladimir Putin assumed control the tide had begun to turn in relation to Russian support for OSCE activities. The government grew increasingly resentful of OSCE criticism of a broad range of issues in Russia. These included the conduct of the war in Chechnya (where the OSCE had been permitted to establish an Assistance Group); the democratic deficit in Russia as exemplified by the conduct of elections; the restrictions on media activities, the harassment of opposition figures; etc. Russia also grew resentful of OSCE activities

<sup>5</sup> <http://www.osce.org> accessed on 20 August 2011.

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in neighbouring and newly independent former soviet states – ‘the near abroad.’ Such interference was considered trespassing on what the Kremlin felt was its own sphere of influence, and these activities were undermining Russia’s own national interests.<sup>6</sup>

### **Current Situation**

An analysis of the current state of affairs must focus on Russia for two reasons. The first is that since the collapse of the Soviet Union the vast majority of OSCE activity (conflict resolution, establishing field missions, human rights protection, democracy building, etc) has been conducted either in the countries of Eastern Europe (former Warsaw Pact members) or in the newly independent states of the former Soviet Union. As mentioned this ‘East of Vienna’ bias<sup>7</sup> rankles with Russia who considers the bulk of these territories within its sphere of influence and who resents any external interference in this sphere. The second reason is partly related to the first in that Russia has developed an especially strong level of antipathy towards the OSCE.<sup>8</sup> It is not unusual for states to criticise international organisations, especially when they adopt positions critical to their national policy. For example in the US the Bush presidency was stridently critical of the perceived shortcomings of the UN. However Russia’s view of the OSCE has been described in much more sinister terms. Galbreath suggests that; “The OSCE, seen as an agent of the West, was perceived by Moscow as a growing threat to be contained.”<sup>9</sup> The question presenting itself is why has Russia assumed such an antagonistic approach to the OSCE?

### **Russia and the OSCE**

As already mentioned in the decade that followed the breakup of the Soviet Union, Russia was broadly supportive of OSCE activity throughout Eastern Europe and in the former Soviet Union. Field Missions were set up throughout the area including an OSCE Assistance Group to Russia when the Chechen war broke out. This support may have been a reflection of enthusiasm for democracy amongst the emerging, post-soviet, political elite of the Yeltsin administration. But it was also rooted in pragmatism. The OSCE was able to defend Russian interests in a number of areas. Firstly the organisation provided a guarantee of sovereignty through the principle of the inviolability of national borders. Many in the multi-ethnic Russian Federation feared that the break up of the Soviet Union might initiate a domino effect of claims for independence by minority secessionist groups within the Federation. This fear became acute when the first Chechen War broke out. By acknowledging the existing borders the OSCE sucked some of energy from potential secessionist groups. The OSCE was also a useful tool to protect the large numbers of ethnic Russians now living in the ‘near abroad’ of the newly independent republics some of whose new political leaders were extremely resentful of these large ethnic Russian minorities. On a strategic level the Kremlin had hoped that the transformation to organisational status of the OSCE would permit Russia to integrate into a new European political and security order and in doing so check the expansion and growing influence of both NATO and the EU.<sup>10</sup> Russia had hoped that by engaging with the OSCE it could increase its influence in European affairs, negate the influence of the

6 Stuermer, Michael. (2008). *Putin and the Rise of Russia*. Wiedenfield & Nicholson, London.

7 Galbreath, David. (2009). ‘Putting the Colour into Revolutions? The OSCE and Civil Society in the Post-Soviet Region.’ *Journal of Communist Studies and Transition Politics*, 25:2, pp. 161-180.

8 Ibid.

9 Ibid, p. 175.

10 Entin & Zagorski, Op Cit.

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US and use the organisation as a platform to project its interests in the 'near abroad'.<sup>11</sup> Finally Russia's preliminary supportive attitude to the OSCE may be explained in terms of the shock that permeated the state, its institutions and its people by the sudden collapse of the Soviet Union. The political, economic and social chaos that characterised 1990s Russia coupled with the rapid demise in the efficiency of the Russian armed forces as demonstrated in the first Chechen war suggests that there was no option but to support OSCE activity because Russia was too distracted, helpless even, with internal problems to concentrate energy on challenging the OSCE.

This level of support did not however persist. Western 'hawks' tend to emphasise the emergence of a more hostile Kremlin after the departure of President Boris Yeltsin in trying to explain this change in Russian attitude.<sup>12</sup> Certainly the transfer of power from Boris Yeltsin to Vladimir Putin has been marked by a change in attitude to external relations. This has been explained by way of Mr Putin's background in the KGB and his promotion of securecrats to the important levers of power in Russia.<sup>13</sup> However the answer is more complex and there are a number of factors that have influenced this hardening of attitudes towards the OSCE.

On a strategic level the Russians realised back in the 1990s that the OSCE was not going to become the preeminent institution in shaping the European security environment.<sup>14</sup> Instead the Kremlin's worst fears have been realised across the three dimensions of security. In the first (political-military) dimension of security, the American dominated NATO emerged as the preeminent institution. Two events, which have particularly galled Russia, have demonstrated this pre-eminence. The first is the expansion of NATO up the very borders of Russia (the three Baltic republics of Estonia, Latvia and Lithuania became members in 2004). This expansion has embraced not only territory of Russia's satellite states in Eastern Europe but has encroached into the 'near abroad' of former soviet states. The second indicator of NATO's pre-eminence was the 1999 war launched against Serbia over the Kosovo crisis. From the Kremlin's perspective this represented a break from multilateral approaches to crisis management and an unacceptable level of America influence in what it considers its traditional sphere of influence. Furthermore the OSCE emerged tainted in the wake of the crisis, not merely because it failed to control it, but because Russia felt OSCE activity had in fact prepared the ground for the NATO intervention.<sup>15</sup>

In the second (economic) dimension the EU has emerged as the preeminent institution throughout Europe. The prospect of membership contributed to stability throughout central and Eastern Europe in the 1990s.<sup>16</sup> Like NATO it has expanded up to the border of Russia, also incorporating the three Baltic States in 2004. Many of the remaining states of the former Soviet Union, such as Georgia and Ukraine, look to the EU rather than Russia for greater cooperation in the economic dimension through preferred trading arrangements and the provision of investment and aid.

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<sup>11</sup> Zellner, Op Cit.

<sup>12</sup> Shkolnikov, Vladimir, D. (2009). 'Russia and the OSCE Human Dimension: A Critical Assessment.' *The EU-Russia Centre Review*. 'Russia, the OSCE and European Security,' Issue Twelve, November 2009. EURussia Centre, pp. 21-29.

<sup>13</sup> Stuermer, Op Cit.

<sup>14</sup> Entin & Zagorski, Op Cit.

<sup>15</sup> Lynch, op cit. Zellner, Op Cit.

<sup>16</sup> Hækkerup, Hans. (2005). 'Russia, the OSCE and Post-Cold-War European Security Introduction.' *Cambridge Review of International Affairs*, 18:3, pp. 371-373.



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The rising influence of these two institutions in the first two security dimensions has been accompanied by a commensurate reduction in the OSCE's influence in these areas. Instead the organisation has been focussing on activity in the third (human) dimension. Gaddis argues that activity in the third dimension legitimised the opposition to communist rule sowing the seeds for the eventual demise of the Soviet Union.<sup>17</sup> This lesson has not been lost on post-soviet Russia which remains deeply suspicious of such intervention. This emphasis on third dimension activities has been undermining Russian influence in the 'near abroad' rather than promoting its interests as it had initially hoped for. Moscow and the sympathetic regimes of the former Eastern Bloc have found themselves on the defensive from OSCE criticism of conduct of elections, human rights guarantees, freedom of the media, etc. This has produced a sceptical and derisory reaction from the Kremlin which has accused the OSCE of bias in its activities. Of particular concern has been the focus on the area 'East of Vienna' that has concentrated OSCE Field and investigative activity almost exclusively in the Russian sphere of influence.<sup>18</sup> This has fuelled a claim of double standards being applied to the countries of the former Eastern Bloc, particularly in the wake of the US 2000 presidential elections and the controversial Florida recount.<sup>19</sup> Schkolnikov illustrates this point by suggesting that the double standards have been applied when western interests are at stake in countries of the Eastern Bloc.<sup>20</sup>

The OSCE issued supportive and congratulatory post election reports on the 1996 Boris Yeltsin and the 2000 Vladimir Putin presidential elections despite the widespread evidence of abuse of the electoral law and deficit of best practices throughout the campaigns. This contrasts with the critical reaction from the OSCE to the 2004 Putin election and the preelection criticism of the 2008 Russian presidential elections which led to Russia effectively frustrating ODIHR's election observation role. There is inconsistency also in the fact that the OSCE provided elaborate oversight to the 1997 Chechen regional presidential elections but refused to oversee the 2003 elections due to security concerns when the security and political conditions were relatively similar to 1997. These inconsistencies have fuelled Russian criticism of the OSCE as a Trojan horse for promoting western (American) interests within Russia and throughout the Eastern Bloc. These criticisms became more strident when the OSCE was seen as playing a prominent role in creating the conditions for the political opposition groups of the 'coloured revolutions' that brought about regime change in Ukraine, Georgia and Kirghizstan.<sup>21</sup> Russia, as a result, seeks to rebalance the activity of the OSCE across the three dimensions of security and would like the issue of consistency to be tackled.

Although the OSCE has attempted to address some of these issues, by conducting electoral observation in Western Europe for example, there is clearly much to be done to reassure Russia regarding the consistency of the OSCE activities.

Finally Russia's about face in relations may well relate to the diminishing effect of the collapse of the Soviet Union. The shock has worn off, patience has worn thin and pride has been damaged. Russia's new found confidence bolstered by economic growth through rising gas

17 In Galbreath (2007), Op Cit, p.5.

18 Lynch, Op Cit. Schkolnikov, Op Cit.

19 Schkolnikov, Op Cit.

20 Ibid.

21 Galbreath, (2009), Op Cit.

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and oil revenues has created an intolerance of lecturing from abroad<sup>22</sup> and left it unresponsive to the criticism from external actors such as the OSCE. Russian pride has been dented by what it sees as patronising foreign actors and it rejects what foreign minister Lavrov referred to as the 'mentors and pupil mentality' of the OSCE.<sup>23</sup> The growth of a 'Zero-sum' mentality where any concession is seen as a loss continues to dominate Kremlin thinking.<sup>24</sup> In the future more subtle approaches will be required to influence the Russian administration.

### **Room for Manoeuvre**

Galbreath suggests that Russia, at a crossroads, has two policy options for dealing with the OSCE.<sup>25</sup> It may withdraw altogether and thereby precipitate its demise, or it may continue to engage with the OSCE on terms favourable to its own hegemonic interests. This paper suggests that despite the antagonistic attitude of Russia towards the OSCE that have gradually built up over the first decade of the 21<sup>st</sup> Century, possibilities for more constructive engagement still exist. These opportunities arise from changes in the strategic environment. The global economic crisis that has been steadily brewing since 2008 has curbed unilateralist tendencies in international relations. The nature and scope of the problems facing the international community are such that they cannot be tackled on their own. The crisis has acted as a break on Russian economic growth and the capital outflows from Russia following the 2008 war with Georgia have further impacted on the national economic outlook. Typically in any recession the demand for energy decreases and this has downgraded Russian expectations for energy export revenues. All these factors have contributed to a less strident tone from Moscow. While Moscow remains critical of the OSCE it has remained engaged and actively continues to propose reforms. On the American part the financial and psychological drain of fighting wars in Afghanistan and Iraq have contributed towards the Obama administration's 'reset' policy towards Russia. The subsequent defrosting of relations between Moscow and Washington has produced the conditions for wider agreement on security issues. Recent agreements on arms reduction as well as the US rowing back on the missile defence plan in Europe are cases in point. These strategic conditions provide the opportunities for greater engagement in security issues through the structures of the OSCE.

One manifest internal change has been at the Russian Head of State. The 2008 handover of the presidency from Vladimir Putin to Dmitry Medvedev offered a fresh and less confrontational Russian face to the rest of the world. While the competition between President Medvedev and Prime Minister Putin may be manufactured for public consumption and may be a strategic version of 'good cop – bad cop', this development does represent a more flexible approach to wielding power and a preparedness to embrace more nuanced approaches to the outside world than the western caricature of the previous hard-line Putin presidency and may offer fruitful possibilities to deal with some of the challenges of concern to the OSCE. For example President Medvedev's proposal for and pursuit of a new European Security Treaty in some sense breathed some life into the OSCE's Vienna based Forum for Security Cooperation.<sup>26</sup>

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22 Stuermer, Op Cit.

23 Dunay, Pal. (2009). 'Russia and Its Commitments in the Politico-Military Dimension of the OSCE.' *The EU-Russia Centre Review*. 'Russia, the OSCE and European Security,' Issue Twelve, November 2009. EURussia Centre, pp. 30 – 38.

24 Zellner, Op Cit. Stuermer, Op Cit.

25 2009, Op Cit.

26 Entin & Zagorski, Op Cit.

The threat environment may also provide an opportunity for greater engagement. The nature of contemporary security threats such as global terrorism, international organised crime, and insurgency movements, etc, require a transnational response adapting a comprehensive approach. The OSCE, provided there is consensus regarding the need to address these types of threats, has an appropriate range of instruments to address their root causes.<sup>27</sup> Russia has always had positive as well as negative interests in cooperating with the OSCE.<sup>28</sup> Countering these multi dimensional threats through the framework of the OSCE contributes towards addressing one of its positive interests.

The rise of China may also be of concern to Russia. Soon to be the leading global economy, the energy hungry and land scarce China undoubtedly triggers alarm bells in the Russian psyche. The open expanses of Eastern Russia offer potential solutions to China's land, food and energy challenges of the 21<sup>st</sup> Century.<sup>29</sup> Any resurrection of the border disputes of the 1950s / 1960s could escalate tension between the two. Moscow may seek to cooperate with other states through organisations such as the OSCE to balance Chinese growing power in the Far East.

Finally it is important to note that even though NATO and the EU have assumed pre-eminence in the first two dimensions of security, Russia has little prospect of influencing these institutions internally. It remains an extremely important member of the OSCE and can more readily exert influence internal to the organisation. Given that both NATO and the EU appear to have reached the limits of their expansion, it remains in Russia's interest to invigorate the OSCE and if possible seek greater balance in its activities across the three dimensions of security.

### **How can Ireland Contribute?**

Traditionally the Irish state has punched well above its weight on the international stage and has developed a unique reputation based on its achievements in diplomacy. The recent success in negotiating a peaceful resolution to the Northern Ireland question was built on experiences in international organisations. Ireland's prominent role in laying the groundwork between the years 1958 – 61 and forging consensus for the original Nuclear Non Proliferation Treaty has been widely recognised.<sup>30</sup> This reputation was enhanced by the conduct of the various presidencies of the European Union / Council over the years since gaining membership in 1973. The state, therefore, has a very solid reputation as well as experience in providing leadership and direction within international organisations, which can be adapted within the precepts of the OSCE. It is noteworthy that Ireland played a critical role in forming the New Agenda Coalition in 1998 breathing life into the activities of the 2000 Nuclear Non proliferation Treaty Review Conference.<sup>31</sup> This occurred following a hiatus in international cooperation on the matter characterised by a break in multi lateral approaches to non-proliferation issues. Ireland now finds itself about to assume the chairmanship of the OSCE at a time when there is a similar swing

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27 Zellner, Op Cit.

28 Ibid.

29 Stuermer, Op Cit.

30 Sinnott, Richard. (1995). 'Ireland and the Diplomacy of Nuclear non – proliferation: The Politics of Incrementalism.' *Irish Studies in International Affairs*. Royal Irish Academy, Vol 6, pp. 59 – 78.

31 Smith, Duncan. (2010). 'Perspectives on the Renewal of the Nuclear Non – Proliferation Treaty Regime in the Wake of President Barack Obama's Prague Speech.' *Irish Studies in International Affairs*. Royal Irish Academy. Vol 6, pp 59 – 78. Accessed at: <http://www.ria.ie/Publications/Journals/Irish-Studies-in-International-Affairs/Online-access/21-%282010%29.aspx>

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back to multilateral approaches to international security issues. The combination of Irish experience and the timing of the chairmanship suggest that Ireland is positioned to make an impact.

Furthermore Ireland assumes the presidency of the EU in 2013. This provides an opportunity to bring issues to prominence raised through the OSCE institutions in the corridors of Brussels.

From a military point of view, the DF has been comfortable dealing with intractable, frozen or continuous conflicts. At home over 40 years of Border and other ATCP operations have conditioned members to be flexible and patient when dealing with conflict resolution. This has been enhanced through experience as observers and providing troops to peacekeeping and peace enforcement missions overseas. Over the years the DF has built up a high profile within the UN Peacekeeping system and many of our personnel have distinguished themselves both on the ground and at high levels in field missions. For example Comdt (later Brig Gen) James Flynn and Capt (later Comdt) Joe Fallon received the DSM for their work in negotiating conflict resolution in Cyprus and UNTSO respectively. Maj Gen (later Lt Gen) James Sreenan was commended for his work on the blue line between Lebanon and Israel following Israel's withdrawal from Lebanon in 2000. Experience has also been gained through EU channels. Comdt (later Col) Colm Doyle was widely praised for his work as Lord Carrington's representative in Bosnia. Irish military officers have also had extensive service within the OSCE itself through the appointment of the Military Advisor to the Irish Delegation of the OSCE as well as through representation on the High Level Planning Group for Nagorno-Karabakh and particularly through extensive field mission experience throughout the Balkans and in the OSCE mission to Georgia.

Clearly there is experience and leadership available within both the DFA and the DF which if harnessed can tackle the challenges currently facing the OSCE. This paper argues that a number of issues must be addressed if the said challenges are to be successfully addressed.

### **Steps to be Taken**

It would be naive to suggest that Ireland can make an instant and spectacular impact during its tenure of office, but it can make a useful contribution to the small steps required to reinvigorate the OSCE and reemphasise its relevance in European security. Being a small neutral country enjoying good relations with both Moscow and Washington is a good start but this fact alone will not suffice to address the challenges. Jawad proposes that democracy building requires a long term commitment, patience, and is achieved through a long series of small steps in concrete contexts without exaggerated goals.<sup>32</sup> This suggests an appropriate framework for approaching the chairmanship. Ireland must identify a number of key short term and necessarily limited objectives. These objectives should be clear, unambiguous and achievable. It has been suggested that the OSCE is more suited to soft security issues.<sup>33</sup> As this paper has shown both DFA and the DF have

<sup>32</sup> Jawad, Pamela (2008). 'Conflict Resolution through Democracy Promotion? The Role of the OSCE in Georgia.' *Democratization*, 15: 3, pp. 611 – 629.

<sup>33</sup> Hækkerup, Op Cit.

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the experience and skills to deal with such issues in any of the dimensions of security and they could provide potentially fruitful goals for the Irish tenure of office. While these small steps can not possibly address comprehensively the issues outlined, the act of taking them can provide momentum to carry the organisation to achieve higher levels of cooperation.

Four points arise in relation to the selection of goals for the chairmanship. First of all they should address the perception of the 'East of Vienna' emphasis on organisational activity. Second, any progress must address Russia's concern regarding the rebalancing of OSCE activity between the three dimensions of security. Third, no matter which dimension is under consideration, particular attention will have to be paid to ensure the perception of consistency in the activities and reporting of the OSCE bodies. Finally from an Irish perspective, it should be kept in mind that work done in this forum will support work in the impending Irish EU presidency in 2013 providing an aspect of continuity in Ireland's commitment to providing security through multilateral cooperation.

Ireland's influence in the European and global arenas has been much diminished as a consequence of our handling of the recent economic crisis. This first time tenure of the chairmanship of the OSCE offers an opportunity for the state to demonstrate the leadership and conflict resolution skills that have been built up over the years within the DFA and the DF. This can make a vital contribution to the restoration of our good reputation abroad both in the wider OSCE space as well as more specifically with our partners in the EU.

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## **Abstracts**

**66 Senior Command and Staff Course**

**MA in Leadership Management  
and Defence Studies**

# Challenging the Convention and Inspiring Innovation – The Defence Forces Quest to Become a Learning Organisation

## ABSTRACT

Today the Defence Forces (DF) exists in challenging times; a defence and security environment evolving continuously with events worldwide fundamentally interconnected in ways we have not seen before. In order to be flexible and adapt to this changing environment, the Defence Forces must maintain and foster a positive perspective towards transformation and develop structures that encourage innovative and proactive decision-making. This ability can be achieved by embracing the tenets of the learning organisation and double-loop learning.

This thesis critically evaluates the DF ability to achieve the status of a learning organisation. This process includes an examination of the relevant literature, other military organisations' experiences and a consideration of double-loop learning as a conceptual framework for strategic decision-making and lessons-learned review within the DF.

The literature review highlighted three main themes associated with the learning organisation; firstly, the learning organisation has the ability to continually transform itself by challenging norms, assumptions and beliefs. Secondly, it has developed efficient and effective systems for capturing and transferring learning to where it is needed across organisational boundaries. Finally, it fosters a culture that values learning and encourages innovation and experimentation from all organisational members.

A post-positivist qualitative research methodology was employed in order to provide the rich personal insight that my research question required. To establish validity in the paper, triangulation was achieved using a combination of data collected initially through literature, then a questionnaire followed by semi-structured interviews which were grounded in two case studies.

The findings suggest that the DF aspires to be a learning organisation; there is a willingness to listen to new ideas, to encourage new ways of doing things but the present systems in the organisation do not facilitate the transfer of that knowledge efficiently and effectively. At the strategic level, leaders do challenge the organisational norms and assumptions but there is no established forum in which conflicting and alternative views are formally aired in order to assist in generating new strategy. In addition, the present

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lessons-learned system for capturing and transferring learning across the organisation lacks efficiency and effectiveness and our conservative culture needs to adapt in order to welcome such inquiry.

Embracing the ethos of the learning organisation and the concept of double-loop learning will facilitate the DF in today's dynamic environment enabling it to remain flexible and adaptable. A culture of inquiry needs to be encouraged where organisational norms, assumptions and beliefs can be challenged and where conflicting views can be aired in order to encourage innovation and the development of new ideas and strategy.



# Adding Straw to the Camel's Back: How do Multiple Developments Affect Soldiers?

## ABSTRACT

The current operational tempo with which the US military and other militaries deploy in support of operations that span the spectrum of warfare poses new and complex challenges for today's fighting men and women. Unlike the past, when military personnel often only deployed once for an extended period of time, the fighting forces of today's militaries find themselves facing multiple deployments of limited duration.

The current research examining the effects of combat only views the conflict through the lens of a single deployment. The author explores how multiple deployments affect a nation's fighting men and women, and seeks to determine what additional stressors present during iterative deployments. Utilizing an interpretivist approach, the author examines the issue by conducting a case study.

The case study examined soldiers who have deployed on two or more deployments, six months or longer in duration, spanning the full spectrum of conflict from peace support operations to high-intensity combat. The author issued a survey to associates known to fulfil the criteria of the case study, asking them to pass it on to others who also satisfied the criteria. The information gained from the surveys was then augmented by a discourse on the topic.

The findings indicate that a cumulative effect as a result of multiple stressors encountered over the course of multiple deployments does occur. Furthermore, it was determined that increases in responsibility within the personal and professional lives of the soldiers also play a significant role in determining how soldiers react to stressors encountered during deployments.

The findings lead to important recommendations for first line supervisors. Detailed screening, mentoring and counselling regarding the changes in responsibility are recommended. This study serves as a launch pad for further research which should focus on specific trends outlined herein.

# Comprehensive Emergency Management and the All Hazards Approach: Theory into Practice

## ABSTRACT

The Irish Defence Forces in response to a Chemical, Biological, Radiological, Nuclear, or Explosive (CBRNE) incident may be tasked in Aid to the Civil Power, including the provision of an Explosive Ordnance Disposal team. This thesis by examining the government publication, *A Framework for Major Emergency Management (FMEM)* and the Comprehensive Emergency Management concept tries to analyse if this concept is suitable to deal with a CBRNE threat in Ireland. The aim of the thesis is to evaluate if Comprehensive Emergency Management and the All Hazards Approach which is the cornerstone of the FMEM is the most suitable model on which to base Ireland's domestic security preparedness and response in the face of a CBRNE threat post 9/11.

In this study, the academic theory surrounding comprehensive emergency management and the All Hazards Approach is explored. Other theories and themes such as vulnerability as a concept, organisational structures including command and control and coordination in decision making in emergency management are also examined. The concept of comprehensive emergency management in a CBRNE context is critiqued from a Defence Forces and national perspective to ascertain if the theory can be transferred into practise.

The use of a post-positivist qualitative research methodology is employed given the nature of the thesis research question, which is an enquiry into normative and substantive theory. The author used the Critical Incident Technique (CIT) as the research method because it allows him to focus directly on a CBRNE incident, and by doing so, allows the exploration of theories related to such an incident. The use of semi-structured interviews provided the author with a greater understanding of the nuances of the chosen topic. Interviews were conducted with personnel who have had a direct involvement in the formulation of the FMEM, and personnel from other services who have utilised the document including the military and an academic to obtain an outside perspective. The author used the thematic approach coded according to themes to analyse the data from the interviews.

The findings confirmed that the All Hazards Approach, a theme identified as a corner stone of the FMEM, and based on the concept of Comprehensive Emergency Management is very relevant today in Ireland and that it is not necessary to move away from that model for the majority of emergencies. The research highlighted that although the structure of the FMEM is sound, it co-ordinates up to regional level only and a CBRNE incident would require a national approach. The research confirmed, that CBRNE adds extra

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dimensions to a conventional incident, and because of this, a separate protocol is being set up to deal with how agencies respond to various incidents related to CBRNE. The findings in relation to the coordination model or the alternative command and control model reinforces the literature review, that within each agency the command and control model exists, but in the inter-agency arena, due to mandate and legislative issues the coordination model is the only workable process.

The Defence Forces can be asked to respond to incidents at any time. To ensure that the Defence Forces and Ireland's preparedness and response is best served, a number of recommendations are made to facilitate this.

# The Pursuit of Peace in a Troubled Continent: a Study of the Practice of Regional Peacekeeping in Africa

## ABSTRACT

It is usual to think of peacekeeping in the context of the United Nations (UN) and UN peacekeeping missions, as this is where the practice originated and evolved. However, the domination of UN forces within the peacekeeping arena has been lessened in recent years and regional organisations have now become important actors in peacekeeping operations. The growth of this development has been of particular importance on the African continent where regional and sub-regional African organisations have increased their involvement in peacekeeping missions in recent years. Additionally, the European Union (EU) has also deployed peacekeeping forces to Africa on a number of occasions during the past decade.

This study explores the practice of regional peacekeeping with a particular focus on its practice in Africa. Following a critical examination of the practice of regional peacekeeping, the thesis focuses on recent African Union (AU) and EU peacekeeping efforts in order to elucidate the manner in which the practice of regional peacekeeping has developed in an African context. The primary research was carried out by means of semi-structured interviews primarily with serving and retired members of the Irish Defence Forces who have expertise and experience in the field of regional peacekeeping in Africa. A civilian academic was also interviewed in order to provide a non-military perspective on the subject.

The findings showed that the national interests of France have been closely linked to the impetus to deploy EU peacekeeping forces in Africa. A related finding was that the tensions brought about by the suspicion that missions have been conducted to promote French national interests have lessened the desire of other EU member-states to contribute to these missions and this has had the effect of limiting the EU's peacekeeping capacity. The research also demonstrated that the AU's ability to effectively carry out peacekeeping missions is limited by a lack of personnel and logistical resources, poor levels of training, corruption and a dearth of professional standards.

On the basis of the findings, it is suggested that the developed world needs to provide support to help the AU to become an effective peacekeeping actor. This support includes the provision of training aid and financial and logistical help. If this is not done, it is suggested that AU peacekeeping efforts will continue to be hampered by the problems that have afflicted AU peacekeeping operations to date.

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With the increased involvement of Irish Defence Forces personnel in regional peacekeeping missions, it is important that the Irish Defence Forces have an in-depth understanding of the practice of regional peacekeeping. It is therefore recommended that instruction on the practice of regional peacekeeping should be imparted to Defence Force leaders who are about to participate in such operations in order to understand the nuances involved in working alongside indigenous regional peacekeeping forces and the particular challenges posed by participation in an EU peacekeeping force.

# An Examination of Interrogation as an Intelligence Gathering Tool

## ABSTRACT

History has shown that interrogation in some form or another has been used down through the ages as an intelligence gathering tool. Interrogation is the art of questioning and examining a source to obtain the maximum amount of usable information in a lawful manner. Within the Irish Defence Forces there is a varying understanding of the term interrogation and its relevance to the Defence Forces. However, with the more robust missions under UN Chapter VII mandates, the overseas environments we are operating in are becoming more hostile. Defence Forces personnel should be prepared for the interrogation of detainees if the need arises in the future.

The aim of this thesis is to critically evaluate interrogation and its value as an intelligence gathering tool and indeed its relevance if any to the Defence Forces. Within this study the author has examined what is interrogation and where it fits in the intelligence field.

The review of literature and analysis of the Principles of Interrogation, in particular the principle of physical and mental coercion concludes that where brains rather than brutality were used greater intelligence and results were achieved.

The themes emerging from this review are employed to conduct a post-positivist, qualitative research methodology to interpret and present the findings of the chosen sample group. This group consisted of a cross section of key decision makers at Defence Forces Directorate Level and above, Irish Military Police Officers and military personnel / interrogators from outside the Irish Defence Forces.

The findings confirmed that there was a different understanding of interrogation across Defence Forces personnel and all felt that it was important as a method for gathering intelligence when exercised in a lawful manner. The importance of culture and language was also highlighted in this analysis.

The implications of this research for the Defence Forces suggests that while the Defence Forces currently conducts training in negotiation for those deploying overseas, on the basis of the findings a number of recommendations regarding interrogation training and the Defence Forces role in interrogation has been put forward.

# Defining Universal Guidelines for Military Leadership in a Multinational Environment – A Mission Impossible?

## ABSTRACT

The study considers military leadership in contemporary operations and missions. It explores multinational environments where young military leaders are now confronted with increased complexities and challenges that demand a skill set not required by previous generations of soldiers.

The research was carried out in order to provide universal guidelines for military leaders on how to cope with the challenges of multinational environments and to offer suggestions for performance improvement for military leaders, independent of rank and nationality.

The methodology employed was post-positivist in nature. Three different methods to collect data were used: semi-structured interviews, structured e-mail interviews and questionnaires. Based on the transcripts, the researcher related similar themes to his two thesis questions. Similar themes to the thesis questions, arising from the transcripts, were highlighted and cross referenced to produce my research findings. Due to the large number of data produced, selected quantitative findings are presented in the body of the thesis; quantitative findings and tables are offered in annexes.

The findings were surprising and unanticipated. They indicate the complexity of leadership theories and the difficulty in defining them. The abstract nature of the answers of the respondents consolidates the general opinion that leadership is difficult to define. Furthermore, the findings indicate that cultural awareness helps to cope with the challenges that do exist. Additionally, the research found that lower-ranked military leaders can compensate for their lack of leadership experience and knowledge by using their communication skills.

The following recommendations are made, which arise from the findings and conclusions:

It is nearly impossible to develop a universal checklist for leadership. However, the research evidences the importance of simplicity as highlighted in the analysis of communication. It is not always the newest theory or approach that will solve challenges; quite often 'old fashioned' standards are still the best approach.

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Military leaders need to remain behaviourally flexible and to have a wide repertoire of Emotional Intelligence skills in order to cope with the challenges of multinational environments. Perhaps these emotional skills can be used as a guide for military leaders in multinational environments.



# The Solider – A Citizen in Uniform: is the Irish Defence Forces Ahead of the Rights Game?

## ABSTRACT

The overarching concept of this research was to explore the hypothesis of the Irish soldier as a 'citizen in uniform' and, by extension, to examine the application of human rights to members of the Defence Forces. Subsequently, detailed analysis on how these rights impact upon military personnel and organisations generated knowledge applicable to the DF.

During the research a number of themes emerged, which were all guided by an examination of three specific rights – namely, the right of association, freedom of expression, and the right to stand for election. These themes were: (i) awareness of personal human rights within the DF; (ii) the 'citizen in uniform' concept; (iii) human rights and the unique nature of military service; and (iv) education, training and developing knowledge of human rights in the DF.

My methodology employed a mix of qualitative and quantitative methods, resulting in the use of a case study approach of the phenomenon of human rights in the DF for the twenty-first century. This was executed using a combination of semi-structured interviews and a survey. The interviews were focused on key influencers within the DF and some external to it, and a survey of a group of army Commandants was conducted.

The significance of this thesis resides in its key finding – the most significant of which is that the DF must now develop, as an immediate objective, a human rights policy for members of the DF, together with appropriate training and education on this issue for members at all ranks. This study embodies the first steps towards the commencement of a larger and more varied body of study and debate within the DF, and should be the necessary impetus for the organisation to proactively develop its doctrine and policy on human rights for members of the DF.

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# Perceptions of Fairness in Expatriate Selection. An Irish Defence Forces Perspective

## ABSTRACT

Defence Forces (DF) overseas selection process for officers has evolved from an initial deployment of five officers to Lebanon in June 1958, into a comprehensive policy which, at its peak, oversaw the deployment of over 350 officers annually. The central theme of this research paper is that applicants' perceptions of the process can effect both the organisation and the individual.

The aim of this thesis is to analyse officer expatriate selection in the DF utilising organisational justice theory and research in expatriate management, with the objective of assessing perceptions of fairness and identifying areas for improvement. An adapted model of applicants' reactions to employment selection systems was utilised as a framework for assessing perceptions. In addition, a typology of selection systems identified four kinds of selection systems, one of which matched DF policy.

The methodology selected for the research was an exploratory case study of the DF. A shared-understanding model of data collection using semi-structured interviews was used. A quantitative survey, probed from officers, what factors most influence perceptions of the selection process. In addition to providing useful quantitative data, the survey helped to inform questions for semi-structured interviews.

There was strong belief among respondents that the organisational justice rules presented by several theorists are compromised to varying degrees. Research data relating to consideration of applicants viewpoint, bias, consistency in administration and the provision of feedback, point towards possible antecedents of perceptions of unfairness.

The implication of this study for the DF is that the selection process currently infringes upon organisational justice rules which cause critical perceptions among officer applicants. These perceptions have implications for both individual and organisation.

The following recommendations are made; afford volunteers the opportunity to input their knowledge, skills and experience in terms of best fit for particular overseas appointments; cease informal practices, phone calls made through unofficial channels and 'soft canvassing', in accordance with Defence Forces Regulations (DFR's); install feedback loop into the process which would highlight officers strengths and weaknesses relevant to the selection criteria. If adopted by the DF, these measures will help reduce critical perceptions of the selection process.

# Cultural Capability in the Logistics Environment

## ABSTRACT

The Irish Defence Forces deployments overseas are one of the physical manifestations of Ireland's foreign policy and our commitment to international peace and security. Within this environment the capability to deploy in an efficient and effective manner is a force multiplier. Culture acts as the basic fabric that binds people together and the aim of this thesis is to explore how organisational culture can enhance logistics support to improve expeditionary deployment capability.

The research explores the appropriate type of logistical support for expeditionary deployments, the cultural factors at play in the organisation and how best to align logistics support with cultural capability. Theory is primarily drawn from the fields of organisational behaviour and supply chain management but also from psychology, particularly with regard to organisational culture.

A three phase research methodology is employed using mixed-method research. Phase One involved a qualitative analysis of the most appropriate type of logistics support for expeditionary deployments. Phase Two, a quantitative mapping to identify the sub-culture of logistics personnel in the Defence Forces. Finally Phase Three, delivered qualitative analysis of the logistical sub-cultures. For this reason a case study was deemed most suitable to this subject matter and the methods chosen were a survey and semi-structured interviews.

Interviews were conducted primarily with serving members of the Irish Defence Forces, who have had experience of the logistics involved in the deployments of overseas missions, particularly EUFOR Chad. My personal experience and involvement in Defence Forces logistics brought a certain bias to the research but the inclusion of triangulation added to the academic rigor and helped mitigated this.

The findings confirm that awareness of organisational culture can enhance logistics support to improve expeditionary deployment capability. This logistics support requires agility and flexibility; logistics personnel need to be able to anticipate, innovate and provide flexibility. Leaders must select and/or train people who have those talents and they must be capable of dealing with problems in an imaginative way. The preferred alignment can be provided by the appropriate selection of personnel to participate in deployments.

The Defence Forces needs to review its policy and practice concerning formal logistics doctrine and training, particularly for those personnel involved in the coordination of overseas deployments. On the basis of the findings, a number of recommendations are made as to how alignment, doctrine and training can be formalised and developed.

# Was the Logistics Process for the EUFOR T/Chad/RCA Mission a Practical Model for the EU to Precede UN Missions of the Future?

## ABSTRACT

The Irish Defence Forces has a long tradition in overseas service in support of UN military missions abroad. The Irish government has a strong commitment to the European Union and its institutions and wishes to be at the centre of Europe from an economic and political perspective. In support of this commitment Ireland wants to play its part in support of European Union military missions that fall within the Irish Government's Triple Lock commitment.

As the size of the Irish Defence Forces are reduced, it is difficult to see how this commitment to the UN and the European Union can be maintained independently. It is in this context that missions such as EUFOR T/Chad/RCA, which are European Union military missions in support of UN mandates, will become more appealing to the Irish Government in the future.

This thesis looks at the EUFOR T/Chad/RCA as a case study in order to critically analyse its operation from a military logistics aspect. The EUFOR T/Chad/RCA mission was selected as it is difficult to imagine a more hostile environment than Chad to deploy and sustain a force. This mission was also chosen as the key appointment holders were Irish, including the Operational Commander Lt Gen Nash and were available for interview.

The literature review highlights the European Union's doctrine regarding logistics support and the requirement from Troop Contributing Nations in support of such missions. Unlike UN missions where all logistics support is provided, the EUFOR T/Chad/RCA mission placed the responsibility for deploying and supporting Irish troops on the Defence Forces.

In writing this thesis the methodology employed was a combination of quantitative and post-positivist qualitative analysis. This approach allows the scope of the thesis to move beyond any quantitative bias and gives greater validation to the research by triangulation using semi-structured interviews, case study and documentary analysis.

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The research highlights the main strengths and weaknesses of EU logistics doctrine and the capabilities of the Defence Forces in deploying and supporting our forces abroad. The main finding from the thesis was that the EUFOR T/Chad/RCA mission was successful but highlighted many deficiencies which require rectification for both the EU and Ireland before it can be used as a model. The thesis also highlighted the weaknesses in the linkages between the EU and the UN where handover of a mission is required.

# Irish Liaison and Monitoring Teams in Kosovo: is there Potential to Develop Overall Capability?

## ABSTRACT

Peace support operations have evolved and become increasingly complex where military commanders must now take account of the local population, other military units and non-military actors when planning military operations. Comprehensiveness is the only solution to the challenges associated with multi-dimensional crises by the better use of various instruments and resources, both military and non-military, as a state moves along the continuum from crisis towards self-governance. A key military instrument, which emerged in Kosovo to meet the challenges of co-ordination and co-operation between all actors, both military and non-military, was Liaison and Monitoring Teams (LMTs).

The Irish Defence Forces deployed its first LMTs into Kosovo as part of the North Atlantic Treaty Organisation-led Kosovo Force in 2004. This thesis explores the Liaison and Monitoring Team concept with a view to determining firstly what capabilities an LMT must possess in order to carry out its role in Kosovo and secondly how Irish LMTs' capabilities can be developed in order to maximise operational output.

The review of literature identifies the capabilities required of LMTs to carry out its role in Kosovo and signalled potential areas for Irish LMT capability development. A post-positivist qualitative research methodology is employed with a combination of semi-structured interviews and a focus group to explore the selected case study, LMTs in Kosovo, in order to determine if potential exists to develop overall Irish LMT capabilities. The research suggests that, for the Irish Defence Forces, LMTs is an area where capabilities can be further developed, enhancing the reputation of Irish peacekeepers abroad. By conducting psychometric personality tests on potential LMT members, personnel with the appropriate personality type can be identified for further capability development. A specific LMT pre-deployment course focussing on communication skills, analytical skills and scenario exercises would further develop overall LMT capabilities. Potential exists through application of a person-job fit theory to identify suitably qualified Reserve Defence Forces personnel, initially focussing on females, to ensure that Irish LMTs possess an ideal composition enhancing overall team capability.

Irish LMT capability development will enable team members to deploy with confidence in the knowledge that their team is composed of the best, most qualified personnel to meet the challenges of co-ordination and co-operation in Kosovo.

# Water Wars: Transboundary Rivers Between Pakistan and India – Potential for Future Conflict or Cooperation?

## ABSTRACT

Water is an absolute necessity of life and the birthright of every human on earth. In addition to being an invaluable resource, it is a dwindling entity which is getting scarcer by the day. The global fresh-water resources have diminished from the past decades, and the crunch is increasingly being felt the world over. This crunch has also resulted in creating tensions and disputes between nations over shared water resources. In some instances the disputes have been amicably settled, but there are numerous examples where the situation remains unresolved and the crisis has not been averted.

The thesis critically evaluates the inter-state relations between Pakistan and India within the context of Transboundary Rivers that are being shared by the two countries. The author attempts to evaluate the importance of water to both countries in order to understand the prospects of peace or conflict. An analysis of the Indus Water Treaty (IWT) has also been carried out in order to develop the context within which the two states had developed a water-sharing framework which has lasted for almost half a century.

A review of the literature focused on the theories of water sharing and the relevant aspects of international law on the issue. An analysis was also carried out of the complexities of international relations theories with respect to inter-state relations and how these impact on the sharing of a valuable resource like water.

A mix of qualitative and quantitative analysis was carried out which incorporated the input from various relevant players in the ambit of the Transboundary Rivers between Pakistan and India. The overall case study of these shared rivers was supported by documentary analysis and contextual replies from the respondents.

The findings of the research suggest that the global fresh-water resources are indeed getting scarcer and their inaccessibility is likely to result in creating adverse conditions for riparian states. Pakistan and India have benefited from the IWT for decades but multiple conflict scenarios between the countries are complicating amicable water sharing. The respective leaderships within the two countries share the onus for charting a better future for their nations.

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The thesis is concluded with certain recommendations for the two countries to resort to water-sharing mechanisms, based on other existing international models. A failure to amicably resolve the dispute is not likely to help in reducing tensions between the two states, and might have the potential to escalate the adverse political environment significantly.



# ‘They also Serve....’ A Qualitative Study of the Impact of Overseas Service on the Families of Irish Defence Forces Personnel

## ABSTRACT

The Irish Defence Forces has maintained a significant contribution to the international peace keeping and peace enforcement effort for many years, requiring significant sacrifice from Defence Forces’ families. The White Paper on Defence: Review of Implementation (2007:21) stated that: “In any given calendar year up to 2,000 personnel are either overseas, preparing to deploy or returning from a tour of duty”.

Studies in other jurisdictions indicate that periods of separation caused by deployments have an effect on the families of military personnel. However no significant research has been conducted into the effect that overseas service has had on the families of personnel within the Defence Forces.

The aim of this study therefore was firstly to establish the nature of the observed international experience in this area, and secondly to investigate whether or not this is matched in respect of the families of Irish deployed soldiers.

The author conducted a qualitative study, guided by the philosophy espoused in hermeneutic phenomenology. This philosophical concept was supported by the concrete methodological approach of Van Manen’s Framework.

The primary research tool was the semi structured interview. Research participants were members of the Defence Forces and their families who have had experience of overseas deployments.

The Research findings supported the premise that there is a significant impact on the lives of the Defence Forces Families, both adults and children, as a result of overseas deployments. Of interest is the finding that families reported a reluctance to use military support systems and felt the level of communication with the Defence Forces during deployments was inadequate.

The study made several recommendations both for further study and relating to the development within the Defence Forces of a system of communication with families

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of deployed personnel which is effective, where families feel comfortable, and where confidentiality is assured.

The recommendations included the provision of a comprehensive and frequently updated information service, available online to the families of deployed personnel. It also recommended an examination of the current system for overseas selection to achieve both an effective assessment of individual domestic situations before the selection process is initiated and a transparent and medium term forecast of overseas service to personnel and their families.

The study further recommends that public bodies and the general population be made aware of the difficulties experienced by families during deployments, with emphasis placed on teachers within the education system. Finally the study recommends that a clearer understanding of how overseas deployments are currently experienced be achieved, to determine how they can become a more positive and rewarding undertaking for soldiers and their families. This needs to be addressed in order to maintain a healthy and positive dynamic within the Defence Organisation where overseas deployments continue to be a normal part of service.

# How Lawyers Lead the Way on Torture: An Examination of the Bush Administration's Departure from International Human Rights Norms After 11 September 2001

## ABSTRACT

The aftermath of 9/11 saw the US adopt a 'gloves off' approach to terrorism that resulted in the US moving away from International Human Rights norms in respect of torture. This study seeks to examine the central role that lawyers in the Office of Legal Counsel (OLC) played in advising the Bush Administration on the international provisions related to torture and how their interpretations guided US officials in undertaking interrogative practices that were tantamount to torture.

The purpose of this study is to better understand why the OLC sought to manipulate international law to permit something that it expressly prohibited, in order to ensure that Irish military legal advisors learn from their mistakes.

The literature reviewed seeks to examine the philosophies of utilitarianism and humanitarianism, which underpin the torture debate so as to better understand the torture battleground. International law in respect of torture is examined in order to better juxtapose the position adopted by the Bush Administration on torture with the reality according to the United Nations Convention Against Torture (UNCAT) and other Human Rights instruments. Legal ethics are also examined so as to evaluate the ethical approach adopted by the lawyers of the OLC and also to determine what approach Irish military lawyers should adopt in similarly stressful situations.

An interpretive methodology is adopted which is centred on an exploratory case study of the 'Bybee memo' and its basis as legal top cover for US officials who engaged in torture. Around the central hub of the case study, rotate documentary analysis of the Bybee memo itself and international case law relating to torture. Further, semi-structured interviews are conducted with international law experts and military commanders, which provide balance between the views of the decision maker and his or her legal advisor.

The findings suggest that the ethical standards of lawyers are susceptible to compromise in times of great stress when decision makers feel that the law is a hindrance rather than a help. Furthermore, legal advisors who operate in hierarchical organisations may

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be particularly vulnerable to providing superiors with the advice they want to hear rather than the objective advice they should hear. The provision of a code of ethics, while by no means a panacea to low ethical standards, appear to at least give lawyers a valuable touchstone, that provides a timely reminder as to the exact role that they should fulfil in pressurised times.

The implications for the Defence Forces Legal Service are that no specific ethical guidelines exist that relate to their role as military legal advisors. This study proposes that ethical guidelines for Irish military legal advisors be formulated in order to ensure that they always remain advisors and never absolvers.

# Towards an Understanding of Irish Civil-Military Relations: What is the Future?

## ABSTRACT

The Irish Permanent Defence Forces (PDF) has undergone fundamental review and change over the past twenty years. In the ten years prior to the publication of the first *White Paper on Defence (2000)* four external reviews have been conducted. The establishment of the PDF has been reduced and its structures fundamentally altered. The stage is now set for the second White Paper on Defence. In the background is the civil – military relationship navigating a course through all these developments.

There has been limited study in the area of the Irish civil-military relationship. The aim of this thesis is to generate a better understanding of this relationship and to offer considerations for its future. This thesis analyses classical and modern theories of civil-military relations. It also analyses the importance of the officer in the relationship and the relevance of the UK model of civil-military relations as a template for the Irish to follow. It examines developments in Irish civil-military relations in the last ten years. It outlines EU and UK recognition of the Comprehensive Approach to home and overseas operations and critically analyses its relevance to the Irish model.

A qualitative research model is employed to generate a wider outlook of respondents' viewpoints and to explore nuances and intricacies in the civil–military relationship. Semi-structured interviews were used to generate a shared model of understanding. Six Irish interviewees were selected from the PDF and the Department of Defence (DOD) respectively. In order to maintain balance two interviewees were selected from the UK Ministry of Defence (MOD).

The findings highlighted the continued importance of the officer in Irish civil-military relations and of educating officers and civil servants for work in this area. The research found that close co-ordination and harmonisation exists between offices in DOD and Defence Forces Headquarters (DFHQ) and found that integration of these offices is unlikely to be considered as a whole in the future. Certain offices were recommended as suitable for integration should the need occur. The importance of the Inter-Departmental Committee on Peacekeeping was identified as central to adopting a comprehensive approach to Ireland's overseas peacekeeping operations. The Defence Organisation is due to decentralise its Strategic Headquarters in 2010 and as overseas peacekeeping operations become more complex in the future a number of recommendations are presented for consideration to provide a foundation for Irish civil-military relations in the future.

# Danger, Unexplored Potential: are there Undiagnosed Workplace Literacy Problems in the Irish DF?

## ABSTRACT

During an international survey on literacy levels in 1995, the Organisation for Economic Co-operation and Development (OECD) found that twenty five percent of Ireland's population had the lowest measurable level of literacy. This result was fifty percent higher than other comparable developed countries. Literacy is defined as the ability to read and write. In practical terms this low literacy score represented individuals who would have difficulties reading any level of text or instruction.

The Irish Defence Forces (DF) has no formal educational requirement for entry as a recruit soldier. The DF, as a large public sector employer, mirrors the social norms of Irish society as a whole. It is likely therefore, that a significant percentage of individuals within the DF could have literacy difficulties.

While the DF is aware of the problems of low literacy levels within its training establishments, no policies or procedures are currently in place. This study explores the level of undiagnosed literacy difficulties throughout the DF. It explores if these undiagnosed literacy difficulty are having an effect on the organisational output of the DF and whether these difficulties are also having an effect on individuals within the organisation.

A qualitative research methodology is employed given the social and hidden nature of literacy difficulties. The author wished to uncover the nature and extent of the literacy difficulties within the DF. The methodology centred on the use of semi-structured interviews with serving members from both the training and PSS environments. The interviews also included a serving member with severe literacy difficulties. Maximum effort was taken to ensure a diverse spread of ranks, gender and regions to give a more complete picture.

The findings confirmed that a sizable minority of individuals within the DF have significant literacy difficulties. It also demonstrated that these individuals have difficulty in engaging with personnel administration and are therefore, likely to suffer financial, medical, social and career related difficulties throughout their time in the DF. The findings also reveal that the lack of clear policy from the DF, in relation to individuals with literacy difficulties, is hampering the organisation's ability to achieve its strategic goals.

The DF is currently developing a policy on literacy in the training environment. As a result of the findings of this thesis, a number of recommendations are made at both a strategic and operational level to enhance and guide this policy formation.

# A Jolt of Truth Serum. Do the Multiple Narratives Surrounding IRA Retaliatory Killings Affect the Historical Verdict for the Reader?

## ABSTRACT

Mystery and uncertainty surrounds the subject of retaliatory killings committed by the Irish Republican Army (IRA) during the War of Independence. Mainstream perspectives on these extra-judicial killings present a one-sided version of events sympathetic to the IRA. The rebellious acts of heroic IRA freedom fighters from that era have been mythologized in balladry whilst the activities of spies and informers have been presented as antithetical to the spirit of Irish Nationalism. Moreover, the individual stories of those labelled spies have been neglected or misrepresented.

The Anglo-Irish conflict is ninety years past. Only now are historians beginning to reevaluate the role of the IRA. Questions, heretofore not entertained, are challenging accepted accounts of what really happened. This reappraisal has prompted debate and controversy. It is a period of Irish history that deserves an honest and balanced assessment.

This thesis aims to examine the role multiple narratives have played in distorting the reader's interpretation and verdict. The Dripsey ambush and the subsequent execution of spies by the Sixth Battalion in its aftermath provides an ideal research opportunity to analyse the issue. The author's epistemology contributes to the work as a result of familial connections to the Dripsey ambush.

A cross-section of literature pertinent to the Dripsey ambush is reviewed which illustrates the dominant perspective prevailing. Included in this selection of literature is an unpublished memoir of the author's granduncle. History comprises narratives and stories: poetic and fictional works are employed to augment appreciation of the role that narrative plays in history. Historiography theory is utilised as a conceptual framework in which the importance of narrative can be assessed.

Case study methodology within an overarching post-positivist research paradigm has been used by the author. This emphasises the voices and perspectives of the various participants to the affair, all of whom are now deceased.

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The findings indicate that the historical verdict the reader reaches can be affected by the multiple perspectives. However, a balanced and honest evaluation can be realised when a reader assumes a natural stance of receptiveness to all sides of the argument. The findings also reveal the stories of the spy and informer, paradoxically, through the voice of an IRA combatant's memoir.



# Doctrine – The Missing Link in Irish Peace Support Operations

## ABSTRACT

The Defence Forces are tasked by government to contribute to the maintenance of international peace and security through participation in approved United Nations mandated peace support, crisis management and humanitarian relief operations.

Doctrine provides an authoritative guide, enabling the application of military resources to achieve success on these operations.

Defence Forces doctrine is enunciated in *TM 205* a document published in 2001 and never updated. The aim of this thesis was to analyse *TM 205* in order to determine if the doctrine enunciated therein represents an adequate guide for Defence Forces participation in contemporary Peace Support Operations.

My research discovered that while *TM 205* all but ignores Peace Support Operations the Defence Forces are still able to successfully conduct such operations as experience gained by peacekeepers over the last fifty two years has been disseminated as oral doctrine from one generation of soldiers to the next. This method of disseminating doctrine is recognised by the literature as a form of tacit knowledge.

However my research also discovered that the contemporary Peace Support Operations that the Defence Forces deploy on are becoming increasingly complex and given this complexity the organisation can no longer rely solely on oral doctrine.

Developing peace support doctrine that will evolve in tandem with the changing nature of contemporary Peace Support Operations requires the Defence Forces to implement a doctrinal development process that establishes a confluence between the three key components of promulgating and updating doctrinal publications, deployment on operations and lessons learned.

The thesis is not suggesting however that the use of tacit knowledge should be dispensed with. It recommends instead that whatever replaces *TM 205* should be used to complement rather than replace the Defence Forces oral tradition of disseminating doctrine.

# Are the Irish Defence Forces Preparing NCOs for the Leadership Challenges of the Current Operational Environment?

## ABSTRACT

Leadership is an influence process involving both personal and dynamic relationships between leaders and followers to achieve a common organisational goal. It is the cornerstone of the military profession encompassing, among others, the classical elements of values, tradition, loyalty and ethos. Non Commissioned Officers (NCOs) are an extremely important cohort within the Defence Forces. They are the primary link in the leadership chain, entrusted with the responsibility of leading, training and motivating our soldiers. NCOs are the conduit of leadership that connects military commanders and soldiers. The purpose of this study is to evaluate the provision of leadership training and development by the DF to its NCOs, and to ascertain if they are sufficiently prepared to meet the challenges of the current operational environment.

The thesis explores a number of theoretical aspects of leadership relevant to the examination of NCO leadership in order to create a more knowledgeable platform to critically investigate the selected topic in the empirical phase. Doctrinal issues, leadership models, the management-leadership conundrum and the significance of the strategic corporal are salient themes that arose during the conduct of this study.

The nature of the research, which is sociological in nature, directed the study towards a qualitative methodological design using mixed methods founded on a post-positivist philosophy, as distinct from a scientific means of investigation. The mixed methods of semi-structured interviews, a focus group and a questionnaire were identified as the most appropriate data collection instruments thus ensuring methodological triangulation.

The findings confirmed that there is no definitive leadership doctrine or model that underpins leadership training and development of NCOs. The situational theory of leadership evoked a strong reaction and revealed the flexibility that NCOs must demonstrate in adapting to the leadership challenges that they are confronted with in multifarious environments. It also indicated the inextricable link between leadership and management, with an emphasis on the association of management tasks with senior NCOs and leadership tasks with sergeants and corporals. The important leadership functions that NCOs carry out overseas were also highlighted. However, it was also noted that their position may not have a tendency to influence the operational or strategic

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levels of operations to the same level as their US and UK colleagues, due to the nature of the overseas missions that the DF participates in.

The implications of this research for the DF suggest that it is timely for the organisation to consider modifications in the area of NCO leadership training and development. It is hoped that these recommendations will further develop our understanding of leadership in the DF and ultimately lead to improvements in the leadership training and development of our NCOs.

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COMDT GERALD O'GRADY

# 'Hegel on Horses'

## Exploring an Expansionist View of Value in Relation to the Army Equitation School

### ABSTRACT

The central theme of this study is how to assess the value of a state-funded organisation such as the Army Equitation School. This thesis is set against the backdrop of the McCarthy Report (2009) which made many money saving recommendations across all government departments, including the Defence Forces.

The study explores the theory of value and the concept of value with regard to resource allocation. The McCarthy Report adopted a reductionist approach to the issue of funding, overlooking a broader, more expansionist approach which is elaborated in the review of literature by drawing of the works of Hegel, Simmel and others.

The main objective of this study is to critically examine the theory of value in relation to the Army Equitation School. A secondary objective is to establish whether the state funding of the Army Equitation School can be justified in the current economic climate.

A qualitative research methodology is employed using a case study, which naturally suited the exploratory but limited nature of the research questions. The main data collection instrument employed was semi-structured interviews whereby expert opinion was elicited from experienced personnel within the equine industry.

The key findings show that it is unwise to adopt a narrow reductionist approach to resource allocation, instead of a broader expansionist approach which takes account of socio-cultural as well as a purely monetary interpretation of value. Accordingly, the State funding of the Army Equitation School is adequately justified not only on its quantitative merits which are substantial but also on its qualitative values in terms of socio-cultural and promotional benefits.

This study is significant in that it clarifies the distinction between different types of value and provides cogent arguments and evidence for the ongoing funding of the Army Equitation School. It is also significant in that it offers certain recommendations regarding the status of the Army Equitation School which should remain non-commercial, as well as some suggestions for further study.

# The Macedonian Quest for Security. Will its Quest for Security Erode its Sovereignty?

## ABSTRACT

With the fall of the Berlin Wall in 1989, many Eastern European countries were freed from the shackles of communism. These states, sought economic and security refuge from their previous political masters. The EU and NATO provided this refuge for many of these newly independent countries. However, what sacrifices have these countries had to make, in order to receive this protection?

In this thesis I will explore the consequences of EU and NATO membership on the sovereignty of a small nation-state. In order to explore this relationship between a country's security needs and its sovereignty, I will use Macedonia as my case study. It is a recently independent republic that has a number of significant security threats. During 2007, I served with the European Union Monitoring Mission (EUMM) in Macedonia. I will use the methodology of combining my personal experiences, with a review of literature and a comprehensive research. This will allow me to fully analyse these threats and their relationship to Macedonian sovereignty. By evaluating Macedonia security, I will also analyse if it would be improved through membership of an international security community such as NATO or the EU.

In order to explore the possible sacrifices to Macedonia sovereignty that membership of the EU and NATO may incur, I will initially set out to examine the various theories behind sovereignty and security. By studying these theories, I will initially define them and analyse their relevance to Macedonia. These theories will then be combined into a framework, which will allow me examine the relationship between sovereignty and security. This relationship or conceptual framework will form the basis for my thesis. This will allow me to analyse the different forms of sovereignty and how they would be affected by EU or NATO membership. This study will outline, in particular, the two forms of sovereignty that will be affected most by membership of the EU and NATO. In one regard sovereignty may be adversely affected by membership, whereas, the other form of sovereignty may be positively affected. This thesis will examine this inverse relationship, concluding with an assessment of sovereignty and its relevance in the modern globalised world of the 21<sup>st</sup> century.

# The Irish Defence Forces Is Leadership Within the Irish Defence Forces Risk-Averse and if so to what Effect?

## ABSTRACT

This thesis is undertaken during a period of significant change for the Defence Forces. The withdrawal of the Irish contingents from Kosovo and Chad and the Government White Paper review of the present structure of the Defence Forces have created an environment of uncertainty as to what the future holds for the Defence Forces. During such periods of uncertainty a high standard of leadership at all levels in the Defence Forces is required. Clear unambiguous communication of the present situation and what the future organisational objects are, ensure all members of the Defence Forces are confident in their leaders and continue to operate to the highest standards. However there is the possibility that a minority of Defence Forces officers will focus on their own needs and concerns and not on the needs of the organisation and their subordinates. The aim of this thesis is to examine the impact of risk-aversion on leadership at the tactical level in the Defence Forces, and how decision making at this level can be influenced by the attitudes of an individual commander.

In the literature review relevant literature on military leadership is critically examined to establish what factors impact on a leader's attitude to risk. The particular factors include individual, organisational and cultural traits and their impact on risk aversion. Theory is also drawn from business literature to assist in balancing the research. This review reveals that successful decision making is determined by experience and the associated security of knowing the right thing to do.

A qualitative research methodology is employed which suited the exploratory nature of the research question. A phenomenological methodology was chosen to gain understanding of how commanders' in the Defence Forces viewed risk when making decisions. The data was collected by conducting semi-structured interviews with serving and retired members of the Irish Defence Forces, who have experienced command at the tactical level.

The significance of this thesis emerges from the findings, which highlight the importance of experience and the self-confidence it gives commanders to deal with risk and make the decisions required to command effectively. The research also demonstrated that the individualization of career management can result in a minority of officers in the Defence

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Forces avoiding the risks associated with command to ensure career progression. The implications of this research for the Defence Forces suggests that a policy should be adopted to ensure unit commanders and sub-unit commanders serve sufficient time in command to gain the necessary experience and that ensures confidence in their ability to make decisions without being effected by risk-aversion. Such a policy would ensure that leadership at the tactical level in the Defence Forces is capable of coping with the demands of our ever changing environment.

# An Examination of the Strategic Value of Suicide Attacks in the Twenty-first Century – Afghanistan a Case Study

## ABSTRACT

The increasing phenomenon of suicide borne Improvised Explosive Devices represents a significant threat to DF personnel in Peace Support Operations overseas. Participation in such missions represents an inherent risk and this risk is exacerbated when IEDs formulate the core of the strategy of any militant organisation and when their use is encouraged from a cultural perspective. The aim of this thesis is to examine the strategic value of suicide attacks in the twenty-first century with a case study on Afghanistan.

The review of literature reveals that suicide attacks are not the result of psychological dispositions. It also reveals how militant organisations encourage altruism and how religion accommodates the differentiation of suicide within the Quran in pursuit of political and military goals. The emerging themes are utilised to conduct a post positive qualitative research methodology using the critical incident technique as the basis for the research, based on a personal experience of attending the scene of a suicide bomb attack in Afghanistan. To establish validity in the research, semi-structured interviews using the “expert” and “non-expert” variant is used. These interviews were conducted primarily with serving members from both the Irish and Pakistani defence organisations. In order to ensure a greater and more balanced understanding of the phenomenon of suicide attacks interviews were also conducted with Muslim scholars and a prominent academic who has written extensively on suicide terrorism.

The findings indicated that militants are increasingly attracted to suicide attacks because of the unique tactical advantage they provide as opposed to conventional warfare. They confirmed that these attacks are driven as a response to engaging a vastly superior and technologically advanced and equipped adversary. It revealed that the cost effectiveness and relative simplicity to organise a suicide attack makes them very difficult to prevent. The research also revealed the powerful psychological impact of suicide attacks and how it can induce fear and paralysis on both a military force and civilian population. The significance of developing an in-depth understanding and appreciation of cultural awareness to counter suicide bombers was also evident. The implications stemming from this research suggest that the development of a comprehensive approach to countering suicide attacks including continuous cultural awareness training will assist the Irish Defence Forces in planning to defeat this threat which it may encounter in a Peace Support environment.



# Cherished, Legally Protected, yet still Destroyed – The Complex Relationship Between the Destruction and Reconstruction of Cultural Property During Conflict

## ABSTRACT

The destruction of cultural property has always been a facet of conflict; however it is often seen as a natural consequence of battle and has received comparatively little notice. Current hostilities in both Afghanistan and Iraq have focused academic and military attention on cultural property awareness, which is now a key approach adopted by modern military forces. Past deployments of the Irish Defence Forces on Peace Support Operations have encountered cultural property destruction and this will continue to be an important dimension on any future missions.

This study explores the complex relationship that exists between the destruction and reconstruction of cultural property, both during and post-conflict. A review of literature suggests an examination of cultural destruction and reconstruction at local level. It also reveals a number of gaps in current knowledge and therefore, themes such as otherness, social space and contested reconstruction are utilised throughout the study. The author contends that the use of these concepts, from anthropology and social geography, are required to fully understand destruction and reconstruction.

A post-positivist philosophy is utilised and this, coupled with a qualitative research methodology and the use of semi-structured interviews, allows analysis of the views of both ordinary people and recognised experts. The Bosnia i Hercegovina city of Mostar is chosen as an exemplary case study location. Findings from here provide insight into the unique circumstances of Mostar and simultaneously illuminate the topic in a general and universal capacity.

The findings indicate the symbolic significance of cultural property to local communities. The author shows how this symbolism creates a uniquely important social space which is placed at great risk during conflict. Adversaries recognise that deliberately targeting symbolically important cultural property destroys this space and indirectly targets people. The links between ethnic cleansing and cultural destruction are also investigated and the findings demonstrate how destroying local cultural objects sends a message to a community that their presence in a given area will no longer be tolerable. Post-conflict

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reconstruction of cultural property is also examined. This aids the process of reconciliation and counters ethnic cleansing; however, if handled incorrectly it can reinforce territoriality and create new divisions. In theory, cultural property is safeguarded by legal standards such as the 1954 Hague Convention for the Protection of Cultural Property. This premise is scrutinized and the findings display a lack of confidence on the part of local people in the ability of legal conventions to provide real and tangible protection to what is precious to them.

Arising from the findings, the author recommends development of Defence Forces doctrine, policy and training regarding cultural property. Although Ireland has yet to endorse the international legal frameworks providing protection to cultural property, the study argues that the Defence Forces should not await formal government ratification and should formulate doctrine to assist the understanding and decision-making of commanders.

# All at Sea? Does the Term Constabulary Navy in the Irish Context Adequately Support Identification and Development of Appropriate Maritime Capability?

## ABSTRACT

To secure respect to a neutral flag requires a naval force organized and ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war by discouraging belligerent powers from committing such violations of the rights of the neutral party as may, first or last, leave no other option. – Washington (1796)

Ireland is perched on the Western seaboard of Europe, its coast washed by the Atlantic Ocean and the Gulf Stream. Ireland claims possession of a large portion of this ocean, including a large continental shelf, rich fishing grounds and potential mineral and hydrocarbon resources. This maritime territory is some ten times greater than the land area of the state yet Ireland's defence organisation remains peculiarly land-centric, reflecting Ireland's history, agrarian culture and status as a de facto maritime protectorate of the United Kingdom and latterly, its allies. To defend Ireland's maritime interests, the Republic's Naval Service operates a flotilla of eight patrol vessels operating at a high operational tempo.

The focus of this thesis is on the development of Ireland's Naval Service, the relationship between naval command and policy makers in the context of defence and the manner in which this manifests itself in practice. Through examination of the theory and interaction with senior naval personnel serving and retired and policy advisors, this thesis explores Ireland's approach to maritime defence policy and examines whether the approach taken is based on sound principles and practice.

A number of important themes emerged during this study, including an apparent disconnect between national ambitions to enlarge Ireland's maritime domain and the maritime defence and security policies necessary to support this ambition. This thesis examines some of the issues in Ireland's approach to maritime defence, highlighting in particular the requirement for effective surveillance and monitoring of shipping in the Irish maritime zone.

The study also makes some recommendations for increasing national engagement and suggests areas for further study.

# European Union Battlegroups: An Evaluation Under the Common Security and Defence Policy Framework

## ABSTRACT

In December 1998, the British and French governments signed the St. Malo Declaration, which enabled the EU governments to launch the European Security and Defence Policy one year later at the Cologne European Council summit. ESDP, created so as to address contemporary European security threats such as terrorism, WMD proliferation, regional conflicts, state collapse and organised crime, aims to strengthen security in its own neighbourhood.

In 2003, the EU created the Battlegroup Concept as a tool to address the need for a force capable of rapid deployment. Hence, the EU Battlegroup is identified as an effective, credible, rapidly deployable military formation, capable of stand-alone operation or being used for the initial phase of larger operations. Since then, even though a number of opportunities have presented themselves during this period, the Battlegroups have not been deployed, raising questions about their usability.

My interest in this domain originates from my previous experience as a Staff Officer in the Foreign Affairs Directorate of the Cypriot National Guard. During this period of my career, I had the opportunity to observe and become involved in the ESDP development process as part of my everyday work and developed very useful empirical knowledge associated with my duties. This Thesis provided me with the opportunity to carry out a formal and systematic inquiry into the ESDP and EU Military Capabilities - and, more specifically, EU Battlegroups - and to extend my empirical knowledge to a more complete academic comprehension of the subject matter.

The purpose of this study is to examine the employment of the EU Battlegroups as a political and a military tool within the ESDP framework. The core question to be answered is the following: **Do the EU Battlegroups appropriately satisfy the political aspirations of the European Security and Defence Policy?** This effort has identified possible of EU Battlegroups and recognises factors that hamper their deployment. The research explored issues such as Member States' political will, Battlegroup deployment policy, operational cost, interoperability, logistical challenges, the decision-making process and command and control structures. The Thesis concludes that EU Battlegroups, though limited-in-size, are military formations ready to rapidly deploy for the execution of low intensity EU-led missions. Despite limitations Battlegroups are effective tools that can be employed to meet ESDP objectives.



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## SHORT BIOGRAPHICAL STATEMENT

- 1. Patrick T. Gibbons** is the Jefferson Smurfit Professor of Strategic Management at University College Dublin (UCD), Ireland. He is currently Associate Dean at the School and is a member of the Governing Authority of UCD. He graduated with a Ph.D. in Strategy from the University of Pittsburgh. Previous academic appointments have included Peking University; Hong Kong University of Science and Technology; Penn State University; University of Pittsburgh, and Nanyang Business School in Singapore.
- 2. Dr Valerie Cummins** was appointed as the director of the Maritime and Energy Research Campus and Commercial Cluster (MERC) in June 2010. This involves working on behalf of University College Cork, the Cork Institute of Technology and the Irish Naval Service to develop a research cluster of world standing that secures Ireland's position as an early leader in ocean energy and supports the development of Ireland's energy and maritime sectors. Prior to that, she was Director of the Coastal and Marine Research Centre, University College Cork for 10 years. As a Marine Geographer her research interests cover marine ecosystem governance issues. She is a member of the Climate Science Committee of the Royal Irish Academy, a member of the Scientific Steering Committee of LOICZ (Land Ocean Interactions for the Coastal Zone) dealing with Global Environmental Change and a member of the editorial panel of the international Marine Policy journal. Prior to joining the CMRC, Valerie worked in the environmental consultancy industry and for the British Oceanographic Data Centre, UK.
- 3. Eunan O'Halpin** is Professor of Contemporary Irish History at Trinity College Dublin. Amongst his works are *Defending Ireland* (Oxford, 1999) and *Spying on Ireland* (Oxford, 2008). His next book, *The Dead of the Irish Revolution 1917-1921* will be published by Yale University Press. He is also working on studies of security relations between Ireland, Britain and the United States since 1948, and of the belligerent powers and Afghanistan during the Second World War.
- 4. Lt Tom Egan** attended University College Cork from 2002-2005, graduating with B.A (Hons), History with areas of particular study being; Cold War, Developments in Modern Warfare and the Second World War. Thereafter he attended King's College, London, 2005-2006, graduating with an M.A (Hons) War Studies from the Dept of War Studies, specialising in Peacekeeping, Conflict Simulation and Modern Warfare. While at King's College he concurrently worked with the International Institute of Strategic Studies (IISS), London as Defence Research Intern on the Institutes flagship *Military Balance* publication with his particular area of responsibility being Land Forces, Strategic Weapons Systems, Arms Orders and Deliveries. He was a member of the 84th Cadet Class and was commissioned to and currently serves with 3 Inf Bn, 1 S Bde.

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5. **Capt Paul Amoroso** was commissioned into B Coy, 3rd Infantry Battalion in July 2002. He went on to serve as an instructor in the Cadet School before transferring to the Ordnance Corps. He has a primary degree in Chemistry and a post graduate degree in Ordnance Mechanical Engineering. He served as a platoon commander with the 96th Battalion in UNMIL (Liberia) and is currently serving with the Irish contingent in UNIFIL.
  6. **Comdt Kevin Campion** is an Infantry Officer with 25 years service in the Defence Forces. He holds a BA from NUI Galway, a MA in International Relations from DCU and a MA (LMDS) from NUIM. He is a graduate of the 66th Senior Command and Staff Course. Comdt Campion has held a wide variety of home appointments at Unit, Brigade and DFHQ level and has served overseas in the Middle East, Africa and the Balkans. He is currently serving with the Irish contingent in Lebanon.
  7. **Col Michael Beary** joined the Defence Forces on 28 Nov 1973 and was commissioned into the Infantry Corp. He has served overseas at the tactical and operational levels in South Lebanon, former Yugoslavia, Iraq and Afghanistan. He worked at the strategic level from 2004 to 2007 with the European Union Military Staff within the EU Council Secretariat in Brussels. He holds a BSc from NUIG, an MBS in Management and Organisation Studies from the Smurfit School and in 2009 graduated with an MSc in National Strategy from the National Defence University, Washington D.C. Col Beary has recently deployed overseas from his appointment as Director Defence Forces Training to assume command of the EU Military Training Mission for Somalia based in Uganda.
  8. **Dr David Murphy** is a graduate of UCD and Trinity College, Dublin. He currently teaches in the Department of History at NUI Maynooth and, since 2006, has been involved in defence studies programmes at the DFTC. He is a member of the educational committee of the International Commission for Military History and also the Afghanistan Studies Group of King's College, London. He has given guest lectures at the Dutch Military Academy and the U.S. Army Staff College, Leavenworth. He has published several books including *Ireland and the Crimean War* (2002), *The Arab Revolt: Lawrence sets Arabia Ablaze* (2008) and *T.E. Lawrence* (2011).
  9. **Cdt Stephen Byrne** is currently serving as a member of the 87th Cadet Class. He holds a BA (hons.) in English Literature and History from UCD and recently graduated with an MA (hons.) in Military History and Strategic Studies from NUI (Maynooth).
  10. **Comdt CJ Cullen** is a CIS officer with 28 years service. He holds a BSc in Applied Physics from UCG, a post graduate diploma in Computer Modelling and Simulation from TCD and an MA (LMDS) from NUI (Maynooth). He graduated from the Command and Staff School in 2007. Comdt Cullen has held a wide variety of CIS appointments in the DFTC, NS and DFHQ and has served overseas in the Lebanon and Afghanistan. He is currently working in DCIS in McKee Barracks.

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- 11. Comdt Fintan McCarthy** holds honours BCL degree in law from UCC, Barrister-at-law Degree from the Honorable Society of King's Inns and a first class honours MA (LMDS) from NUI Maynooth. He has completed courses with International Institute of Humanitarian Law, Sanremo and with the British Army Legal Service. He has served overseas on three occasions as an infantry officer with two missions to UNIFIL in 1999/2001 and one mission to UNMEE in 2002. In 2009 he served overseas as Legal Advisor to the Bn Comd of the 99 Inf Bn in EUFOR Chad. He currently holds the appointment of Staff Officer to the Director of Legal Service and is due to deploy as Legal Advisor to the 104 UNIFIL BN in June 2011.
  - 12. Lt Col Richard Brennan** is a legal officer in the Defence Forces since 2004. He holds a BA and LLB from NUIG and is a graduate of the Kings Inns having being called to the Bar in 2004 as a Barrister-at-Law. He also holds a MA (LMDS) from NUI Maynooth and is a graduate of the Command and Staff School (2007). Lt Col Brennan has served as a staff officer with the office of DLS DFHQ from 2004 to 2009 and currently serves as Legal officer 4 W Bde. He has served overseas as an infantry officer with UNIFIL in 1995 and 2000. He has also served overseas as a legal advisor in 2008 to COM MNTF(C) -Brigadier General G Hegarty (Retd), during Ireland's lead nation period with KFOR. He is a graduate of the International Institute of Humanitarian Law at Sanremo Italy, NATO operational Law School Oberammergau, Germany and recently completed the UK Armed Forces Legal Officers Operational Law Course at Warminster.
  - 13. Coy Sgt Bernard Lindsay** has twenty-five years service in the Defence Forces. He spent the first nineteen years with 2nd Field Artillery Regiment. For the past six years he has been employed in 2nd Eastern Brigade Operations Section with responsibility for coordinating training activities of the Brigade. He has served overseas in various appointments in Lebanon, Cyprus, East Timor, Kosovo and Afghanistan. He graduated from DCU in 2009 with an MA in International Relations where he wrote a thesis examining US post conflict stabilisation policy in Afghanistan. Coy Sgt Lindsay's specific area of interest in international relations is the international response to the ongoing conflict in Afghanistan.
  - 14. Dr Graham Heaslip** retired from the Defence Forces in 2004. He is currently course director of the BBS (Hons) degree in Business and Management in NUI Maynooth, and a previous supervisor on the MA (LMDS) run in conjunction with Military College. Graham's research interests are broadly in the intersections between global logistics/supply chain management, humanitarian logistics and organisational management development. Graham is widely published in various logistics journals and conferences over the past few years. He is concluding his own PhD studies in the area of Humanitarian Logistics at the Logistics Institute, University of Hull.
  - 15. Ms Elizabeth Barber** has been involved in logistics for the past decade, specialising in military logistics. She is employed by the University of New South Wales at the Australian Defence Force Academy campus. Her research interests include strategies in supply chains, risk and resilience, performance and performance based logistics



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contracts as well as the physical flows of military logistics. She has written journal articles and numerous conference papers over the past few years. She lectures both the undergraduate and post graduate logistics students at the Academy.

- 16. Comdt John Martin** is an Infantry officer with twenty eight years service in the Defence Forces. He has served in a variety of command and staff roles throughout his service and for five years as an instructor in The Cadet School in the Military College. He is a recent graduate of the Command and Staff School, having been awarded the MA (LMDS). He has extensive overseas experience, both in the Middle East and Africa. He currently serves as a staff officer in the Directorate of Operations DFHQ.
- 17. Comdt Mark Hearn** was commissioned into the Defence Forces in 1985. He spent most of his career in the Eastern Command / Brigade before commencing his current appointment as instructor at the Command and Staff School in the Military College. He has completed a BA at UCG, A Higher Diploma in Russian Studies at Dublin University, Trinity College, an MA in International Relations at DCU, a Diploma in Russian Language at the University of Westminster and an MA in Leadership Management and Defence studies at NUI Maynooth. He is a graduate of the Command and Staff School and of the US Command and General Staff College at Fort Leavenworth, Kansas. He has served six tours of duty overseas including one as a member of the OSCE Mission to Georgia. This is his second year as editor of the Defence Forces Review.

