



Óglaigh
na hÉireann
DEFENCE FORCES IRELAND

Defence Forces Review 2015



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PREFACE

“On some positions, Cowardice asks the question ‘Is it safe?’ Expediency asks the question ‘Is it politic?’ And Vanity comes along and asks the question ‘Is it popular?’ But Conscience asks the question ‘Is it right?’ And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but we must do it because Conscience tells us it is right.”

Martin Luther King

As Officer in Charge of the Defence Forces Public Relations Branch, I am honoured to be involved in the production of the Defence Forces Review and once again it is my pleasure to present our publication for 2015. In a year that saw the new White Paper on Defence referring to the considerable broadening of the concept of security and the identification of an evolved pallet of threats (to include cyber terrorism, energy security, climate change and piracy), it is no coincidence that the contributors to this year’s Review are part of an ever-increasing cohort that choose to research, conclude and share their findings on military related topics. The diverse range of material covered within this year’s publication is testament to the complex environment within which members of the Irish Defence Forces currently operate. The focus of the Defence Forces Review of 2015 is threefold: to encourage continued critical thinking and debate, to provide an accurate and deeper understanding of contemporary research both within and outside the Defence Forces and to encourage further academic analysis & contributions for 2016.

I applaud all those contributors who altruistically gave of their precious time and energy to donate their academic research to our publication and express my appreciation for their support and commitment to the cause. It would be remiss of me not to take this opportunity to congratulate the Review’s Editor, Lt Col Neil Nolan, on his remarkable achievement in carefully synthesising an anthology of articles which challenges as much as it entertains. This is also the occasion to express my sincere gratitude to Capt John Gaffney and his staff in the Defence Forces Printing Press as well as Capt Declan Barrett and his Staff in the Defence Forces Information Office for their excellent efforts in ensuring that the 2015 Review is presented efficiently to our readers. Further copies of the Review are available from the Defence Forces Public Relations Branch at info@military.ie or online at <http://www.military.ie/info-centre/publications/defence-forces-review>

Michael P. Dawson
Lieutenant Colonel
Officer in Charge - Defence Forces Public Relations Branch

EDITOR'S NOTE

“...ideas are indestructible, and great thoughts are immortal, and great principles, enshrined in the history of a race, pass on to new generations with ever-increasing vivifying powers.”¹

In a year which bore witness to many diverse international and regional security challenges, and saw Ireland reflect on its Defence Policy requirements, this edition of the *Defence Forces Review* presents a wide-ranging collection of articles which offer critical analysis of both contemporary and historical issues of interest to the Defence Community. The breadth of topics addressed in this year's edition includes both World Wars, national and regional foreign policy, terrorism, legal considerations, technological developments and Command and Leadership issues.

Last year's Review marked the centenary of the outbreak of the Great War with a number of articles on the subject, including Irish involvement in the conflict. This year's Review opens with a searing account by Kevin Myers of the ill-fated Gallipoli campaign, 100 years on. In an evocative and poignant article, the suffering, heroics and gallantry of some of the many Irish soldiers who fought and died on the peninsula are recounted in vivid detail. Their exploits were overshadowed for many years by the dominant narrative of 1916 and events surrounding independence, which presented many challenges for the nascent Irish State. One such challenge is addressed by Cdt Paul Fleming, who examines Ireland's approach to neutrality and foreign policy during the post-independence period. This is followed by an appraisal of Ireland's complex relationship with Hitler and Germany during 'the Emergency', for which Lt Col Stephen Ryan delves into Irish Military Archives' files to expose some fascinating insights from that period.

Turning to Regional Security issues, Gnr Terence O'Reilly analyses the demise of the Armed Forces of East Germany, the Nationale Volksarmee, following the fall of the Berlin Wall, and argues that in the orderly manner in which they were decommissioned, they made their own unique contribution to European peace and security. Staying with European Security, Professor Patrick Keatinge charts the evolution of the European Union's Common Foreign and Security Policy, and assesses the EU's policy response to the Ukraine crisis, while Comdt (Retd) John J Ryan examines the European Union Human Rights Review Panel which was established in Kosovo in 2009 and assesses its effect as a Human Rights accountability mechanism within Common Security and Defence Policy infrastructure. Lt Col Jan Zöller draws this theme to a close with an examination of contemporary Peace Support imperatives and an assessment of the suitability of Regional Organisations, particularly NATO, for the conduct of Peace Support Operations.

Looking at the Maritime Domain, and as the first Naval Service overseas deployment on a humanitarian mission continues in the Mediterranean, Cdr (NS) Pat Burke assesses the role of International Law of the Sea in addressing global maritime security threats. Comdt Conor Gorey follows with an examination of the implications of Access/Area Denial (A2/AD) strategies on the US Navy's deployment concepts and its ability to fulfil its strategic

¹ Sheehan, P.A. (1899) 'Our Personal and Social Responsibilities', [online], available: <http://www.ucc.ie/celt/online/E890000-007.html>, [accessed 07 July 2015].

mission. The focus then shifts to the cyber or 'fifth' domain, with an examination by Capt Ken Sheehan of developments in this area, including a critical assessment of some of the difficulties, including legal constraints, associated with the conduct of operations in cyberspace. Lt Col Jerry Lane develops this theme further with an evaluation of the adequacy of the existing legal supervisory regime in meeting the significant developments which have occurred in weapons and weapons systems. Staying with technological developments, Lt Donncha Lenihan offers a detailed account of the material science associated with armour protection, and critically assesses the utility of material models for armour designers and military planners.

In the first of two articles on the subject of terrorism, Comdt Laura Fitzpatrick proposes the use of the 'Hierarchy of Effects' model in examining terrorist publicity and propaganda in order to develop a better understanding of terrorist objectives and intent. This is followed by a detailed analysis of Islamic State by Capt Desmond O'Reilly, who focuses on the group's evolution, sources of finance and use of social media, as it attempts to realise its stated ambition of establishing a world caliphate.

Addressing issues of Command and Leadership, Lt Col Seán Murphy examines the centrality of the value of duty to the military profession and details the relationship between values, organisational culture and effective leadership. Comdt Declan Crummy then assesses the Civil Military Relations (CMR) environment in Ireland and exposes some of the tensions which exist between the civilian and military components of the Defence Organisation, highlighting the need for greater focus on this area in Professional Military Education.

The final article in this year's Review is the winning paper of the *Irish Military Heritage Award 2014*, in which Caitlin White critically examines a memoir of the legendary 17th Century figure *Kit Cavenaugh*, exposing several weaknesses in the text, and offering a number of possible explanations for the manner and timing of its publication.

Abstracts of the research dissertations written by the students of the 71st Senior Command and Staff Course as part of the MA in Leadership, Management and Defence Studies (LMDS) programme are included in section two of the Review. To view any of the theses listed, please contact the Defence Forces Library at: info@military.ie.

Due recognition is gratefully accorded to Comdt Brendan Lyons for his considerable assistance in editing this year's Review.

Finally, the Review concludes with short biographical details of the contributing authors, to whom we offer our appreciation for an inspiring and thought provoking collection. Their efforts have ensured that the Defence Forces Review continues to have "...the distant aim, the longer reach, to teach men how to teach men how to teach."²

Neil Nolan
Lieutenant Colonel
Officer Commanding - 28 Infantry Battalion

² Ramsay, A.E. (1935) 'Epitaph: a Syndic', *Frondes Salicis*, London: Cambridge University Press, p. 90.



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Gallipoli

ABSTRACT

For decades, the story of the Irish at Gallipoli was forgotten in their homeland, apart from an increasingly obscure reference in the ballad 'The Foggy Dew' to 'Suvla and Sed-el-Barr.' These were the two beaches where most of the Irish had landed, on their way to military disaster and defeat. In their day, these beaches and the men who landed on them were legendary, but with the subsequent triumph of the myths of 1916, virtually all memory of them both vanished. No one really knew the meaning of that cryptic line, "It was better to die 'neath an Irish sky, than at Suvla or Sed-el-Barrh." Now however, as perceptions of Irish history have become more generous and inclusive, the courage, the suffering, and the sacrifice of the Irish at Gallipoli are once again being honoured.

The allied project to defeat the Ottoman Empire in the First World War by placing a couple of warships off the quaysides of Istanbul is surely one of the most fanciful military ambitions in military history. Why on earth would an empire that had been in existence for five hundred years, and which reached 1,500 kilometres from Istanbul into Asia Minor, the same distance that separates it from London (as a very energetic crow flies), surrender to an enemy so far away, merely because he managed to berth a couple of his battleships within firing range of the Ottoman's royal palaces? Many military campaigns have begun through foolish optimism over the weakness of the enemy, or a chronic inability to read a map: none has ever combined these two deadly vices with such toxic effect.

The same demented optimism and cartographical ignorance caused the allied planners to ignore the fundamental logistical rules of long supply-chains, the most basic of which is that their flanks must be secure along their entire length. In this case, the supply chain was over 1,500 km long, from Portsmouth around Greece, to the mouth of the Dardanelles narrows that led to Istanbul. And in the new maritime world-order that had opened on September 5, 1914, when U-12 had sunk HMS *Pathfinder* with a torpedo, the first ever such successful firing, no such maritime flanks would ever be secure without massive escorts. Even if they were, the Central Powers controlled the waters off the straits of the Dardanelles, and both inner shores thereof, each 60 km long, where sea-mines (as events were to show) could be just as deadly.

The Royal Navy, the greatest fleet the world had ever seen, owed its strength to a profound understanding of logistics. Its ports and coaling stations around the world testified to a truly global vision. How then could such a sophisticated organisation be lured into a campaign that violated all its own cardinal rules of war? It was not lured. It was led, by its own First Lord of the Admiralty, Winston Churchill, whose almost insatiable personal appetite for a nice manageable war and an easy victory was mixed with a pathological aversion to fighting a modern war of scale. This is the military equivalent of seeking a partial pregnancy. If the stakes are high enough, a manageable war will soon become precisely the full pregnancy of the war of scale that it was intended to avoid.

Moreover, the Hellespont, the key crossing-point of the Dardanelles, had repeatedly been the home of vain wars. Determined on the conquest of Athens, the Persian Emperor Xerxes had built a pontoon bridge to get his army over the Straits, and when it was destroyed in a storm, he had his engineers executed, while his soldiers flogged the water three hundred times in punishment. Byzantium, later Constantinople, the second Rome, flourished here until the city fell to the Ottomans, who turned it into a Muslim capital. Mehmed II's fortresses still dominate much of the straits, and at Chanak, where all upriver traffic has to turn a sharp-right angle against a five knot current, no vessel is more than 500 metres from the Ottoman cannon.

So very possibly Churchill was also seduced by the mythic possibilities of a campaign there. Certainly, his reputation needed rescuing after his opening foray of the war, in which, as First Lord of the Admiralty, in the autumn of 1914, he assembled an improvised force of untrained recruits and middle aged naval reservists at Antwerp, who he intended to turn into an army, with himself at their command. He even telegraphed Prime Minister Asquith, demanding to be allowed to resign the Admiralty, and be instantly promoted to Lieutenant General Winston Churchill, Commanding Officer, the Antwerp Expeditionary Force. Instead of being instantly sacked, he was brought back to London to the job he had been trying to escape from, while his force of five thousand passed into captivity, with some two hundred deaths (over which he never expressed any contrition).

That was not his first fiasco of 1914, for he had helped precipitate the war between Britain and the Ottoman Empire. Upon the outbreak of hostilities with Germany he had personally cancelled the delivery of two war-ships built in Britain for the Ottoman Empire – *Sultan Osman I*, the largest battleship in the world, and her smaller sister ship, the *Reshdaih*, and without compensation. This was a needlessly provocative insult to the Turkish people, who had themselves paid for the vessels, an astounding £7.5 million, by public subscription, in *advance*. To be sure, Berlin already had a military mission in Istanbul, and had been grooming the Sultan with ivory, peacocks and Krupps howitzers, but nonetheless much of Turkish opinion was pro-British; which needed to be groomed. But the bull that was Churchill could seldom see a china-shop without enquiring within. Over the coming months, he turned his restless, undetailed mind to fresh theatres, and it settled on the Dardanelles. In the War Cabinet, he vigorously argued for a vast diversionary campaign against the Ottoman Empire, and the back door to Berlin. It's not of course: something called the Balkans lie athwart the 2,200 kilometres between Istanbul and Berlin. Logistics and map-reading not offering an explanation for the great folly of Gallipoli, the only real cause is Churchill, and his exuberant, coercive, bullying, manipulative personality. It was impossible to win an argument with him. He was utterly irresistible, even the Colossus of the Empire, Kitchener, succumbed to his ebullient and eloquent charisma.

Initially, the plan was to 'force the Dardanelles,' in the insane belief that the arrival of a couple of the Royal Navy battleships in the Sea of Marmora would cause the entire Ottoman Empire to collapse. On March 13, a small mine-sweeping force was dispatched to clear the lower reaches of the Straits, and encountered an artillery-protected Turkish minefield deep in the mouth of the narrows. In the first salvos, a shell hit the cruiser, HMS

Amethyst, in the bathroom where the newly off-shift stokers were washing. It burst right amongst them, “so that all the walls and roof were plastered with flesh and blood. The remains were put into sacks, but on mustering, it was discovered that instead of twelve men being in the bathroom as thought, there had been nineteen.” One of these was Ireland’s first victim of Gallipoli, 27-year old Stoker Patrick Matthews, of King’s Court, County Cavan.

Next it was decided to silence the Turkish artillery with a bombardment from battleships. A combination of sea-mines and shells brought disaster: the French *Bouvet* was sunk with 600 hands, and the British vessels *Irresistible* and *Inflexible* badly damaged. One of the fifty men killed in the *Inflexible* was Stoker Michael O’Neill from Wexford.

The navies, clearly, could not force the straits without soldiers taking the shores. The first landings by infantry were to take on the southern tip of Cape Helles on the European side of the straits. Three Irish Fusilier Battalions – 1st Inniskillings, 1st Munsters and 1st Dublins – were to participate, the latter two at V Beach, beside the village of Sed-el Barrh, on the very tip of the peninsula. The basic idea was beautiful. It was that the collier, the *River Clyde*, was to be rammed ashore on V beach. Wide holes had been cut in the sides of the vessel, from which specially-built gangways led to the ship’s prow. Upon impact, the Munsters and half of the Dublins would emerge from each side the collier and storm ashore. Meanwhile, rowing boats would disgorge the rest of the Dublin Fusiliers. And though precise timing was essential, the men involved had never once seriously rehearsed this operation.

That Sunday morning, as the *River Clyde* journeyed to ‘V-Beach’, the Munsters’ chaplain Father Finn said Mass in the hold. Meanwhile, rowing boats with half a battalion of Dublin Fusiliers neared the shore. But the *River Clyde*’s prow beached too far out for men to alight, and her Commander Unwin, under intense fire, had to manhandle lighters together, and he and some ratings then physically held them in place as the first of the Dublins and Munsters poured out of the large portholes on each side of the vessel.

Contrary to oft-repeated legend, the Irish were not slaughtered as they emerged, though some were certainly killed or injured. Most made it ashore. But what were they to do there? No-one knew; and as they lay on the beach, they were picked off one by one by Turkish defenders. And it is quite clear that men were reluctant to leave the safety of the *River Clyde*. Their officers sallied outside, hoping to encourage the men, but few followed, and almost all the officers became casualties. Brigadier Hare and his brigade major, Thomas Frankland, a Dublin Fusilier, who had landed by rowing boat, then went aboard the collier, apparently to encourage the Dublins and Munsters to get onto the beach. The men didn’t go. Both officers were then killed as they left. Ashore, one exceptionally brave officer, Guy Nightingale, left the beach and returned to the *River Clyde* to prevent further disembarkations. The gallant Father Finn remained, ministering to the dead and dying there, blessing them with a visibly shattered arm which he braced with his left hand until he too was killed; his deeds were certainly worthy of the VC he did not win.

However, the largely fictional story of hundreds of Irish being slaughtered by massed pompom and machine gun fire as they emerged from the sides of the *River Clyde* or in their rowing boats, rapidly seized the imagination at home, and has been repeated endlessly by more modern authors who really should know better. The Turks had no pompoms, and maybe just a couple of machine guns at V Beach. These myths have been reinforced by a wholly unsubstantiated claim that on V Beach alone, some 440 bodies (by implication, all Irish) were buried the next day.

Here are the facts. On April 25, 1915, during the landings at 'V' Beach, and during the day-long gunfight fought on the sands, just fifty-three enlisted soldiers and five officers of the Dublin Fusiliers and fifty-five men and one officer of the Munster Fusiliers were killed. The youngest of the Irish dead was Alfred Verrent, aged 17, the son of a gamekeeper in King's County. In addition, just twelve sailors – one of them Henry Kenny, from Courtown, Wexford - of the scores who were rowing the soldiers aboard were killed during *all* the landings (and not just V-beach). Some reports allege that the Anson battalion and the 2nd Hampshires, were also slaughtered on leaving the *River Clyde*. In fact, the Ansons lost only five men dead, and the Hampshires two – naturally, their commanding officer and their adjutant.

To put the Irish losses on V beach into perspective: during their landings at 'W' Beach a few miles away, the 1st Lancashire Fusiliers, *alone*, lost 190 men (including four Irishmen), a death-rate three times greater than that of either the Dublins or the Munsters. Since the Commonwealth War Graves Commission records that some five hundred and twenty four British soldiers and sailors in total died on April 25th, the dead of W beach (who were buried there) mean that there simply cannot have been 440 burials on V Beach. The day after the landings, April 26th, (the same day that the Dublin Fusiliers' Second Battalion lost 72 men dead in a gas-attack in Ypres) Lieutenant Henry Desmond O'Hara led the First Battalion, under the command of a staff officer, Charles Doughty-Wyllie, to assault and take the fort at Sed-El-Barrh. Doughty-Wyllie was mortally wounded in the attack and won a posthumous Victoria Cross; Henry Desmond O'Hara got an immediate DSO in the field.

The surviving Dublins and Munsters – together once 2,000 strong, but within days of the landings reduced to a total of 770 men - were combined into a single battalion, the Dubsters. Under O'Hara's command, on April 30-May 1, they parried a fierce counter-attack from the Turks, in which another 150 Dubsters were killed. This was evil, barbaric, bayonet-and-boot, eye-gouging killing. O'Hara wrote home to his fiancée that after one assault, his men were like gibbering madmen.

Now the real slaughter began. By the start of August, 440 Dublins, 229 Munsters and 220 Inniskillings had been killed, and two VCs had been won by men of the Irish Battalions. In August, the Irish component on the peninsula was vastly enlarged by the arrival of the 10th (Irish) Division - even though it was by no means all-Irish. The now mythic-status of this division largely derives from the photograph of the hundreds of volunteers who in August 1914 gathered at Lansdowne Road, at the behest of the president of the Irish Rugby Football Union, F. H. Browning. The footballers - or 'D' Company, 7th Royal Dublin

Fusiliers, as they became - were largely representative of Protestant Commercial Dublin, and Unionist Trinity – but not entirely. Paddy Tobin, a handsome, Ruper Brooke-like figure, was the son of a Catholic doctor and former army officer. Michael Fitzgibbon was son of an Irish Parliamentary Party MP and former Land Leaguer. The failure of the Tenth Division was foreordained before it landed, for it was broken up, and its commander, General Mahon, passed into a monumental sulk. Quite criminally, he then abandoned all responsibility for the units he had helped raise and train. The 5th Connaught Rangers and the 6th Leinsters were sent to assist the hard-pressed troops at Anzac. This was the name given to a small foothold on the long mountainous spine that ran the length of the peninsula, and on whose almost vertical, evil, thorn-clad slopes 613 Australians and 124 New Zealanders had been killed on the first day of the landings *alone*.

So here the 6th Leinsters – including a large component of Englishmen from the West Country - found themselves perched high on the wrongly-named Rhododendron Ridge – the first invading troops had – perhaps a little understandably - misidentified wild oleanders. The intention for the Leinsters was to take Chunuk Bair mountain, whose peak commanded the waterway which all this fighting was about. However, the Turks struck first. Shortly after 4am on August 10th, they erupted downwards, no rounds in their chambers, and using the bayonet and rifle butt only. A thousand British soldiers were killed in minutes, beaten and stabbed to death. Amongst them were some 60 men of the Leinsters – including John Carr of Carrick-on-Shannon, Patrick Casey of Ardee, and James Purcell and John O'Toole of Dublin.

Meanwhile the rest of the Tenth had landed at Suvla Bay, where it was divided again. Further absurdities followed. Two discoveries had been made after the April landings. Hand-grenades were vital in a war over ravines and gullies, and as precious as life itself was water. Many hundreds of British soldiers had been killed merely trying to win control of wells.

So naturally, the two commodities that the August landings lacked were hand-grenades and water-carriers. Diarrhoea became endemic, with millions of flies feasting on the almost ubiquitous pools of excrement, then settling on food and on mouths. Men were unshaven, filthy, bloody and soiled. The sun's rays alone could be lethal. A kilted Scotsman was pinned down on the battlefield and unable to move because of snipers, and with flies crawling all over his blistering skin, sepsis and gangrene rapidly set in. After he was finally retrieved, both legs had to be amputated.

The details of the peregrinations of the Tenth Division's component parts after Suvla make unbearable reading, both for their futility and the mind-numbing ineptitude of those in command. Let us focus, therefore, on one objective of the Tenth: the whaleback ridge of Kiretch Tepe Sirt, 600 feet high and several miles long. The defenders here were not regular soldiers, but Turkish 'gendarmerie,' part-time policemen who, unlike the invaders, had water and grenades galore. They were also defending their homeland, and in their own minds, their religion. Naturally, they occupied the high ground, ideal for the one weapon they had in quantity: just remove the pin and leave the rest to gravity. 'D' Company of the 7th Dublin Fusiliers facing these gendarmes were waterless, grenadeless, guileless

and almost helpless. Horizontal rifle fire was largely ineffective over a landscape of flint and granite boulders,. The only available weapon for the Irish was the bayonet. So that dawn on August 15th, the Dublins - thirsty, filthy, soiled with their own waste – rose from amid the rocks and tottered, with agonising slowness, up the boulder-covered slope, so making easy targets for the Turkish snipers and machine-gunners far away, and closer to hand, the gendarmes, gently lobbing their grenades downwards. The poor footballers were chopped to pieces.

The survivors then lay motionless amid the rocks, and alongside the lifeless bodies of their friends. The sun rose, and the flies began to feast on the blood and the entrails of the dead, and the wounded groaned as the broiling granite became too hot to lie on, and so men would simply have to move, and then promptly be shot for doing so. And all over the ridge, the cowering Irish, both the wounded and the hale, grew mad with thirst, as their skin burnt and blistered, and the hillside echoed with the tortured supplications of the dying, while the Turks continued their methodical execution. With night, finally, came retreat, and utter defeat.

Some names have survived from that wicked hillside. Fred Heuston, a medical student at Trinity, won a Military Cross for his courage in this fight, even though he was dead when it was awarded to him, and since the MC could not be issued posthumously, in the interim the fiction was promulgated that he was merely 'missing.' There were no 'missing' on the Peninsula, and no allied prisoners, just the living and the dead. His fellow Trinity medical students, the two Catholic lads, Michael Fitzgibbon and Paddy Tobin, and Edward Weatherill, the son of a prosperous English-born ship-owner living in Dublin – they had all perished. Daniel Clery the son of a Catholic commercial traveller from Maryborough (Portlaoise) also vanished here, as did Robert Stanton, a former Trinity student who had left his law-practice in Cork to join up. And other illustrious sons to leave their bones on the unforgiving granite of the ridge were Ernest Julian, Reid Professor of Law at TCD, Charles Ball, chief botanist at the Botanical Gardens in Dublin, and most spectacularly Albert Wilkin, a shop manager from Clontarf, who - it may safely be presumed - was not of ardently nationalist sympathies: his sister was called Victoria Jubilee. The shopkeeper Albert caught and threw back grenades on five occasions; the sixth and final one exploded before he could return it. But by these fearless deeds – VCs have been won for less - he gave his life for his comrades, and is certainly worth remembering for that alone.

Six days later, on August 21, 1915, occurred the very worst day for the Irish regiments on the Peninsula, with 497 of their number being killed (though not all of them were Irish, though Captain Gerald O'Sullivan VC certainly was). With them perished Lord Longford and Paul Aloysius Kenna VC DSO, a scion of Catholic Meath gentry, and other grandees of the yeomanry, during the great British assault on Scimitar Hill. Almost symbolically, the attacking soldiers, with fixed bayonets, simply vanished into the morning fog. The men of Sandringham Company from the royal palace in Norfolk quite literally did: every single one of them either perished in the assault or was murdered in captivity.

Meanwhile, overhead, another deadly enemy was unsheathing its sword. Many soldiers had crawled under tinder-dry scrub to take cover from the sun and the Turkish snipers, equally ubiquitous, equally pitiless. Soon the desiccated grasslands caught alight, and the wildfire spread across the battlefield with the instantaneity that begat the simile, engulfing the helpless wounded cowering in the thornbush. These unfortunates were thus burnt alive, their tortured screams and the explosions of their ammunition-pouches and their precious grenades marking their final resting-places. Those who rose and tried to run from the wildfire were systematically bowled over by Turkish snipers, and if they were lucky, instantly killed.

This then effectively ends the campaign to cause the capitulation of Istanbul. Among the three thousand or so Irish dead of Gallipoli were the brothers Billy and Sam Smyth, of Glendermott, County Derry, who were killed four months apart, and John and James Garrity, from an Irish family in Hamilton, Scotland, who were killed on the same day: August 9th. The Lambert brothers were a religiously mixed family, in which the boys were raised as Protestants, the girls as Catholics. John and Thomas Lambert seem to have enlisted in 1914, and were posted to the regular, First Battalion to make up numbers on its return from India. John, aged thirty nine, was killed just four days after the V Beach landing: but his mother did not claim him in death. However, Thomas was killed in October, and the cemetery register declares him to be the 'stepson of Mary Lambert, Bridge House Milltown' and thereby hangs a family mystery, of one natural son apparently disowned and a stepson proudly claimed.

The Finnerty brothers, Mark, and Matthew, a gardener, from Granagh, Galway, had signed up together at a recruiting office in Warrington to join the Dublin Fusiliers. Mark was killed shortly after the landings at Suvla, and his botanist-brother was killed the following year fighting the Bulgarians – and if it is difficult to explain why the Irish were fighting the Turks, it is virtually impossible to give a plausible account of why they were fighting Bulgarians, other than by resorting to that central truism: *the first casualty of war is the cause for which it is fought.*

The 10th Irish Division was withdrawn from Gallipoli to open a fresh and perfectly purposeless front in Salonika in September. The remaining invaders clung onto their lodgements with nowhere to go and no purpose to their presence. Nature then took a hand. On November 27th, a violent storm swept the Peninsula, sending flash-floods from the high Turkish positions down through the allied trenches, with the rampaging waters bearing the bodies of Turk and Briton and pack-animal alike. The wind shifted, and a terrible blizzard lashed the tenants of the trenches. Pools became solid ice, as all thought of fighting ceased. Men froze to death. Others, numbed, paralysed, stared around them 'like bewildered bullocks.'

The end was nigh. Evacuation – the most brilliant part of the whole fiasco – followed. The three Irish battalions, despite 100% casualties, were still overwhelmingly Irish: of the 1st Dublin Fusiliers final 45 deaths in December, 38 were Irish-born.

Some still talk as if ‘victory’ at Gallipoli were possible had British generals been better. No, it wasn’t. The only consequence of any local triumph would have been another step deeper into a more terrible military quicksand, probably culminating in midwinter trench warfare in Anatolia, a remote and Arctic Ypres in winter, a burning hell in summer. The logistical absurdities of the entire venture had already been comprehensively exposed by Lt Commander Otto Hershing in *U21*. On April 25, the first day of the landings, the boat left Wilhelmshaven for Gallipoli, arriving there on May 25, where she promptly sank the battleships *HMS Triumph* and *HMS Majestic*, taking with them (amongst others) John Cotter and Jeremiah Cronin, both from Whitegate, County Cork. This tiny community was to lose 23 men killed with the Royal Navy alone during the war, and was also the home of Corporal William Cosgrove, of 1st Munsters, whose heroism in removing the posts holding barbed wire entanglements under intense fire at B Beach had earned him a Victoria Cross.

All public memory of Gallipoli, of the Pals of the Footballers’ Company, of Paddy Tobin and Michael Fitzgibbon and Charles Ball and Albert Wilkin, was to perish in the aftermath of the Rising. So, too, more literally, did F. H. Browning, who had raised the Footballers’ Company at Lansdowne Road, and who on Easter Monday was ruthlessly shot down in an ambush at Mount Street Bridge, just as he and other unarmed members of the Volunteer Corps, the *Georgius Rex*, were finishing their annual bank-holiday route-march. Over his fate, even the IRFU would in time fall silent.

One of the Irish heroes of Gallipoli was Henry Desmond O’Hara DSO. Shortly before O’Hara’s death, another hero – *the man who had managed to stop the landings from the ‘River Clyde’* - Lt Guy Nightingale wrote home: “I’ve never seen fellows getting old so quickly. This morning, I saw a fellow called O’Hara in the Dublins who I hadn’t seen in a fortnight, and I barely recognised him.”

Henry was one of four grandsons of James Hercules Connellan to die in the war, one each by three of his daughters and one by a son. Henry’s mother – and James’ daughter – Cecilia - died soon afterwards. His poor father William lived out the rest of his days, quite alone.

Meanwhile, Guy Nightingale managed to lead a charmed life. Three of his batmen were killed beside him, but he nonetheless survived, and went on to serve on the Western Front, from the Battle of the Somme right to Armistice Day, remaining apparently unscathed throughout. On April 25, 1935, the twentieth anniversary of the landings, Major Guy Nightingale MC took out his old service revolver, put it to his temple, and blew out his brains.

Wishbone or Backbone? Neutrality in Irish Foreign Policy Before 1932

ABSTRACT

The question of the origins of neutrality within Irish foreign policy tends to focus on the efforts of the de Valera government in the 1930s, and is couched in the context of the Economic War and the gathering storm of the Second World War. This paper sets out to examine what inheritance the Cumann na nGaedheal government of 1922-1932 left in this respect. It will be argued that the principles around which Irish neutrality was developed were laid down from an early stage by the Cumann na nGaedheal government, and represented an exercise in pragmatism in order to achieve the most from the foreign affairs provisions of the Anglo-Irish Treaty. Following from this will be an examination of the possible alternatives, and it will be concluded that the Cosgrave government succeeded in punching above its weight diplomatically while trying to construct a functioning state from the ashes of the Civil War.

Introduction

The question of Irish neutrality before 1932 is often over-shadowed by the developments in 1930s Europe, their subsequent effects on Ireland, and by the foreign policy actions of the de Valera government during the pre-war years and the Second World War itself. The reality remains however, that the de Valera government elected in 1932 did not set about re-defining Ireland's fundamental position (or lack of one) in relation to security and neutrality in any ground-breaking fashion. The Cumann na nGaedheal policy with regard to the League of Nations was largely maintained until the collapse of collective security.¹ Furthermore, de Valera's 'dismantling' of the 1921 Treaty did not focus on the articles concerning defence until 1938,² and even then, the focus was tied to an economic relations dispute. In this light the policy of neutrality as developed by the Irish government both before and after the civil war, and as articulated through its foreign policy throughout the 1920s, is highly significant. Certain key questions are also raised in relation to how wedded the Irish government, and indeed Ireland as a nation, was to the idea of neutrality as an instrument of foreign policy, and whether the policy was one of principled choice, or of stark realism in the face of a harsh international environment. This paper intends to answer these questions through an analysis of the development of Irish neutrality as reflected in Irish foreign policy during the 1920s and early 1930s. It will endeavour to do this through an examination of Irish security and neutrality policy in relation to both Great Britain (and, to a lesser extent the Dominions) and the League

¹ Kennedy, M. (2008) 'The Irish Free State and the League of Nations 1922-32: The Wider Implications', in Daly, A. and Fleming, N.C. (eds), *Ireland and Anglo-Irish Relations since 1800: Critical Essays, Volume III From the Treaty to the Present*, Aldershot: Ashgate, p. 72.

² Salmon, T.C. (1989) *Unneutral Ireland: An Ambivalent and Unique Security Policy*, Oxford: Oxford University Press, p. 92.

of Nations. By looking at these two vital foreign policy arenas it is hoped that a clear understanding of the development of the policy of neutrality, and of its place in the wider context of Irish foreign policy of that era, may be arrived at.

Inherent Pre-disposition or Revolutionary Realism?

The Irish “pre-disposition towards non-involvement in international relations,”³ it is argued, had its origins in the nineteenth century and was first manifested in any kind of public fashion in the opposition to conscription during the First World War and in the establishment of an Irish Neutrality League.⁴ This however has to be contrasted with the number of men of the National Volunteers who served with the British army during the war,⁵ and with the continental alliances sought by different groups of potential Irish rebels throughout Irish history. It can thus be argued that there was no inherent ideological disposition for neutrality that ran through Irish society prior to independence. Irishmen were content to serve in the British forces both during war and peacetime, and there were several Irish regiments in the British army (the Connaught Rangers being one example).⁶ The impetus for a neutral position in international affairs can therefore be said to be based more on the Irish struggle for independence than on any great national sentiment or disposition. The revolutionary leaders of Ireland in the aftermath of the First World War realised that an alliance with the enemies of Great Britain would not be “feasible or appropriate”⁷ should Ireland achieve its independence. This position is articulated by Eamon de Valera in the famous *Westminster Gazette* interview of February 1920. In the interview de Valera outlines the principle that an independent Ireland would be a much better safeguard to British security than the situation which saw Britain holding Ireland by force:

An independent Ireland would see its own independence in jeopardy the moment it saw the independence of Britain seriously threatened. Mutual self-interest would make the peoples of these two islands, if both independent, the closest possible allies in a moment of real national danger to either.⁸

De Valera does however make reference to several other possibilities in relation to guaranteeing the position of Ireland, and thereby the security interests of Britain. He refers to a guarantee of Irish neutrality and integrity along the parameters of the Monroe Doctrine or the Platt Amendment (concerning U.S. relations with Cuba), or a pact of collective security based on a “mutual compact”⁹ of the League of Nations. In this piece he is not so much outlining remedies for British security issues as seeking to reconcile problems of British security with the Irish quest for independence. In this way, the foreign policy of Sinn Féin during the War of Independence, and the development of neutrality policy within it, can be said to be quite Anglo centric in nature.

3 Fanning, R. (1982) ‘Irish Neutrality: An Historical Review’, *Irish Studies in International Affairs*, 1 (3), p. 27.

4 *Ibid.*, p. 28.

5 Ferriter, D. (2005) *The Transformation of Ireland 1900-2000*, London: Profile Books, pp. 126-7.

6 *Ibid.*, pp. 208-9.

7 Fanning (1982) *op cit.*, p. 28.

8 De Valera, E. (1920) *Westminster Gazette* reprinted in Moynihan M. (ed.) (1980) *Speeches and Statements by Eamon de Valera 1917-1973*, Dublin: Gill and Macmillan, p. 34.

9 *Ibid.*, p. 33.

Insofar as de Valera's comments can be taken as an articulation of foreign policy they appear to refute the idea that Ireland was an isolationist nation. Indeed, the very circumstances which de Valera was in when he gave the interview in question are sufficient to illustrate this. His interview was given while in the United States touring for support of the independence movement and was printed in both the *Westminster Gazette* and *The Globe* (a New York based newspaper)¹⁰. The Anglo-Irish Treaty 1921, which would serve to both create the Irish Free State and to prescribe its possible actions in terms of defence and neutrality, was the first legislative framing of any kind of Irish defensive role in relation to the protection of the independent state. Articles 6, 7 and 8 of the Treaty dealt specifically with issues of defence, and the measures contained within those two articles meant Britain retained a substantial military presence in Ireland.¹¹ Thus Ireland remained firmly wedded to Britain in defence terms; the Treaty's defence articles essentially crushed any Irish aspiration towards neutrality.¹² This created a problem for a new government which desired to pursue a policy of military neutrality.

Keeping up Appearances

In a memo from July 1921¹³ Erskine Childers reacts to British security proposals as originally put forward prior to the opening of the treaty negotiations with a concern for Irish independence in terms of defence and neutrality policy and stresses, in particular, the need to redress the situation concerning coastal defence and the establishment of a navy as soon as possible. The British proposals of July 1921 did not, however, differ greatly from those contained in the treaty. Childers' reaction is interesting for two principal reasons; in the memorandum he outlines prospective Irish counter-proposals, but also recognises the relative weakness of the new state in trying to build up the defensive structures necessary to undertake the complete defence of all her sovereign territory. This was to be a recurring realisation for the Irish government throughout the 1920s. Following from this, Childers focuses matters of defence and security in terms of the goal of status and of displays of independence of the new state. This was the line to be pursued by the Cumann na nGaedheal right throughout the 1920s in relation to the Defence Forces and to questions of Irish security and neutrality as within the arena of Anglo-Irish relations.

While there were acknowledgments of the Irish strategic reliance on Great Britain during the 1920s,¹⁴ any broad public admission of this situation would be "politically embarrassing" for the Free State government.¹⁵ Thus the policy of neutrality suited this situation well. The government was unable both in realistic or legal terms to take full control of the territory of the state so therefore a policy of neutrality was invoked which allowed for the maintenance of a relatively small defensive establishment. It also kept military costs to a minimum domestically; a memorandum of October 1929 estimates that if Ireland were to hold the Treaty ports, her defence expenditure would be four or eight times greater.¹⁶

10 Moynihan, M. (1980) *Speeches and Statements by Eamon de Valera 1917-1973* Dublin: Gill and Macmillan, p. 33.

11 Fanning, R., Kennedy, M., Keogh, D., O'Halpin, E., O'Malley, K. (1998) *Documents on Irish Foreign Policy Volume I 1912-1922*, No. 214 DE 2/304/1, Dublin: Royal Irish Academy.

12 Salmon (1989) *op cit*, p. 91.

13 Fanning et al (1998) *op cit*, No. 142 UCDA P150 1913.

14 Salmon (1989) *op cit*, p. 96.

15 Keatinge, P. (1978) *A Place Among the Nations Issues of Irish foreign policy*, Dublin: Institute of Public Administration, pp. 84.

16 Fanning, R., Kennedy, M., Keogh, D., O'Halpin, E., O'Malley, K. (2002) *Documents on Irish Foreign Policy Volume III*, No.271 NAI DT S4541, Dublin: Royal Irish Academy.

Neutrality provided an “all purpose policy”¹⁷ and allowed the Irish government to deal simultaneously with difficult questions of Anglo-Irish relations, defence and security (in relation to external defence in particular¹⁸) by simply declaring an almost non-interest in the policy questions involved. This trend is also evidenced by a desire to postpone the discussion of major policy issues concerning defence and to avoid antagonising the British, possibly with a view to a favourable defence settlement in the future when the state would be in a better financial position.¹⁹ The Free State government was therefore not necessarily committed to a policy of neutrality, but rather of using the idea of neutrality as a prism through which could be projected the image of an independent Ireland. Events such as the ‘Military Mission’ of 1926 were largely for publicity purposes²⁰; the officers being sent to the United States to receive additional technical training would be returning to an army which the government had decided to organise along almost exclusively British lines.²¹ Neutrality in the Anglo-Irish arena can therefore largely be said to be a product of the independence struggle, rather than of any great national pre-disposition towards it. It served the state well by providing a catch-all solution to a variety of problems and also served to keep sensitive questions of national defence out of public discussion. But what of neutrality and security policy in the other principle arena of Irish foreign policy in the 1920s - the League of Nations?

A Place Among the Nations

The Irish Free State was an active supporter of the League of Nations, was not afraid to criticise some League decisions, and she was also an adherent to the League policies on disarmament and collective security. She was not a committed neutral. The involvement in the collective security movement was a clear example of this, and the Free State government never sought a neutrality reservation as Switzerland did in 1920.²² Thus in her relations with the wider global community through representation at Geneva, the Free State cannot be said to have been a principled neutral state. Indeed her stance of neutrality on the international stage had more to do with a display of sovereignty and independence than it did with any kind of measured defence policy²³. The involvement of the Free State in collective security at the League of Nations actually provides an interesting point of contrast, in that the Free State government used a policy of neutrality as a platform for demonstrating Ireland’s independent status from Great Britain and her right to make her own path in terms of the most critical considerations of state,²⁴ yet pursued the idea of collective security because of her status as a small nation. The Free State desired all the prestige of an independent and indeed a neutral nation, but also the benefits which collective security would bring in terms of state security and external defence. In the end, however, collective security would prove to be a failure in practical terms, and neutrality would become much more relevant to the immediate security concerns of the state.

17 Keatinge (1978), op cit, p.156.

18 O’Halpin, E. (1999) *Defending Ireland The Irish State and its Enemies since 1922*, Oxford: Oxford University Press, p. 83.

19 Fanning et al (2002) op cit, No. 271 NAI DT S4541.

20 O’Halpin (1999) op cit, p. 97.

21 Fanning, R., Kennedy, M., Keogh, D., O’Halpin, E., O’Malley, K. (2000) *Documents on Irish Foreign Policy Volume II*, No.323 NAI DT S4541, Dublin: Royal Irish Academy.

22 Salmon (1989) op cit, p. 101.

23 Salmon (1989) op cit, p. 95.

24 Fanning (1982) op cit, p. 30.

The Irish Free State's involvement in collective security policy is probably best exhibited through the development of the Free State response to the first major crisis to face the League of Nations since its foundation - the Sino-Japanese dispute concerning Manchuria. In 1931 this dispute put the League's resolve in terms of peaceful settlement of international disputes to the test. The desired Irish response (as communicated to Sean Lester from the Department of External Affairs²⁵) was one of principled restraint, but also one that backed Japan, as the "mainstay of peace and order in the Far East."²⁶ This was despite the fact that Japan had been the aggressor and had targeted a weaker state, China.²⁷ Joseph Walshe would echo the instructions given to Lester in 1939 when he communicated to a diplomat in the field that "Small nations like Ireland do not and cannot assume role of defenders of just causes except their own"²⁸. Despite the fact that Manchuria represented the first real test of collective security, there was minimal proactive response from the Free State. When Lester discussed the possible moral obligation of "sending a company of troops to Manchuria"²⁹, he was told that any action based on sanctions must have the complete support of those powers which would bear the burden of implementing such sanctions, and only in this event would the Free State support any kind of sanctions³⁰. Thus we see that the League of Nations was also not an arena for a principled stand as regards neutrality by the Irish Free State, indeed it was not even one where a principled stand concerning collective security would be taken. Irish Free State foreign policy had developed a realist outlook, of which neutrality was just a facet born of convenience rather than principle.

'No Use Trying to Substitute a Wishbone for a Backbone'

The question that must be raised at this point is: what else could the Free State have done in relation to neutrality in terms of foreign policy? The Treaty which had brought the state into existence placed certain limitations on Irish security policy in legal terms, and the Free State government had fought and won a civil war in order to uphold the rule of that Treaty and its institutions. They were therefore not disposed towards "extravagant affirmations of independence."³¹ There was also, as mentioned above, the financial factors involved in attempting to construct a state from the ashes of a bitter civil war, thus making defence spending a low priority and with it defence policy. The fact remains however that, in the words of Frank Aiken, Ireland could not have neutrality merely by wishing for it; "there was no use trying to substitute a wishbone for a backbone."³² This was also reflected in a memorandum sent by Peadar MacMahon to Peadar Hughes in July 1926 regarding neutrality and defence,³³ where MacMahon addresses the necessity of any neutral country to be able to repel attackers as being essential to the maintenance of neutrality. In this vein he compares the experiences of Belgium and Greece to those of Holland and Switzerland during the First World War and contrasts how well prepared they were to defend their territory. Yet the simple fact remains regarding the Irish position,

25 Fanning et al (2002) op cit, No.600 NAI DFA 27/18.

26 Fanning et al (2002) op cit, No.600 NAI DFA 27/18.

27 Walters, F.P. (1952) *A History of the League of Nations Volume II*, London: Praeger, p. 137.

28 Keogh, D. (1988) *Ireland and Europe 1919-1948*, Dublin: Rowman and Littlefield, p. 3.

29 Fanning et al (2002) op cit, No.592 NAI DFA 27/18 S 7/11/26.

30 Fanning et al (2002) op cit, No.601 NAI DFA 27/18.

31 Fanning, R. (1999) 'Raison d'Etat and the Evolution of Irish Foreign Policy', in Kennedy, M. and Skelly, J.M. (eds) *Irish Foreign Policy 1919-1966 From Independence to Internationalism*, Dublin: Four Courts Press, p. 314.

32 Salmon (1989) op cit, p. 108

33 Fanning et al (2002) op cit, No.19 NAI DFA 205/122 R.M.8C.

it was unique - "Ireland was not a Dominion when it came to defence."³⁴ This was evident in the Treaty of 1921 and was also reflected in the practice of the Free State government in organising its army to facilitate easy co-operation with the British Army in the event of hostilities. The kind of neutrality policy that Cumann na nGaedheal pursued essentially allowed a reconciliation of Irish independence and sovereignty issues with matters of British security. Neutrality represented "...the outer limit of how independent of British foreign policy Irish foreign policy could become...."³⁵

What then of the inheritance of the de Valera government that took power in 1932? What de Valera brought to the portfolio was something which Cumann na nGaedheal had lacked in terms of foreign policy, and that was the effective publication of foreign policy successes at home.³⁶ Fianna Fail would also bring about a greater confluence of the two arenas of foreign policy which have been discussed above. Despite these changes however, Irish policy in the League of Nations remained very similar.³⁷ Neutrality would become a much more significant element of Irish foreign policy during the 1930s owing to the complete collapse of collective security in the League of Nations and the drift towards war. But the Cumann na nGaedheal government had put down a solid foundation in terms of foreign and neutrality policy, and it was one which the Fianna Fail government would build upon during the 1930s moving towards what F.S.L. Lyons termed "the outward and visible sign of absolute sovereignty"³⁸ neutrality in the Second World War.

Conclusions

Having considered all of the questions examined above it is easy to disregard the 'neutrality' of the Irish Free State during the 1920s as mere foreign policy posturing and 'wishbone' on the part of the government, and to a lesser extent the people of the country. But any consideration of the policy followed by Cumann na nGaedheal has to bear in mind certain qualifications. First, the Irish state had brought about its birth by force of arms and thousands of Irishmen had served with British forces during the First World War. There was no shortage of backbone. Second, the aspiration of the revolutionaries was not to neutrality specifically but to the ability to choose whether or not to go to war – to describe this as 'wishbone' is to ignore one of the most basic rights afforded to any state. Third, the position which resulted from the Treaty settlement meant that the Irish Free State was faced with the fact of a British military presence on the island of Ireland and a British military presence in three of the Free State's harbours- this had an almost crippling effect on any policy of principled or reserved neutrality (as in the Swiss case for example) and it would have had a similar effect on almost any small state which found itself in similar relations with a great power. Thus the Irish neutrality policy as reflected in Irish foreign policy before 1932 was practical, not principled neutrality. It allowed the aspirations of the Irish Free State to be an entirely sovereign and self-determining state to be broadcast through Irish foreign policy largely by gestures, while privately, and indeed in consultation with the British, the Free State government maintained a minimum defence requirement and sought to allay British fears about the security of her

³⁴ O'Halpin (1999) op cit, p. 84.

³⁵ Fanning (1999) op cit, p. 312.

³⁶ Kennedy (2008) op cit, p. 71.

³⁷ Ibid, pp. 71-72.

³⁸ Lyons, F.S.L. (1971) *Ireland Since the Famine*, cited in Fanning (1982) op cit, p. 30.

Atlantic flank. Therefore, it can be concluded that Irish neutrality policy before 1932 was neither 'wishbone' nor 'backbone,' because neither of these were the aim of neutrality policy or of the Free State government. The War of Independence and the Civil War had displayed plenty of both 'wishbone' and 'backbone' on the part of the Irish revolutionary leaders. What was needed during the 1920s was the construction of the limbs and organs of the state, without which the aspirations of the 'wishbone' and the exigencies of the 'backbone' would have been entirely in vain. Neutrality policy and its reflection in foreign policy were a part of this complex construction project.

Irish Attitudes Towards Germany and Hitler During ‘The Emergency’

ABSTRACT

Ireland was formally neutral during the Second World War. Despite the official stance, numerous Irish people admired the manner in which Hitler had united the German populace, improved their living standards and created a powerful state. Many Irish citizens communicated with Germany to seek propaganda material and voice their support for Hitler. The numerically small, but influential, German population domiciled in Ireland, likewise, respected Hitler and used their position to assist Nazi policy. A network of German spies distributed propaganda and stoked the esteem, which was underpinned by the long standing and deeply rooted anti-British feeling that existed in post independence Ireland, for Hitler. The IRA was active during the war. They saw the power and success of Nazi Germany as providing an historic opportunity, corresponding to the narrative of 1916, that could be exploited for their own ends. They would have actively supported any German invasion as a method of furthering their aim of Irish unity and they even tolerated and propagated anti-Jewish sentiment in their gamble for German acceptance. Other Irish groupings flirted with fascism with Ailtiri na hAiseirghe adopting, perhaps, the most unique Irish interpretation of Nazi philosophy.

Most Irish schoolboys know the legend of Dan Breen. He was the IRA leader who in January 1919 fired the first shots in the War of Independence.¹ What is not common knowledge is that on hearing the news of Hitler's death, this Irish hero cried all day as he “regarded Hitler as the greatest man whom Europe had seen for generations.”²

For nationalists like Breen, the relationship between Ireland and her closest neighbour, Britain, is coloured by colonisation, occupation and violence. Thanks to men such as Breen, Ireland gained freedom in 1922 having fought a guerrilla type war of independence.³ The precursor to this, the 1916 Easter Rising, saw the Irish Volunteers, led by Pádraig Pearse, rebel against the British Crown.⁴ On the steps of GPO, Pearse read the Proclamation of an Irish Republic and explained how 1916 was “...the right moment to reveal itself...and supported by gallant allies in Europe...strikes now in full confidence of victory.”⁵ 1916 was not the first or last occasion that Ireland gained assistance from Britain's European enemies.

Reflecting on the earlier rebellion of 1798, historian Thomas Pakenham explained that Ireland had adopted a policy of “England's difficulty is Ireland's opportunity.”⁶ This dictum

1 Ambrose, J. (2006) *Dan Breen and the IRA*, Cork: Mercier Press, pp. 52, 152 and 176.

2 O'Halpin, E. (1999) *Defending Ireland*, Oxford: Oxford University Press, p.152.

3 Hopkinson, M. (2002) *The Irish War of Independence*, Dublin: Gill and Macmillan, pp.13-15.

4 Kee, R. (1981) *Ireland A History*, London: Weidenfield and Nicolson, pp.161-163.

5 O'Brien, C.C. (1972) *A Concise History of Ireland*, London: Thames and Hudson, p.138.

6 Pakenham, T (2000) *The Year of Liberty: History of the Great Irish Rebellion of 1798*, London: Abacus, p. 26.

reveals that Ireland frequently seeks to exploit disputes between Britain and her rivals and, in essence, recognises a distracted Britain as vulnerable. Using the adage that *the enemy of my enemy is my friend*, Ireland traditionally enlists European help against Britain, normally from France and Spain. The 1916 Rising was thus deliberately timed to coincide with Britain's preoccupation with World War I (WWI), but on that occasion the continental ally supplying arms and ammunition to the rebels was Germany.⁷ This Irish-German relationship re-emerged during Britain's darkest hour when segments of Irish society sought assistance from Hitler's Germany against their old enemy. Once again, Britain's difficulty was recognised, by some, as an Irish opportunity.

This article examines the complex relationship that existed between Ireland and Germany both prior to and during WWII. It demonstrates that, whereas considerable levels of support for Nazism and the personality of Hitler did exist, these cannot be simply classified as a general pro-German stance. Rather, this essay asserts that Irish attitudes were motivated by a large measure of anti-British sentiment and a unique Irish interpretation of Nazi ideology, coupled with a regard and fascination for both Hitler and Germany. Importantly, such views were shaped by propaganda and censorship as well as Irish history. Primary research comes from WWII intelligence files deposited in the Military Archives of Ireland (MAI)⁸ and Dr David O'Donoghue kindly gave permission to quote from unpublished research he has undertaken.

This enquiry divides Irish links with Germany into two classifications. It initially concentrates on individual Irish and German citizens, resident in Ireland, who supported Nazism. Focus then turns to groupings and semi-political factions within Ireland that either sought German assistance or who utilised Nazi ideology in their philosophy. These actions were played out in the context of the general relationship that existed between Ireland, Britain and Germany, thus the war-time foreign policy of the Irish government is first outlined, in overview.

Fianna Fail leader, Eamon de Valera, was elected Taoiseach in 1932. Convicted in 1916 by a British courts-martial and sentenced to death for his leadership role in the Easter Rising, Irish nationalism and enmity towards Britain shaped de Valera's politics.⁹ As leader of a fledgling state, he recognised the inherent anti-British sentiment in the country. He also understood that no appetite existed for another war and a policy of neutrality was therefore adopted.¹⁰ The Dáil passed Emergency Powers legislation permitting draconian measures such as censorship, internment without trial and the establishment of military courts.¹¹ Ireland's official stance was simple: WWII was not an opportunity to exploit the difficulties of Britain; neutrality was in Ireland's interest, it had to be maintained and no belligerents were to be given reason to doubt or infringe on this.¹² Nonetheless, economic and geographic proximity to Britain meant Ireland had to interpret neutrality in a pragmatic fashion and although she was overtly even-handed in her approach to

⁷ Lee, J.J. (1990) *Ireland 1912-1985*, Cambridge: Cambridge University Press, pp. 24-25.

⁸ Military Archives of Ireland, hereafter MAI, located in Cathal Brugha Barracks, Dublin, is the place of deposit for the records of the Irish Defence Forces and the Department of Defence. For confidentiality, the names of individuals mentioned in MAI files, not already in the public domain, are given as initials.

⁹ Lee (1990) *op cit* p. 39.

¹⁰ Fisk, R. (1985) *In Time of War. Ireland, Ulster and the Price of Neutrality 1939-45*, London: Paladin, pp. 39-40.

¹¹ Girvin, B. (2006) *The Emergency: Neutral Ireland 1939-45*, London: Macmillan, pp. 72-73.

¹² *Ibid*, p. 67.

all, Ireland at all times demonstrated “a certain consideration for Britain.”¹³ De Valera, therefore, displayed a public appearance of balance, and indeed he was often criticised by the UK press and Churchill for being over-balanced in favour of Germany.¹⁴ Nevertheless he sanctioned active but discreet support for the Allied cause and allowed cooperation with their security agencies.¹⁵

Ireland was grappling with statehood and attempting to rebuild society, nationhood and institutions after more than a decade of conflict. Therefore, to many of her political class, parallels with Germany were strong. Both countries were undergoing post-war economic and social hardship; both were repressed by unfair treaties;¹⁶ and each had territorial boundary issues that required solutions. These were more than just passing comparisons. In 1938, de Valera raised the plight of the Irish nationalists living in Northern Ireland at both the League of Nations and in talks with British Prime Minister, Neville Chamberlain. On each occasion he conflated Ireland’s demand for unity with Hitler’s claims over the ethnic German region of the Sudetenland.¹⁷ The views of Irish diplomats were similar and demonstrate that considerable empathy existed between Germany and Ireland at this official level. The Irish *chargé d’affaires* based in Berlin described the leadership of Hitler as having ended the difficulties of Germany, and the Secretary General of the Department of External Affairs felt Hitler had commenced a “great experiment...the essentials of which we may well have to initiate in Ireland.”¹⁸ That such opinions were held in governmental circles is understandable as the majority of politicians and senior civil servants were veterans of the war with Britain and thus had pro-German leanings.¹⁹ But despite an official stance of neutrality, Ireland could not shelter itself from WWII. Irish citizens and the small but prominent number of German nationals resident in Ireland had to decide where their allegiances lay. The Irish emergency produced interesting choices.

Authors such as R.M. Douglas posit that Dan Breen was by no means alone in his sentiments for Hitler and Germany. He outlines how the common misconception of history perceives Ireland as overwhelmingly sympathetic with the Allied cause, but the reality saw a sizable section of the population as pro-Axis, particularly in the early stages of The Emergency.²⁰ This assertion is supported by O’Halpin who articulates that many in Ireland saw the war as a rerun of the Great War, but on this occasion a German victory and the destruction of the British Empire was hoped for.²¹ The emergency permitted both the Gardai and the military to keep close tabs on potential threats to state security. Thus, MAI contain the results of postal and telephone surveillance and records the movements and activities of pro-Nazi suspects. These files provide evidence to reinforce the views of Douglas and O’Halpin. They reveal pro-German attitudes and anti-British feelings in Irish society and document the work of a key German agent, Oscar Pfau.

13 Duggan, J.P. (2003) *Herr Hempel at the German Legation in Dublin 1937-1945*, Dublin: Irish Academic Press, p. 54.

14 O’Drisceoil, D. (1996) *Censorship in Ireland 1939-1945: Neutrality, Politics and Society*, Cork: Cork University Press, p. 193.

15 For a detailed account of this cooperation, see O’Halpin, E. (2003) *M15 and Ireland, 1939-1945*, Dublin: Irish Academic Press.

16 The Treaty of Versailles for Germany; the Anglo-Irish treaty for Ireland.

17 Wood, I.S. (2010) *Britain, Ireland and the Second World War*, Edinburgh: Edinburgh University Press, p. 18.

18 O’Driscoll, M. (2004) *Ireland, Germany and the Nazis Politics and Diplomacy, 1919-1939*, Dublin: Four Courts Press, p. 93.

19 Fisk (1985) op cit, p. 248.

20 Douglas, R.M. (2009) *Architects of the Resurrection*, Manchester: Manchester University Press, p. 3.

21 O’Halpin (1999) op cit, p. 152.

Pfaus, a German Abwehr²² agent, who also worked with the Hamburg-based Deutscher Fichte-Bund, a bureau used to distribute Nazi propaganda, entered Ireland in 1939. His primary mission, to contact the IRA, will be explained later in this paper. Pfaus, however, also used his time to befriend Irish citizens and build a contact list.²³ On his return to Hamburg, Pfaus commenced distributing propaganda packages, many of which were subsequently intercepted by the Irish authorities. An example of one such shipment, seized in 1940, consisted of 400 envelopes, each destined for a Dublin address and contained German magazine articles, pamphlets from the Friends of the Fichte Association and leaflets entitled *The Truth about the Jews in Germany*.²⁴ Other consignments of bulk literature were sent to individual sympathisers who simply handed them out to passersby or had copies reprinted for further postal runs.²⁵ Such internal Irish distribution included 4,000 copies of the Fuhrer's speech declaring war on America (11 Dec 1941) and Von Ribbentrop's anti-British speech concerning a new European order (26 Nov 1942). These were posted in Dublin and their intended recipients included teachers, priests, government ministers, members of the Dail, army officers, civil servants and creamery managers.²⁶ It is logical to deduce that these persons were deliberately targeted due to their relative position of respect and influence within society. But, it was not only the elites that were interested in Germany: once knowledge of Pfaus and his organisation became wide-spread, requests to the Fichte-Bund were generated from all quarters of Irish society.

Curiosity, admiration and respect for Germany and Hitler prompted some enquires. A man from Drumcondra, Dublin, tuned his radio into the broadcast of Hitler's Reichstag speech of 28 April 1939.²⁷ In this the Fuhrer responded to criticism delivered by US President Roosevelt and spoke of his destiny to serve both Germany and its people, and deliver them from misery. Importantly, he stated that enquiries had been made in countries such as Ireland, and that Germany was not perceived as a threat.²⁸ As there is no evidence to indicate that this individual had previous contact with Pfaus, it can be concluded that the general content of Hitler's oration, his specific reference to Ireland and his style of delivery, inspired this Dubliner to request a printed copy. Similarly, a correspondent from Cork praised the manner in which "the German government have tackled the immense task of rebuilding a nation"²⁹ and sought information on this process as it was "...a credit to the German people."³⁰ In a comparable letter, a hotel employee from Dublin explained that a visitor staying in his hotel gave him a copy of *News from Germany*.³¹ He obviously liked what he read, as he offered to reimburse Pfaus any costs associated with supplying him with additional material.³²

The fascination with Hitler and his achievements, demonstrated by some Irish citizens, was not an exclusively Irish phenomenon. His popularity rippled from Germany, where he

22 The German Military Intelligence Agency.

23 Hull, M.M. (2003) *Irish Secrets: German Espionage in Wartime Ireland, 1939-1945*, Dublin: Irish Academic Press, pp. 55-59.

24 MAI G2/X/0085 Part III, *Propaganda - Germany*. Loose memo: Intelligence Report from Source I.B., German Propaganda, undated.

25 MAI G2/X/0085 Part I, *Propaganda Correspondence Fichte Association*. Loose Memo: Extract from Eastern Command Intelligence Summary for Period Ending 5th October 1940, undated.

26 MAI G2/X/0085 Part II, *News from Germany*. Loose memo: German Propaganda Distribution Dublin, undated.

27 MAI G2/X/0085 Part I, Loose Memo: Intelligence Report from Source I.B., male H.R., Drumcondra, undated.

28 Kershaw, I. (2000) *Hitler 1936-1945 Nemesis*, London: Penguin, p. 189.

29 MAI G2/X/0085 Part I, Letter intercept: male, J.P., Cork, undated.

30 Ibid.

31 This was a monthly bulletin encouraging friendly relations with Germany. Designed to appeal to the educated reader, it was not anti-Semitic.

32 MAI G2/X/0085 Part I. Letter intercept: male, T.D., Dublin, 23 August 1939.

was loved, admired and revered by his people,³³ and reached converts within societies as diverse as Britain, France, Croatia, Italy, America and even China.³⁴ Toland describes how artists such as George Bernard Shaw and Jewish born painter Gertrude Stein respected Hitler; Stein even feeling that he should have been awarded the Nobel Peace Prize in 1937.³⁵ Germany, however, had another unique selling point for Ireland.

Old fashioned anti-British feelings remained high in newly independent Ireland and these sentiments, as revealed in MAI, underpinned and motivated the esteem felt for Hitler and Nazi Germany. They also prompted ordinary civilians and even members of religious orders to correspond with Hamburg. A Christian Brother from Waterford, requested information and was anxious to point to the fact that Ireland was independent of Britain.³⁶ A pupil of the Presentation Brothers School in Bray, stated to Pfaus that he had passed his pamphlets to teachers from the Presentation Order, who had read them and would write to him seeking more. This fifteen year old boy explained that he came from a family that was fully pro-German. His hostility to Britain was such that “if the Devil was fighting England, we would back the Devil.”³⁷ Continuing this line, he explained how each night he listened to Nazi radio, was attending evening classes to learn German and wanted the Fichte-Bund to supply him “...a Nazi badge so that I can show those Pro-Britishers up.”³⁸ He also offered to send Pfaus any anti-British information he required.

The Fichte-Bund sought to exploit the anti-Crown sentiment displayed by families and individuals such as the Wicklow schoolboy who longed to antagonise his neighbours with his swastika lapel pin. Not only did their propaganda play on the recent animosities between Ireland and her neighbour, they also portrayed Britain as being inhumane and barbaric in her attitudes. Pamphlets depicted well fed and energetic German children, thriving under the stewardship of the Third Reich. These images were compared with graphic photographs of emaciated infants, gaunt and wasted as a result of the British sanctions and blockades of the Great War.³⁹ Whereas the brochure stated that Germany would never again allow this to happen, it warned that “today it is neutral citizens who are suffering from the British blockade”⁴⁰ and cautioned neutrals, such as Ireland, that Britain would stop at nothing to achieve her war aims. Such propaganda was well received in Ireland. She had recently witnessed the violence and destruction Britain was capable of inflicting and, more importantly, Irish people had long experience of the deliberate misrepresentation of facts and the use of propaganda by the British against Ireland. Additionally, the widely reported atrocities committed by Germany in the early months of WWI had now been proven as exaggerated and distorted.⁴¹ Essentially, an appetite existed that would never believe the British view and was all too ready to accept as gospel anything emanating from an anti-British source, such as Germany.

On the surface Pfaus appeared pleasant and affable. He sent St Patrick’s Day greeting cards from Hamburg to 73 addresses in Ireland, signing many off with “Best wishes

33 Lukas, J. (1997) *The Hitler of History*, London: Phoenix Press, p. 213.

34 Toland, J. (1976) *Adolf Hitler*, New York: Doubleday, pp. 409-410.

35 *Ibid*, p. 409.

36 MAI G2/X/0085 Part I, Letter intercept: male, S.C., Waterford, 11 August 1939.

37 *Ibid*, Letter intercept: male, M.O.B., Wicklow, December 1939.

38 *Ibid*.

39 MAI G2/X/0085 Part III, Propaganda Pamphlet with pictures of German children, undated.

40 *Ibid*.

41 O’Halpin (1999) *op cit*, pp. 152-153.

for St Patrick's Day, from your old friend Oscar."⁴² In spite of this, his organisation did have another, more disturbing agenda. Intercepted propaganda parcels also included booklets on *German Racial and Population Questions in their World Significance* [sic] (pamphlet 982) as well as anti-Semitic material and associated descriptions and comments of how the Jews exploited Ireland. In addition, Pfaus would seek to elicit from those with whom he corresponded regularly, an account of the Jewish situation in Ireland and Irish opinions on Germany. Such efforts by the Fichte-Bund appear to have been successful. They received 10-15 new correspondences each week⁴³ and, worryingly for Irish Military Intelligence, all of those engaging in long term contact with Hamburg "expressed agreement with Nazi ideas and the anti-Jewish campaign and frequently also expressed ardent hopes for the success of Hitler and the Greater Germany."⁴⁴ But Pfaus was not the only cause of anxiety for the Irish authorities. Ireland had a small but active Nazi population, some of whom were prominent state employees.

As Ireland recovered from the Anglo-Irish War, she sought to define her sovereignty by developing institutions free from the vestiges of Empire. Whereas many junior Irish officials were promoted, others benefited from what O'Donoghue describes as an "unwritten and unofficial government policy...of hiring experts of any nationality as long as they weren't English."⁴⁵ Economic, cultural and trade links with Germany, encouraged as policy, resulted in several hundred temporary residents working on infrastructural projects (mainly dams and electricity generation). It also allowed a permanent community to develop that numbered 529 at its height in 1936. Of this group, 32 joined the Dublin branch of the Nazi party.⁴⁶ This figure appears small but, as research by Mullin's demonstrates, only adult males could join and a membership of 32 represents 50% of this cohort.⁴⁷ Of these, six were directly employed by the state with Adolf Mahr, director of the National Museum, the most influential.

Mahr became leader of Dublin's Nazi party in 1934 after the first elected chairman, Colonel Wilhelm Fitz Brase, stood down having been reminded by the Irish military of his obligations as an army officer and Director of the Army School of Music.⁴⁸ A committed Nazi, Mahr held considerable power within the Irish-German community, whom he represented at the 1937 Coronation of George IV in London.⁴⁹ He established an Irish Hitler Youth group, the girls' section of which was run by Nona Keitel, a student in Dublin at the time, and daughter of General Wilhelm Keitel who later became Supreme Commander of the German Armed Forces.⁵⁰ As Museum Director, Mahr had opportunity to exert influence on Irish politicians and he travelled the country at will collecting data of interest to both his Irish and Nazi positions. Additionally, he sought to "convert Irish graduates and other persons with whom he had association, to Nazi doctrine and beliefs."⁵¹ Likewise, another Nazi, Heinz Mecking, who worked with the government's Turf Development Board, acted as "a Nazi intelligence agent photographing railway stations,

42 MAI G2/X/0085 Part I. Loose Memo: St Patrick's Day Greeting Cards sent by Oscar Pfaus, undated.

43 MAI G2/X/0085 Part III. Report: Foreign Propaganda and Related Activities, Copy No 5, undated, 3-4.

44 *Ibid.*, p. 5.

45 O'Donoghue, D. (2012) *The Story of Otto Reinhard: a Case of Divided Loyalties in Peace and War*, Unpublished, p. 1.

46 O'Donoghue, D. (1998) *Hitler's Irish Voices*, Belfast: Beyond the Pale Publications, p. 219.

47 Mullins, G. (2007) *Dublin Nazi No.1: The Life of Adolf Mahr*, Dublin: Liberties, p. 56.

48 *Ibid.*

49 O'Donoghue, D. and Scannell, J. (2007) 'State within a State: The Nazis in Neutral Ireland'. *Dublin Historical Record* 60, 2, p. 168.

50 Mullins (2007) *op cit*, pp. 60-61.

51 O'Donoghue and Scannell (2007) *op cit*, p. 167.

river bridges, signposts and reservoirs.”⁵² The reason behind such interest lay in Ireland’s geographical proximity to Britain. Information gleaned by Mahr and Mecking was passed to Germany and most probably assessed as part of *Operation Green*, a German plan to attack Ireland in tandem with *Operation Sealion*, the invasion of England.⁵³

Operation Green never took place, although Mahr did become part of its development team when he became stranded in Germany at the outbreak of war having returned to attend the Nuremberg rally.⁵⁴ Many of Dublin’s Nazis similarly departed for the fatherland, both out of fear of internment and patriotism. Otto Reinhard, head of the Irish Forestry Service, was called up as a Captain in the German army and was put in charge of a Romanian forestry, because “they wanted a forester on top and not a Jewish timber merchant.”⁵⁵ Neither Maher nor Reinhard regained their positions in Ireland after the war.

Germany was still interested in Irish affairs. The reaction to propaganda delivered by the Fichte-Bund and the correspondence they received from Ireland, coupled with reports from Dublin based Nazis, provided positive evidence that strong levels of sympathy existed within Ireland for Hitler and Germany’s people. Abwehr agents were therefore landed in Ireland to create links with groupings and semi-political factions that either sought German assistance or who appeared to share Nazi ideology.⁵⁶ They found, however, that attitudes were not exactly pro-German, rather they were anti-British. The most active and influential of such organisations was the IRA.

Although defeated in the Irish Civil War, the IRA considered themselves the legitimate government and army of the Irish state. In 1939 their main focus was the continued British rule in Northern Ireland, but finding a consensus within the organisation on a military response to this issue was a source of internal friction.⁵⁷ After acrimonious debate, a strategy to attack the British mainland was approved and launched on 16 January 1939. Known as the S-Plan, the operation was designed and planned by the IRA Chief of Staff (COS), Sean Russell, and their explosive expert, Jim O’Donovan.⁵⁸ Seven British civilians died and scores were injured, but the attacks had another purpose; the real target audience lay in Europe.⁵⁹ Germany noticed such events and, as previously mentioned, Oscar Pfau was dispatched to open communications with a potential ally.

In February 1939, Russell and O’Donovan met Pfau in Dublin. Germany saw a disaffected nationalist movement, who were publically anti-British and appeared to have the capability to back words with actions, but the IRA saw flirtation with Germany as a one-way relationship.⁶⁰ They were keen to give the impression that they fully supported Hitler, and indeed they did share Nazi views on the dangers of world communism and, to a lesser degree, many members displayed anti-Semitic tendencies. However, as Hull explained, the IRA principally saw German aid as “a meal ticket for their own

52 Todd Andrews, Director Irish Turf Board, quoted in O’Donoghue and Scannell (2007) op cit, p. 169.

53 For a detailed account of Operation Green, including British and Irish reactions to it, see: Fisk (1985) Chapter 7.

54 Mullins (2007) op cit, pp. 93-98.

55 Letter from Reinhard to Department of Lands, Dublin, quoted in O’Donoghue (2012) op cit, p. 16.

56 Between 1940 -1943 up to eleven German agents were landed in Ireland. Their activities are documented in detail in: Hull, *Irish Secrets*.

57 Hull (2003) op cit, pp.41-42.

58 O’Donoghue, D. (2010) *The Devil’s Deal*, Dublin: New Island, pp. 88-91 and 96.

59 *Ibid*, p. 111.

60 Hull (2003) op cit, pp. 56-57.

agenda”⁶¹ – once again, Ireland was seeking to exploit a British difficulty. Both Russell and O’Donovan visited Germany and as COS, Russell was accorded diplomatic style privilege and access. He was given a villa, a car and chauffeur, and met with Foreign Minister Von Ribbentrop.⁶² It was Russell who persuaded Germany that the IRA should be utilised to attack British forces in Northern Ireland as part of Sealion and he planned to return to Ireland to oversee preparation for this operation; but during his journey home by U-boat, Russell became ill, died and was buried at sea.⁶³

O’Donoghue argues that pro-German feelings within the IRA were deep rooted and there existed a real commitment to assisting the German war effort, particularly from individuals such as O’Donovan whose background and family links were steeped in Irish republicanism.⁶⁴ To this end, a transmitter was established in Dublin and until its seizure, direct links were maintained with Germany. German agents were assisted and the IRA acted as a potential fifth-column for any invading German forces. While such support was fundamentally anti-British in its nature, it grew and developed as the war continued and, as pointed out by Hanley, it became increasingly anti-Jewish and even fascist in its leaning.⁶⁵ Again, propaganda and media restriction played a roll in creating this narrative. In essence, de Valera’s insistence on neutrality led to the instigation of severe censorship and thus the atrocities committed by the Nazis were not accurately reported in Ireland. As previously outlined, the Irish public was predisposed to anti-British feelings, sceptical of UK war claims and now, through censorship, they were starved of comment and analysis on the war. Both Germany and the IRA recognised this and filled the void with their story. Each realised that the best method of influence was not to peddle lies, but rather to reinforce the half-truths, perceptions and ideas that already existed in the minds of the Irish population. Propaganda was therefore peppered with partial misinformation and the main narrative was anti-British. Files within MAI disclose such propaganda tactics.

The IRA laid out its stall in a publication entitled *War News*. In this they reaffirmed their right to govern Ireland, continue attacks on Britain and to support Germany. The IRA who looked “with satisfaction [on] the success of the German forces in their struggle against the common enemy”,⁶⁶ stating that...

Germany desires in Ireland neither territory nor the fruit of economic penetration; her reward for any help that she may accord directly or indirectly is the freedom of civilised nations from the intolerable yoke of Britain and Britain’s satellites, and the reconstruction of a free and progressive Europe.⁶⁷

This approach was confirmed by demonstrating German attitudes to other small nations. Brittany, for example, was portrayed as the first Celtic country freed by Germany; an action Britain would never countenance.⁶⁸ Essentially, the IRA attempted to persuade

61 Ibid, p. 44.

62 Hanley, B. (2005) “Oh here’s to Adolph Hitler?...The IRA and the Nazis,” *History Ireland* 13 (3), p. 31.

63 Ibid.

64 O’Donoghue (2010) op cit, pp. 114-116.

65 Hanley (2005) op cit, p. 4.

66 MAI File 7/46, Office of the Controller of Censorship, *Pamphlets etc Issued by the IRA Propaganda*, War News, 29 Aug 1940.

67 Ibid.

68 MAI G2/X/0085 Part I, IRA Propaganda Leaflet distributed Cabra area Dublin, Sep 1940.

the Irish population that Irish unity could be achieved once Germany defeated Britain and thus the ideology of Nazism should not be feared, as it was primarily anti-British in nature. Even Nazi attitudes to the Jews were downplayed so as not to detract from the anti-British rhetoric of the IRA's message.

The pro-German position of the IRA implied an anti-Jewish stance had to be taken. Although a minority within Ireland had anti-Semitic feelings, the IRA had to be nuanced in their approach to this issue. They could not afford to lose German support, but additionally, as potential leaders of a future united Ireland, they also feared alienating the Irish population by directly targeting the small indigenous Jewish community living in Ireland. Jews were deemed acceptable in any future Ireland as long as they were true Irish-Jews and embraced the IRA version of nationalism.⁶⁹ Therefore, the IRA framed the Jewish question as a racial and not a religious issue, with Jews from Britain, or those who were pro-British, painted as “unscrupulous wretches [who] are a curse to the community. The Republic will rid the country of such vermin.”⁷⁰ Once more it was the anti-British line that was employed.

To summarise IRA activities: they sought German cooperation to overthrow the Irish government and expel Britain from Northern Ireland. Their philosophy was thus anti-British rather than pro-Nazi in its nature. The IRA had little regard to Ireland's future and idealistically expected Germany to leave Ireland to the Irish. Even without the benefit of hindsight this attitude was naive, and demonstrated just how far a grouping such as the IRA would go for narrow nationalistic purposes.

But the IRA were not alone in their interpretation of Nazi ideology. At least two additional Irish organisations drew inspiration from fascism. Both Ailtiri na hAiseirghe⁷¹ and the Army Comrades Association (known as the Blueshirts after their uniform shirt) followed the European trend of the 1930s and developed as quasi-fascist political movements that had contempt for ruling elites and liberal democracy. However, as with the IRA, they adopted a uniquely Irish approach and thus links with Germany implied different things to each.

Whereas the fascist credentials of the Blueshirts are disputed, Ailtiri was the only genuinely fascist movement created in Ireland.⁷² They saw the democracies of the West as “depression-ridden [and] backward-looking.”⁷³ Ailtiri drew their philosophy from both Germany and Italy and marvelled at how these countries had revived their national cultures and grown economic prosperity. Led by the idealistic Gearoid O'Cuinneagain, Ailtiri was deeply anti-Semitic and despised communism. They sought to create a one party state and hoped to conscript a mass army to retake Northern Ireland from Britain, whom they saw as the principle obstacle to Irish greatness.⁷⁴ O'Cuinneagain was inspired by Hitler, and even commissioned a documentary charting the rise of Ailtiri after watching Leni Riefenstahl's *Triumph of the Will*.⁷⁵ Although Hitler promised to arrange 1000 years of European history, O'Cuinneagain had bigger, Irish-inspired plans.

⁶⁹ MAI File 7/46, War News, 09 Nov 1940.

⁷⁰ Ibid.

⁷¹ Irish title, which translates as Architects of the Resurrection. Hereafter known as Ailtiri.

⁷² Douglas, R.M. (2009) “Ailtiri na hAiseirghe: Ireland's Fascist New Order,” *History Ireland* 17 (5) p. 40.

⁷³ Ibid, p. 41.

⁷⁴ Douglas (2009) op cit, p. 107.

⁷⁵ Ibid, p. 75.

To O'Cuinneagain, Hitler's version of fascism was narrow and lacked appeal. He saw an Ireland led by Ailtiri as providing the missing link, becoming "a perfect example of Catholic national government,"⁷⁶ and thus he sought to design a new type of Irish fascism. O'Cuinneagain hoped to combine the totalitarian efficiencies of Hitler with the universal values of Christianity and thus Ireland would become the leader of a new world order that conquered through religious ideology and not military power.⁷⁷ This may now appear bizarre and fanciful in the extreme, but Ailtiri gained popular support having over 60 branches and thousands of followers.⁷⁸ Ailtiri, therefore, is the most unique example of the Irish interpretation of Nazi ideology.

Although Ireland was officially neutral during the war, government policy was focused towards supporting the Allies. Hitler and his Nazi ideology gained favour in many countries and Ireland was no different. Thus, despite the stance of our government, large sections of the public were sympathetic to Germany and a genuine fascination with Hitler existed. This pro-German support was real, both at individual level, and within political groupings and revolutionary organisations. The chief motivating factor for the Irish was the anti-British emotions that pre-existed in the country. Thus, Nazi ideology was shaped to produce uniquely Irish results. This explains how Irishmen, such as Dan Breen, could shed tears of sorrow while most of the world rejoiced on hearing of Hitler's death.

⁷⁶ Ibid, p. 63.

⁷⁷ Douglas, R.M. (2009) *Architects of the Resurrection*, Manchester; Manchester University Press, p. 43.

⁷⁸ Ibid, pp. 42-44.

The End of the Nationale Volksarmee

ABSTRACT

For most of the Cold War, one of the greatest threats faced by the troops of NATO's Northern Army Group was that posed by the Nationale Volksarmee (NVA), the armed forces of East Germany. Capable of fielding eleven divisions at very short notice, the NVA was perceived as one of the most powerful armies of the Warsaw Pact, regarded in terms of efficiency and professionalism as second only to the Soviet Army itself. Yet when the Berlin Wall fell, the NVA was unique among the armed forces of the Warsaw Pact in that it was dissolved in a matter of months. While most eastern European armies downsized before gradually re-equipping and adapting to NATO standards and doctrines, the NVA dismantled its units and disposed of its massive inventory with the same efficiency that had characterised its existence. Ironically, by so doing, the NVA rendered a greater contribution to European peace and security than it had ever done by serving a Communist alliance.

The *Nationale Volksarmee* (National Peoples Army) came into being on 18 January 1956 by decree of the Volkskammer, the parliament of the Deutsche Demokratik Republic (DDR). This was ostensibly in response to the recent establishment of the Bundeswehr by the Bundesrepublik, but the DDR conveniently already possessed an armed force in the form of the 90,000 strong Kasernierte Volkspolizei (Barracked People's Police), a heavily armed 'police force' organised along military lines.

The NVA was initially an all-volunteer force until the construction of the Berlin Wall and Inter-German Border (IGB) in November 1963, when compulsory service was introduced. Although unpopular, few candidates evaded the 18 month term of service; conscientious objectors served under harsh conditions in unarmed construction units. As the NVA, which included Air Force (*Luftstreitkräfte*) and Navy (*Volksmarine*) developed, it was apparent that while its doctrine and structure were closely modelled on the Soviet Armed Forces, uniforms and ceremonies were patterned after older German military traditions. Insignia apart, the NVA uniform greatly resembled that of Hitler's Wehrmacht (including jackboots) while the ceremonial Wachregiment *Friedrich Engels* set new standards in Prussian drill. One of the perceived strengths of the NVA was its unusually high proportion of professional soldiers. Until 1965, the Soviet Army (and hence the NVA) had deemed the existence of an NCO corps as 'militarily unimportant.' In that year however, weapons systems and other military equipment were growing in sophistication, placing them beyond the capability of short term conscripts, and potential NCO candidates were signed on for three or ten year terms after successful completion of a three to six month career NCOs course. NCOs had the option to return to civilian life with a qualification or to serve with the NVA until the age of 65. Warrant Officer rank was introduced in 1975.¹

¹ Foster, T. (1980) *The East German Army*, London: George Allen & Unwin, pp. 262-265.

In 1968 two NVA divisions had stood ready to assist the Soviet Army's invasion of Czechoslovakia; although they were not deployed, a few NVA logistics troops crossed the border to the outrage of Czechoslovakian citizens who had bitter memories of a German invasion thirty years previously. By the 1980s teams of NVA advisors were deployed throughout Africa and the Middle East, spreading an ideology that suppressed basic human rights and providing 'crucial' help to allies in Angola, Ethiopia and Mozambique.²

The NVA's officer corps (which initially included several former Wehrmacht officers) was drawn overwhelmingly from the DDR's working class, giving a chance of social mobility to individuals from relatively deprived backgrounds. NVA officers' pay compared well with other professions in the DDR, with the added attractions of comfortable housing and an attractive pension after 25 years service. This officer corps soon acquired a myriad of various orders and decorations, as was the case with the DDR state in general. The most senior officers even enjoyed private hunting reserves. Officers were usually housed in exclusive apartment blocks and would rarely have social contact with civilians. These apartments however tended to feature an alarm box which was likely to sound in the early hours of the morning, giving the officer twenty minutes to report for duty. There were heavy drawbacks to service as an NVA officer, notably the punishing working hours. Ten hour days (including weekends) were standard; leave was rarely granted and was often cancelled at short notice.³

At every level the NVA was a heavily politicised entity; almost every officer and half of all NCOs were members of the ruling Sozialistische Einheitspartei Deutschlands (SED) party. Potential officers were expected to be 'politically reliable' and 20% of the basic officer course was given over to studying Marxism. Officers were also expected to educate their troops in socialist theory, including indulging in the fiction that the DDR was a multi-party democracy in which the SED routinely won over 95% of the vote. Following Soviet army practice, the NVA included a corps of Political Officers (*Politoffizieren*), "the mouthpieces of the SED in the military, charged with promoting the inevitable victory of socialism over capitalism and the indoctrination of soldiers into SED ideology."⁴ Every NVA formation or unit commander down to company level would have a *politoffiziere* at his elbow. Such officers would study political instruction for three years followed by a brief course of military training. Also organic to the NVA was the 'Verwaltung 2000' unit of the infamous Ministry for State Security, better known as the Stasi. According to one study, the Stasi "arrested, imprisoned and interrogated anyone it chose. It inspected all mail in secret rooms above post offices (copying letters and stealing any valuables), and intercepted daily, tens of thousands of phone calls....Unlike secret services in democratic countries, the Stasi was the mainstay of state power."⁵ As was the case with the general population, this unit controlled a network of unofficial Stasi informants (*inofizielle mitarbeiter*), with about ten per cent of each NVA unit's personnel acting as such. Any NVA career soldier had to be 'politically reliable' as well as militarily efficient. Religious practice was aggressively discouraged. One staff sergeant was demoted to private for watching western television while an air defence lieutenant's career was ruined because he had the misfortune to sit

2 Burant, S.R. (Ed) (1987) 'United States Library of Congress Country Studies: East Germany', available: <http://memory.loc.gov/frd/cs/gxtoc.html>, [accessed 30 April 2014].

3 Bickford, A. (2011) *Fallen Elites*, Redwood:Stanford (CA): Stanford University Press.

4 *Ibid*, p. 149; Forster (1980) *op cit* p. 162.

5 Funder, A. (2003), *Stasiland*, London: Granta Books, p. 59.

at the same café table as a western journalist under Stasi surveillance.⁶ Conversely, an officer with the right political connections could hope to be a Lieutenant Colonel aged 32 and even achieve general officer rank by the age of 50.

In principle, the NVA was kept isolated from the general population of the DDR, largely for security reasons. Civilians were not encouraged to be curious with regard to NVA units in their locality.

By 1980, the NVA comprised two Panzer (armoured) divisions and four Motor Rifle (mechanised infantry) divisions. This force was held in constant 85% readiness with all units expected to deploy in 45 minutes with eight days supply of ammunition and twelve days of other supplies. There were another five Motor Rifle divisions in reserve, able to mobilise in a few days.⁷

The NVA was not the only armed force in the DDR; indeed it was dwarfed by the 450,000 strong Group of Soviet Forces in Germany (GSFG). Until 1974, the 50,000 Grenztruppen that guarded the IGB had been part of the NVA; thereafter they formed a separate armed force albeit under the jurisdiction of the DDR Ministry of Defence. In wartime they would form the DDR's first line of defence. Under the jurisdiction of the Ministry of the Interior were the 500,000 strong Kampfgruppen, a paramilitary "workers militia" centred on factories rather than villages, well armed with assault rifles and support weapons. Even the Stasi had their own 7,000 strong private army in the form of the lavishly equipped Wachregiment Feliks Dzierzynski.⁸

In 1980, Thomas M. Forster published 'The East German Army.' Drawn largely from official DDR sources, this work portrayed an effective and professional force second only to the Soviet Army as the best armed forces in the Warsaw Pact. By 1987, the NVA had attained a strength of 170,000. In April that year, two Irish officers (Lt Col Hall and Comdt Colm Mangan) accompanied a large group of European military observers to witness a large scale NVA exercise involving Motor Rifle Divisions and an airborne battalion at the Annaburg Heide and Nochten/Podrosche training grounds. The Irish observers subsequently commented that: "it was a marvellous opportunity of observing the National People's Army in the field at close quarters. One could not but be impressed with the skill with which the masses of armour were used and with the obvious enthusiasm of all participants." Rather presciently, the Irish officers noted similarities between Western and Eastern German soldiers and noted that "if the opportunity were created a united Germany could be a powerful force for peace and security in Europe."⁹

In late 1989, Lt Col McCausland (US Army) composed an article for *Military Review* which questioned the actual effectiveness of the NVA and in particular pointed out that a great deal of its inventory was obsolete. By the time this article was published in February 1990,¹⁰ seismic changes had occurred in Europe and in the DDR in particular.

6 Schönbohm, J. (1996) *Two Armies and One Fatherland*, Oxford: Berghahn Books, pp. 114-115. Colitt, L. (1996) *Spy Master*, London: Robson Books, p.p. 179-182.

7 Zilian, F. (1999) *From Confrontation to Cooperation*, London: Praeger.

8 Burant (1987) op cit; Foster (1980) op cit, pp.122-158.

9 Mangan, C. (1988) 'Exercise German Democratic Republic', *An Cosantoir* 48:1 pp. 8-11.

10 McCausland, J. (1990) 'East German Army: Spearhead or Weakness?', *Military Review*, 2, pp. 12-26.

The collapse of the DDR's economy had resulted in a quarter of NVA personnel being deployed to the industrial sector for tasks too dangerous or poorly paid for civilian workers, for example the maintenance of railway lines in the cruel east German winter or working in chemical plants without adequate protective equipment or training. Personnel were accommodated in gyms and schools. The 85% readiness requirement was not relaxed, resulting in an intolerable workload being placed on troops still serving with their now understrength units. The consequences were a collapse in operational effectiveness, and NVA conscripts, exposed as they now were to the new attitudes sweeping through the country, increasingly resented their conditions of service.¹¹

In October 1989, when thousands of protestors took to the streets of Dresden, Leipzig and Berlin NVA troops were deployed in aid of the civil police but were disarmed by their own superiors at an early stage and thereafter played a minor role in combating civil unrest. This was despite the fact that the DDR leadership was known to be in favour of a 'Tiananmen Square' response.¹² On the 9th November 1989 when the Berlin Wall was opened to thousands of East German citizens, the NVA was alerted but its generals wisely did not deploy troops who had no public order training. By December, even more troops were deployed to aid the collapsing economy and with morale collapsing and ten to fifteen desertions per day, some belated reforms were considered. On 1 January 1990, over 300 soldiers in Beelitz called a public protest demanding these reforms immediately. With DDR media involved and the mutiny spreading to other garrisons, Defence Minister General Hoffman took the radical step of directly negotiating with the protestors and made several concessions, the most important of which was the reduction of compulsory military service from 18 to 12 months. When this took effect on the 26th, nearly 30,000 conscripts left the NVA, crippling operational units and the navy in particular. In early March more mutinies occurred; troops of the 8th Motor Rifle Division refused to participate in an early morning alert while in Berlin uniformed troops of the showpiece Wachregiment *Friedrich Engels* publicly demonstrated against their service conditions. The 18th of that month saw the first true elections in the history of the DDR, the landslide victory of a centre right coalition that advocated speedy reunification of Germany and the appointment of former dissident Pastor Rainer Eppelman as 'Minister for Defence and Disarmament.' At a time when German unity would be thought to take years rather than months, Eppelman proposed that a reduced NVA remain in existence as a buffer force between NATO and the GSFG, with eventual disbandment in 2005. However, the NVA's days were numbered by a July meeting between Gorbachev and Chancellor Kohl which agreed that the Soviet Union would not object to a united Germany remaining in NATO and would withdraw the GSFG subject to certain provisions, primarily that the Bundeswehr be reduced from 500,000 to 370,000.¹³

With unification imminent, drastic cuts to the NVA and other agencies gathered pace. In January 1990, most *politoffizieren* had been transferred to a new Department of Civil Education, which was later dissolved and its personnel discharged. Ironically, given an old Soviet Army joke that political officers could gain future employment 'licking stamps',

11 Herspring, D. (1998) *Requiem For An Army*, Oxford: Rowman & Littlefield.

12 Harvey, R. (2003) *Comrades: The Rise and Fall of World Communism*, London: John Murray, pp. 355-356.

13 Herspring (1998) op cit.

politoffizieren tended to fare better in civilian life than their military counterparts. Evidently, the skills needed to 'sell' an ideology were quickly adapted to selling insurance and real estate.¹⁴

On 29 June the disbandment of the Grenztruppen was ordered. The following day the Kampfgruppen was disbanded. While the NVA was happy to see the end of this 'party militia', they soon found themselves responsible for over 360,000 assault rifles, thousands of support weapons, a thousand APCs and millions of rounds of ammunition, filling ammunition depots to bursting point. In July, the NVA's military academies were closed and its 1,346 female personnel discharged. In September 1990, the DDR formally withdrew from the Warsaw Pact, the Wachregiment *Friedrich Engels* paraded for the last time and Eppelmann's deputy ordered the discharge of all NVA generals and admirals ('Old Stalinists'). Over twenty teams of Bundeswehr officers began to carry out a reconnaissance of co-operative NVA units.¹⁵

On 2 October 1990, the NVA (now 100,000 strong including 25,500 officers and almost as many NCOs) paraded for the last time and prepared its unit colours and records to be delivered to Dresden Military Museum. On 3 October 1990 (German Unification Day) all personnel paraded in Bundeswehr uniforms and the NVA officially ceased existence. That day Bundeswehr Kommando-Ost (BKO) was activated under the command of Lt Gen Jörg Schönbohm and the six former NVA Divisions now in BKO, by this time shadows of their former selves, received Bundeswehr commanding officers whose main task was to reorganise them as Territorial Home Defence Brigades (Heimatschutzbrigaden), the lightest formation in the Bundeswehr order of battle. Each BKO division was assigned a 'partner' division in the west.¹⁶

Including BKO, the Bundeswehr was now 600,000 strong, a state of affairs that could not continue on numerical grounds alone. Yet there was no question of a simple disbandment of the BKO; some of its equipment was being considered for adoption by the Bundeswehr and even equipment rejected for use would need to be concentrated in locations; either case requiring the considerable expertise of former operators. A point of concern for the Bundeswehr was that the eastern German populace might resent the outright disbandment of the former NVA, thus the 'Army of Unity' was proposed which envisaged a Bundeswehr containing some former NVA soldiers. However it transpired that while the NVA was 'resented' rather than hated in the same way as the Stasi or the Grenztruppen, it was not highly regarded by East Germans, due largely to the policy of deliberately isolating the NVA from the general population. Although few young men evaded national service, even regarding it as a rite of passage to manhood, few remembered their service fondly. There was even a perception in the DDR that professional soldiering attracted only those with low academic grades. There were also embittered landowners whose lands had been seized for NVA barracks and training grounds with minimal compensation.¹⁷

¹⁴ Bickford (2011) op cit, pp. 148-150.

¹⁵ Herspring (1998) op cit; Schönbohm (1996) op cit.

¹⁶ Herspring (1998) op cit; Zilian (1999) op cit.

¹⁷ Bickford (2011) op cit; Steele, C. (2007) 'Remembering the Creation of Germany's Army of Unity', *RUSI Journal*, 152(2), pp. 88-95.

There was no question of a simple amalgamation; the Bundeswehr (already facing drastic reduction) had a very low officer to man ratio (1:40) while the NVA's was very high (1:3). One consequence of this was that the NVA had 2110 colonels to the Bundeswehr's 1800! Furthermore, despite recent attempts to depoliticise the former NVA, it was becoming increasingly apparent that it was a very different entity to the Bundeswehr.¹⁸

There was potential for trouble between western and eastern German soldiers who until recently had stood ready to go to war against each other. Some Bundeswehr officers had made blunt public statements about the former NVA, referring to them 'having served a criminal regime' and even stating that they would not take orders from former NVA officers. For their part the former NVA earnestly protested that they had contributed to maintaining the peace in Europe. Bundeswehr officers grimly noted abundant evidence of extensive NVA preparations for an invasion of the Bundesrepublik to the extent of stockpiling occupation currency and even campaign medals. The NVA had also maintained an 85% readiness state even though its leadership was fully aware that the Bundeswehr readiness state rarely exceeded even 30%.¹⁹

There were aspects of the former NVA that genuinely impressed Bundeswehr officers, for example the high state of readiness still displayed by some units and in particular the excellent standard of maintenance of NVA equipment. This was in stark contrast to the miserable living conditions of conscripts: all too often AFVs were stored in heated buildings while their crews shivered in unheated and cramped barrack rooms. Despite some recent reforms, conscripts slept in small ten man rooms, with each man possessing only his bed, footstool and a flimsy locker for his uniforms and kit. Although television rooms existed (valuable for disseminating propaganda) an alcohol ban existed in barracks, and messes did not exist. Neither showers nor hot water were generally available; soldiers usually washed with hand basins. Kitchens were invariably filthy and coated with grease while eating utensils were washed with rags and cold water. Soldiers' welfare was obviously no concern to the NVA despite an interesting custom of cash rewards for outstanding performance, each regimental commander being allocated up to 250,000 Ostmarks for this purpose.²⁰

Another good reason not to simply discharge the BKO's personnel was that they were needed to guard a vast inventory of equipment and ammunition. Three options were offered: immediate discharge with a bounty of up to 7,000 marks; retention until the end of the year; or application to serve in the Bundeswehr as a career, after a probationary period through the calendar years of 1991-1992. However, as early as December 1990, Schönbohm stated publicly that only 4,000 of the remaining 23,000 NVA officers could be retained.²¹

¹⁸ Steele (2007) op cit.

¹⁹ Schönbohm (1996) op cit; Von Kirchbach, H.P. (1992) 'Reflections on the Growing Together of the German Armed Forces', Paper presented at the Strategic Studies Institute, 14 February 1992, US Army War College.

²⁰ Schönbohm (1996) op cit.

²¹ Zilian (1999) op cit; Chicago Tribune (1990) 'East German Army Masked Severe Flaws Behind Scenes', *Chicago Tribune*, 2 December.

A large proportion of the NVA's combat equipment was indeed obsolete: of the MBT fleet, 1700 were T-54/55s. Although there were also 550 T-72s of more modern design, they did not meet NATO crew safety standards and the Bundeswehr was reluctant to be dependent upon the Soviet Union for spare parts. A decision was made to gather the MBTs at the former Ernst Thälmann military college in Löbau. In general the Bundeswehr would eventually adopt little NVA equipment; a notable exception was the ubiquitous BMP infantry fighting vehicle, 746 of which were taken into service. Some transport vehicles were retained by the Bundeswehr in the short term while \$1.2 billion worth of logistics equipment was donated to the coalition forces involved in Desert Shield and shipped through Bremerhaven. The Luftstreitkräfte was largely disposed of, most of its 400 combat aircraft were obsolescent MIGs and Sukhois and its pilots had just a third of the flying hours of their Bundeswehr counterparts. These aircraft were concentrated at four airbases for inventory with the exception of 24 modern Mig-29 fighters which ended up serving with the Bundeswehr until 2003. Some Mi-8 transport helicopters were retained temporarily and thirty Mi-24 assault helicopters were retained until 1992. The Volksmarine was scrapped in its entirety, its personnel discharged and almost all vessels sold or gifted to other countries. All of this represented a massive logistics effort, impossible without the hard work and long hours of former NVA professionals.²²

Of most pressing concern to the BKO leaders was the vast stockpile of ammunition that they were now responsible for. They had inherited over 300,000 tons of ammunition, which on examination was not manufactured to uniform standards and did not meet NATO safety standards. Furthermore, Warsaw Pact ammunition, particularly anti-tank missiles, tended to become unstable over a period of time. The NVA had minimised the sentries needed to guard ammunition depots by utilising electric fences with lethally high voltage levels. This method was not acceptable to the Bundeswehr who ordered them decommissioned although this greatly increased necessary sentry numbers. Soon BKO troops were spending 40% of their time guarding ammunition and equipment and even junior officers were deployed as sentries. A result of this was that grave shortcomings in the NVA's much-vaunted NCO corps became apparent. Most NCOs were short service volunteers who had signed on for 3 years as a junior NCO rather than 18 months as a conscript. Brigadier-General von Kirchbach stated that "I hardly met one with any motivation other than that of career opportunities or one who had any merit that would make him a soldier."²³ NVA NCOs were technicians rather than leaders and could not be trusted with guard duties since it was not considered their role to use initiative or to assert command. Major-General Richter stated: "There was no genuine NCO corps in the NVA"²⁴ and the BKO was obliged to transfer 1,200 NCOs from the west. This dearth of junior leadership had cost the Soviet Army dearly during its recent occupation of Afghanistan.²⁵

22 Zilian (1999) op cit.

23 Von Kirchbach (1992) op cit, p. 12.

24 Zilian (1999) op cit, p. 116.

25 Schönbohm (1996) op cit; Von Kirchbach (1992) op cit.

Another undesirable practice inherited from the Soviet Army was the *Entlassungskandidaten* (EK) system by which senior conscripts would systematically bully junior intakes; this was tolerated by the NVA in the apparent belief that it maintained discipline but was quickly quashed within the BKO.²⁶ In general the NVA did not foster camaraderie or unit pride in the manner of other German armies. One striking exception was Luftsturmregiment 40, an 800-strong airborne unit based at Potsdam; an all-volunteer force which more resembled western elite units rather than the Soviet model. However, this unit was based on the Willi Sanger battalion which in wartime would have carried out assassinations and sabotage of selected targets throughout the Bundesrepublik, and it was disbanded in June 1991.²⁷

On 31st December 1990, the BKO discharged all personnel aged over 50. Of 11,190 applicants, 6,732 former NVA officers were accepted to serve on a probationary basis for the calendar years of 1991 and 1992. Most of them appreciated being given this chance, although they were acutely aware that they were in competition with each other as well as being under probation. None were under any illusions that the NVA would have admitted any westerners had the roles been reversed. One category eliminated from Bundeswehr service was those who had acted as Stasi informants, who were ruthlessly weeded out. In 1993, Olympic bobsled champion Wolfgang Hoppe was discharged for this reason.²⁸

Training programmes were instituted to educate former NVA personnel in Bundeswehr doctrines. The Bundeswehr utilised Aufskriktaktik: an old German method which stipulated ends rather than means and gave commanders considerable freedom of movement (the BKO itself was a perfect example of this). By contrast, the NVA had used Befehlstaktik: all orders were obeyed immediately and unconditionally. Of particular concern to the Bundeswehr was the instilling of its principle of *Inner Führung*, the fundamental concept of a citizen soldier with the right to question certain orders. This proved particularly problematic: while many former NVA were able to quote tracts of the constitution, they displayed little real understanding of the concept.²⁹

The BKO was deactivated in July 1991 with each former NVA division now successfully reorganised as a Heimatschutzbrigade and Bundeswehr HQ assumed direct command of these units. A final inventory was made of remaining NVA equipment, which was either scrapped or gifted/sold to other countries. That year the German government contracted defence manufacturers Rheinmetall, Diehl, Deutsche Aerospace and Buck Technologies to deal with the 300,000 ton ammunition stockpile. By 1999, Buck alone had accounted for 416,000 rockets and missiles, half a billion small arms rounds, 300,000 artillery shells, a million hand grenades and 6.6 million landmines. Carried out at two vast plants at Pinnow and Ufrungen, the disposal process produced over 500 tons of toxic waste.³⁰

26 Ibid.

27 Krug, Klaus-Dieter (2014) 'Fallschirmjägerbataillons der NVA zum Luftsturmregiment' [online], available: <http://www.nva-fallschirmjaeger.de/Broschuere.pdf>, [accessed 20 Feb 2015].

28 Zilian (1999) op cit; Herspring (1998) op cit.

29 Schönbohm (1996) op cit; Zilian (1999) op cit.

30 Roos, J. (1996) 'From Cradle to Grave', *Armed Forces Journal*, 11, p. 13; Zaloga, S. and Markov, D. (1999) 'Deleting the DDR's Conventional Arsenal', *Jane's Intelligence Review*, 6, pp. 19-20.

About 3,050 former NVA became Bundeswehr officers in 1993, most of whom had been reduced by two grades in rank. Apart from its much higher proportion of officers, the NVA had been a heavily compartmentalised entity with its officers/NCOs proficient in a narrow sphere of expertise. An NVA lieutenant-colonel might have the same age and experience of a Bundeswehr company commander while his duties might be carried out by a Bundeswehr NCO. 6,550 former NVA personnel were retained as NCOs, 600 of whom were former officers.³¹

For most of its 33 year existence the NVA's contribution to peace in Europe was negligible, yet in its final months it contributed to a peaceful transition to a unified Germany: it refused to fire on its citizens, obeyed orders to demobilise and efficiently disposed of its vast stock of arms and ammunition, in stark contrast to other Warsaw Pact forces (notably Ukraine). At its own expense the NVA played a vital role in the ending of the Cold War.

³¹ Steele (2007) op cit; Zilian (1999) op cit.

The European Union as a Foreign Policy Actor: The Case of the Ukraine Crisis

ABSTRACT

The European Union is clearly a major element in world politics, but it is no ordinary sort of foreign policy actor. This paper traces the evolution of its complex policy making system over nearly twenty five years, and characterises it as a hybrid of the Union and the member states. In practice, it has been the result of trial and error, sometimes with limited influence. The current confrontation between Russia and Ukraine, in which the EU's 'neighbourhood policy' was at stake, illustrates the Union's role. Its policy response, in conjunction with the United States, includes economic sanctions and support for Ukrainian reforms together with diplomatic attempts, led by the German chancellor, to resolve the conflict. But the diversity of views among the member states demonstrates the limitations of this unique diplomatic coalition in dealing with geopolitical issues.

Introduction

From 1945 two broad geopolitical challenges, the possibility of German revanchism and the threat of Soviet expansion, helped shape both the form and substance of 'community Europe' during the next thirty five years. When the Cold War ended (1989-1991) the need for a further revision of this system was reflected in the establishment of the European Union (EU). Freed from the constraints of a bipolar global order, this was expected to play a more proactive and overtly political role in the world than had its predecessor.

The European Union deals with the rest of the world on a very wide range of issues. The euro is a major element in the global financial system, and the current agenda of what is called 'external action' includes climate change, trade negotiations with the United States, development policy and the nuclear non-proliferation regime. The EU clearly matters in an increasingly complex and volatile international order, and the nature of that order shapes the prospects of the EU.

This paper reviews the way in which the 'Common Foreign and Security Policy' has evolved over the last twenty five years, as part of the complex political system of the European Union. It is argued that the paradigm of the international order during this period is now being challenged, particularly in the EU's immediate neighbourhood, in the Ukraine crisis. Russia's annexation of Crimea in the spring of 2014 marked the beginning of a serious confrontation between the EU and a permanent member of the UN Security Council. What has this meant for the conduct of the EU's foreign policy?

The EU's Foreign Policy From Maastricht to Lisbon: Rules of the Game

Foreign policy was one of the three major themes in the debate on European integration after the Cold War ended, along with institutional reform and economic and monetary union. A survey of the relevant treaties and institutional structures describes the 'rules of the game.'

Although the member-states of the European Community had held regular foreign policy consultations since 1970, under the label of European Political Cooperation (EPC), these took place outside the Community framework and were not incorporated in a treaty until the Single European Act (1986). A more ambitious form of constitutional architecture evolved through the series of treaty reforms starting with Maastricht (1992), then Amsterdam (1997), Nice (2001), and Lisbon (2007) – the latter owing much to the aborted Constitutional Treaty (2004).

Maastricht saw the establishment of a Common Foreign and Security Policy (CFSP) for the new union. This presumed the existence of common interests and values, and in emphasising 'security,' seemed to approach what had hitherto been a no-go area since the failure of the proposed defence union in 1954, that of military power. But not quite yet – the wording reflected the preference of most member states for NATO as their prime framework of military cooperation, and accommodated one member state, Ireland, which preferred not to get involved in this sort of activity.

The new policy - the Union's 'second pillar' - did not adopt the distinctive 'community method' of decision-making on the basis of Commission initiatives by Qualified Majority Vote (QMV); rather, it followed the more conventional intergovernmental model of unanimity. This also involved a different institutional balance, favouring the Council and the European Council against the Commission, the European Parliament and, especially, the Court.

Subsequent treaties developed this basis. The treaty of Amsterdam added a hint of QMV to facilitate the search for consensus, but the final decisions still required unanimity. Changes to the institutional structure reinforced the intergovernmental bodies. Thus the European Council would decide 'common strategy,' and the Council's Secretary-General was now also the 'High Representative for the CFSP.'

Following a British-French initiative at St. Malo in 1998, a European Security and Defence Policy (ESDP) was established and then incorporated in the treaty of Nice (2001). This reflected an attempt to find a more satisfactory division of labour with the parallel development of NATO, still the preferred military organisation of most EU member states. The ESDP was to focus on peace support and humanitarian missions, and a rationalisation of military capabilities. There are currently nine civilian and five military missions in the field.

Institutional changes included a Political and Security Committee composed of member state representatives at ambassadorial level. In this committee, which meets twice weekly in Brussels, all relevant issues are debated with measures proposed for decision by foreign ministers and ultimately by heads of state and government in the European Council.

Finally, in the treaty of Lisbon (2007) we see an overall revision of the Union's institutions, and the 'constitutional' and policy-making framework for its foreign policy which operates today.¹ Four important changes reflect an attempt to reconcile the different policy making cultures within the Union. First, all of the Union's policies with an external dimension were brought under a single label – 'external action' – thus formally combining the trade, development assistance and monetary policy areas to those of foreign policy – and the 'pillar' system was ostensibly abandoned even as distinct decision making regimes were retained. In a second innovation, the High Representative is now a senior post both within the Council and, as Vice-President, in the Commission. Third, the Union now has a quasi-foreign ministry, the European External Action Service (EEAS), staffed by officials from the Council secretariat, the Commission and member states.

A fourth change, the establishment of a permanent President of the European Council instead of the head of government of the rotating member state presidency, also represents a reinforcement of the intergovernmental bias in the rules of the game of the EU's foreign policy. All told, the mode of decision-making does not appear to have changed significantly with Lisbon; the foreign policy actor is still 'the EU and its Member States.' In effect, this results in a unique form of 'hybrid diplomacy.'

Playing the Game

The European Union – indeed the whole experience of integration in Europe – attempts to create a political system in which a cooperative approach to the big problems would be the norm, with the probability of win-win solutions. If the world was no longer Eurocentric, the EU would nevertheless retain a significant presence through its 'soft power' – its economic weight, development assistance, and the attraction of its humanitarian and democratic values. Even at the level of operational policy on the more conflictual security issues this is seen as what is known as the Union's 'comprehensive approach' – the fact that unlike other regional organisations it can call in a coordinated way on a wide range of policy instruments (political, economic, legal and even military). The EU was in effect designed as a role model for the New World Order of the early 1990s.

But in practice, so far as the Union's foreign policy was concerned, this image was blurred from the start. A recent analysis of European integration stresses the point that while a considerable part of the union's external action, particularly the economic issues, were dealt with in an inner, treaty-bound sphere, the security aspects of foreign policy related to an outer, geopolitical sphere, where reaction to contingency and crisis management was the name of the game.² The break-up of Yugoslavia, from 1991 on, was the first test

¹ For descriptions of the policy making system, see (in ascending order of detail): EUISS (2015) *The European Union's External Action: CFSP basics*, Paris: European Union Institute for Security Studies; Barry, L. (2012) *European Security in the 21st Century: The EU's Comprehensive Approach*, Dublin: Institute of International and European Affairs; EUISS (2015) *EUISS Yearbook of European Security 2015*, Paris: European Union Institute for Security Studies. The former ESDP is re-labeled as the CSDP – "Common" for "European."

² The distinction between different spheres of action is an important thread in van Middelhaar, L. (2013) *The passage to Europe: how a continent became a union*, Newhaven and London: Yale University Press.

for the new Union; an initial attempt to maintain a Yugoslav state was blown away by 'facts on the ground.' This failure on the Union's doorstep acted as a spur to the further evolution of the CFSP at the turn of the century.

Hard experience has shown that the solidarity of the member states cannot be taken for granted, for all the formal commitments in the rules of the game. The main moves are made in national capitals, and exceptions to this rule are as likely to come from below as from Brussels. Policy has even been shaped directly by national publics. Mass demonstrations against intervention in Iraq in 2003 - one of the major events this century - had the effect ultimately of dividing the member states so that the EU as such was neither involved nor had a coherent position on the crisis. More recently, the destruction of a Malaysian airliner (MH17) over Ukraine in July 2014 led to a hardening of attitudes in most national capitals on the sanctions policy against Russia.

Limitations in the foreign policy game should, however, be set against what can be seen as the most significant transformation in the European Union's place in the international order, the enlargement of the Union's membership. Twelve member states were at Maastricht; now there are twenty eight. It is not so much that "size matters" (though it does), but rather that the enlargement process helped provide stability in a part of Europe which had not often known it. Such an outcome was not pre-ordained when the process was started in the early 1990s, but now enlargement seems to have come close to its limits. The process of admitting new members has stalled, leaving several candidates for membership in something of a limbo. In addition, the goal of projecting stability beyond the Union's southern and eastern borders, encapsulated in the 'European Neighbourhood Policy (ENP)' since 2004, is in serious trouble.

Paradigm Shift in the Neighbourhood – A Darker Shade of Grey?

While the globalised world order deals with big issues such as trade or climate change, these negotiations sit uneasily alongside three major areas of geopolitical concern – China's maritime claims, Russia's confrontation with Ukraine, and the spread of revolutionary Islam in a chaotic Middle East and northern Africa. The last two involve the European Union, in ways which may foreshadow a shift in the post-Cold War paradigm of win-win solutions to global issues. In both cases the European Neighbourhood Policy has been in question, raising a serious challenge to the credibility of EU foreign policy as a whole.

Following the EU's enlargement to include states in central and Eastern Europe, the ENP was designed as a sub-set of EU foreign policy to provide economic and technical assistance to neighbouring states, on the assumption that over time mutually beneficial relationships could be achieved. In retrospect several weaknesses emerged.³ On the EU side, the policy was implemented as a technocratic process which underestimated political obstacles, particularly those with broader geopolitical repercussions. For their part, the numerous and very diverse neighbours did not always share the political values which underlay the EU's image of a 'good neighbour.' The Eastern Partnership, established in 2009, was from the outset viewed by the Russian government in zero-

³ Lehne, S. (2014) *Time to reset the European Neighborhood Policy*, Brussels: Carnegie Endowment for International Peace.

sum terms, in competition with a projected Eurasian Economic Union.⁴ By the autumn of 2013, this competition set the stage for a much more serious confrontation with Russia.

The Ukraine Crisis

In November 2013, President Yanukovitch of Ukraine abruptly reversed his support for an agreement with the EU in favour of a deal with Russia, thereby triggering a sustained public protest – the ‘Maidan movement’ – fuelled by a broader critique of his regime.⁵ In February 2014 this led to a change in the regime in Kiev, and shortly afterwards a radical response by Russia. Within a month the Crimean region was formally annexed to the Russian Federation, an act which represented a repudiation of two basic legal elements of the European security order – the four- power Belgrade agreement of 1994 guaranteeing Ukraine's territorial integrity, and the more general principle that state boundaries were inviolable, a cornerstone of the Helsinki Final Act of 1975.

President Putin's display of apparent post-imperial entitlement may owe much to the dissolution of the Soviet Union in 1991, a gain for Ukraine but a humiliation for Russia. Previous examples of his attitude, such as his intervention in Georgia in 2008 and his ambitions for the projected Eurasian Union,⁶ existed alongside a general policy of integrating Russia in the global economic system. His move on Crimea could be interpreted as an atypical and opportunistic gamble or as part of a strategic plan to maintain a European order based on geopolitical spheres of influence (amounting in this case to domination). An alternative view emphasises the way in which the broader European security order was skewed against Russia by the dissolution of its alliance system set against the continuation and enlargement of NATO.⁷

Russian encouragement and material support for the subsequent rebellion in the Donbas region in south eastern Ukraine suggests Putin has crossed his Rubicon. The domestic popularity of the annexation of Crimea makes a reversal all the more difficult. The president's public justifications, through a comprehensive propaganda campaign by the largely state-controlled media have increasingly been framed as a demand to revise the existing world order. This is an integral part of what has been described as a ‘hybrid war.’ It involves violence and intimidation by local militias acting as Russian proxies alongside Russian special operations units and volunteers, backed by the shadowy threat of troop deployments behind the Russian frontier. Paradoxically, the claims of Russian involvement are met with increasingly unconvincing denials, though every time Ukrainian forces look like prevailing their opponents receive sufficient reinforcements to maintain their presence. In the autumn of 2014 a military stalemate (favouring the rebels) led to a fragile ceasefire (the Minsk agreement) which failed to provide a basis for serious negotiations and was so ineffective on the ground that it had to be resuscitated in the so-called Minsk II agreement in February 2015.

4 Popescu, N. (2014) *Eurasian Union: the real, the imaginary, and the likely*, Chaillot Paper No. 132, September 2014, Paris: European Union Institute for Security Studies.

5 Wilson, A. (2014) *Ukraine Crisis: what it means for the West*, Newhaven and London: Yale University Press.

6 Lucas, E. (2014 revised edition) *Cold War: Putin's Threat to Russia and the West*, London: Bloomsbury.

7 Sakwa, R. (2015) *Frontline Ukraine: crisis in the borderlands*, London: I.B.Tauris.

The EU Response

The Ukraine crisis is a huge challenge for the European Union, with its interest in maintaining a benign and on the whole mutually beneficial relationship with its largest continental neighbour. However, the other major actor involved, the United States, features more strongly in the one thing the EU does *not* do – hard power. Although the US, like the EU, has so far rejected a military solution, this does not preclude a stance of reassurance and military deterrence. The business of responding to troop deployments behind the Russian frontier or the increasing number of pinprick intrusions in the Baltic region is NATO business (There is a CSDP mission in Ukraine, but it is a civilian mission in support of civil security reform). It is a reminder, too, that for the 22 EU member states which are also members of NATO, the Atlantic alliance is the preferred vehicle for hard power.

It is perhaps tempting, therefore, to see the Ukraine crisis as more about the US than the EU. The Cold War had been waged largely over the heads of the Europeans (in both camps), and the Soviet mindset was, before Gorbachev, dismissive towards Brussels. It may still be more flattering to Moscow to see Washington as the prime rival. Yet the EU has more at stake than the US, in terms of economic interests and geopolitical proximity, and the Obama administration would probably be much happier pivoting to the east. Indeed, US policymakers may see Russian revanchism as a regional issue rather than any recurrence of a global challenge. Within the West, debates between hawks and doves – such as the question of the extent of military assistance to Ukraine - are to be found in both camps. Future historians may find a more complex picture of the transatlantic partnership.

In so far as the EU deploys coercive instruments it is in the form of economic sanctions. This plays to the Union's overall economic weight, but in practice the effect of sanctions is ambiguous. The early sanctions against targeted individuals were generally seen as symbolic only, a signal of intent; stepping up the policy from mid-July 2014 has had more substantial effects on the Russian economy. Against the background of falling oil prices, Russia has experienced a major currency crisis, the abandonment of the South Stream pipeline and negative credit ratings - but so far without a direct impact on Russian behaviour in Ukraine. And, of course, sanctions are not cost-free; the disruption to existing patterns of trade and exposure to retaliatory measures mean that both sides are in effect engaged in a game of chicken which is difficult to sustain.⁸

The EU's vocation for soft power has been most clearly evident in support for the new Ukrainian regime. At the political level this started with declaratory policy, publicly endorsing the legitimacy of the newly elected president and parliament but at the same time requiring the reform of a corrupt political culture and a tradition of administrative incompetence. This was complemented by financial and economic assistance to an economy which lies on the brink of disaster, continually threatened by the conflict with Russia. The principal overall instrument of this approach has been the signing of the association agreement which had been rejected by the previous Ukrainian administration.

⁸ On sanctions, see Drayer, I. and Luengo-Cabrera, J. (2015) *Sanctions against "aggressors" – seven lessons*, Alert No. 23, Paris: European Institute for Security Studies.

From the EU's point of view this does however beg two questions in the longer term. First, can the EU sustain the economic capacity and political will to meet this open-ended commitment? Also, how does it deal with Ukrainian expectations of future EU membership, in the context of 'enlargement fatigue' within the Union, and Russia's geopolitical neuroses outside it?

Finally, the EU response to the crisis rests on the instrument of diplomatic persuasion. Here the EU works alongside other partners, especially of course the United States. Though the High Representative plays a facilitating role in seeking and maintaining consensus between the member states, it is with regard to diplomacy at the highest level of authority that the focus is on the member states rather than the union. The main 'contact group' (the so-called 'Normandy format') consists of Ukraine, Russia and, for the EU, France and Germany.⁹ At first sight, this reflects both the traditional role of the Franco-German 'motor of integration' and the British prime minister's reluctance to be seen as serving under the EU flag. In practice, the German chancellor has been de facto chief negotiator for the EU, both in face to face meetings and in numerous telephone contacts. However, in the face of a Russian stance which combines an air of injured innocence with a claim to the right to protect ethnic Russians wherever they may be found, diplomacy has proved to be less persuasive than facts on the ground. Persistence with the Minsk ceasefires has been the main diplomatic achievement so far.

The Politics of Solidarity

The EU's response to the Ukraine crisis illustrates the importance of the extent of solidarity between the member states. Agreement on a common interest assumes the existence of convergent interpretations of the issue at stake, but with regard to Ukraine a diversity of views has been evident. To some extent this has a geographical basis. In the north east the Baltic region includes three former Soviet Republics (Estonia, Latvia and Lithuania), a former satellite (Poland) and two neutrals (Finland, Sweden). There is a lot of dark history here, and Estonia and Latvia with significant Russian minorities, and Lithuania and Poland – adjacent to the Russian base in Kaliningrad – cannot take Russian claims lightly. It is not surprising if the current crisis is often viewed here in existential terms.

At the other extreme, some member states favour a mindset disposed to regard it as a transient nuisance. The Hungarian premier has even displayed a 'sneaking regard' for President Putin as a role model, an attitude seen in several Eurosceptic parties throughout the union, advocating assertive nationalist leadership. More often this reflects a hard-headed focus on the member state's commercial interests, and in particular the degree of its dependence on Russia as for the supply of energy resources. Here the price and availability of gas, and the location of pipelines, are the currency of the debate on sanctions policy.

Some of this is seen in Germany, which as in so much of EU policy is the key member state.¹⁰ Although not dependent on Russian gas, there are significant and politically influential commercial interests at stake. Yet just as important (or more so?) is a foreign

⁹ The first face to face meeting of the respective leaders was at the D-day commemoration in Normandy, 6 June 2014.

¹⁰ For German foreign policy, see Murphy, P. (2014), *Germany's Place in the World – August 2014*, Dublin: Institute of International and European Affairs.

policy tradition of prioritising relations with Moscow. Confrontation in the first half of the last century was disastrous; a partitioned Germany's Ostpolitik from the early 1970s was an important driver of détente in the Cold War. The Chancellor's early critics included a predecessor from this era, Helmut Schmidt, and her immediate predecessor, Gerhard Schroeder, who is directly involved with the development of a pipeline in the Baltic. It took time (and the MH17 disaster) to harden German opinion.

The other large Member States have also shaped sanctions policy by their reluctance to expose particular interests. The United Kingdom (Russian assets in the City of London) and France (delivery of naval vessels to Russia) were only persuaded to increase the scope of sanctions in mid-July following the lead of the United States (much less dependent on Russia than the European countries) and partly in response to the loss of lives in the destruction of the MH17 airliner.

If solidarity is clearly an essential prerequisite of credible policy, achieving it is the core of the EU's foreign policy process. The overtly pro-Russian attitude of the new Syriza-led Greek government in February 2014, suggesting a problematic linkage with the debate on the euro, serves to underline the point; lowest common denominator outcomes are more likely than not. And where does Ireland stand? Not a frontline state in the Ukraine confrontation, the official, rather low profile position is as a 'loyal member state' with regard to sanctions. But more than a year after the annexation of Crimea there is little evidence of public engagement in the issue.

Where Now? Scenarios for the Ukraine Crisis

It is hard to see a straightforward return to the status quo ante, if for no other reason than the annexation of Crimea – a territory which has 'sacred meaning' for President Putin. Also, the Maidan Revolution and the subsequent loss of life and destruction have ratcheted up the stakes for nation-building in Ukraine.

At the malign end of the spectrum of possible future scenarios is a further escalation of the conflict to a situation sometimes referred to as a 'new cold war.' This label demands an important qualification. While the old cold war introduced an ideological antagonism into the global order. Russia does not now possess a messianic appeal or a global network of satellite states or allies. It is reduced to a role of regional player. What it still does possess, however, is that badge of geopolitical superiority, a nuclear military force. The prospect of escalation to another sterile confrontation in terms of the language of mutually assured destruction – a sort of 'MAD minus Marx' scenario – is a source of apprehension.

A less threatening but still unappealing prospect is that of a 'frozen conflict,' a pattern of uneasy mutual suspicion punctuated by crises without leading to a resolution of the issues. Expectations of such an outcome are common; one participant in the hybrid war envisages it as "many years of an Ulster-like scenario."¹¹

¹¹ Wilson (2014) op cit, p.143.

As of now (mid-May 2015) the best hope for a more positive scenario is the fact that at least the space for diplomatic negotiation exists, if increasingly precariously. The Organisation for Security and Co-operation in Europe (OSCE), an important surviving element of the European security order, already chairs a contact group with Russia and Ukraine, and facilitated agreement on the Minsk ceasefires. It monitors the situation on the ground, but has a minimal presence on the border with Russia. Negotiations on the political aspects of Minsk II have barely started. This delay suggests the conflict is still frozen, and further escalation cannot be ruled out. The jury is still out in the trial between the EU's hybrid diplomacy and Russia's hybrid war.

Conclusion

The European Union is a decidedly odd foreign policy actor. It is no superstate, there is no single European army, and the apparently state-like institutions (High Representative, External Action Service) exist alongside the member states, not instead of them. As the case of the Ukraine crisis demonstrates, the inherent difficulty of creating and maintaining consensus tends to limit possible outcomes.

Yet we are not looking at a conventional diplomatic coalition of like-minded states, finding common cause on a limited range of issues. The ties between the Union's member states reach across most of what their governments are elected to do, and underpin a persistent momentum to reach consensus. There may be some comfort in the fact that the EU is a much more fully formed, mature diplomatic coalition than its predecessors in Europe 100 years ago, and is answering a felt need for a collective approach to several global issues, such as climate change and inter-regional trade policy. Here the EU can play to its strengths as a player in win-win games, but there may be less comfort in the question of whether it can cope in the zero-sum arena of geopolitics.

The European Union Human Rights Review Panel

ABSTRACT

The European Union Human Rights Review Panel has been in operation in Kosovo since 10 June 2010. This article examines the origins of the Panel, the rationale for its establishment, its procedural, legislative and regulatory framework, its case load and the way in which it deals with human rights violations committed by the EU Rule of Law Mission in Kosovo (EULEX) in the discharge of its executive mandate. The paper also examines how the Head of Mission (HOM) EULEX Kosovo acts to implement the remedial recommendations submitted to him by the Panel when a human rights violation has occurred. Consideration is given to the standing of the Panel in the EU Common Security and Defence Policy infrastructure as a human rights accountability mechanism that holds an international organisation accountable for its human rights violations. The achievements of the Panel, as well as the factors that limited its effectiveness and the difficulties that it encountered in the discharge of its mandate, are also examined.

Introduction

The European Union (EU) established the EULEX Kosovo Rule of Law Mission, its largest ever Common Security and Defense Policy (CSDP) mission, through the Council Joint Action of 4 February 2008.¹ Its purpose, as defined in its executive mandate mission statement, was to achieve sustainable and accountable institutions, judicial authorities and law enforcement agencies in Kosovo. Specifically, it sought to develop and foster a politically-neutral justice system supported by a multi-ethnic police force and customs service. This was to be achieved through “monitoring, mentoring and advising, whilst retaining certain executive responsibilities.”² The Joint Action also highlighted the importance of human rights and gender mainstreaming issues in order to achieve compatibility with international standards.³

EULEX Kosovo ultimately assumed the executive functions of the United Nations Mission in Kosovo, (UNMIK)⁴ and became operational on 9 December 2008. Prior to its establishment the European Union had, inter alia, to consider how a lacuna in the jurisdiction of the European Court of Human Rights (the Strasbourg Court), might be best addressed with regard to EULEX human rights accountability in Kosovo.⁵ UNMIK,

¹ Official Journal of the European Union (2008), Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo (Article 1.1), [online], available: <http://www.eur-lex.europa.eu>, [accessed 20 April 2015].

² Ibid, Article 2.

³ Ibid, Article 3(i).

⁴ Ryan, J. (2010) ‘United Nations Mission in Kosovo - The Human Rights Review Panel’, *Defence Forces Review*, 8, Dublin: Irish Defence Forces, pp. 43-48.

⁵ Council of Europe (2004) *Opinion on Human Rights in Kosovo – Possible Establishment of Review Mechanisms*, Opinion No. 280/224 of 11 October 2004, Strasbourg: European Commission for Democracy through Law (Venice Commission), Paras 76-78 & Paras 158-164.

although in existence since 10 June 1999,⁶ had belatedly addressed this jurisdictional lacuna with the creation of the UN Human Rights Advisory Panel on 26 March 2006.⁷

Background to the Establishment of the Review Panel

UNMIK had experienced mounting international criticism by Human Rights Watch, Amnesty International, the Norwegian Helsinki Committee and other concerned parties because of its failure to resolve a human rights accountability void in relation to the exercise of its executive powers from the time it became operational in Kosovo in 1999.

Thus, the aforementioned international human rights monitoring organisations recommended in a joint press release on 10 March 2008 that the proposed EU mission in Kosovo ought to subject itself to much greater human rights scrutiny and accountability than its predecessor, UNMIK:

If the EU wants to assist in building respect for human rights and the rule of law in Kosovo, it needs to lead by example. That means that its mission accepts serious independent scrutiny of its human rights record from day one.⁸

This recommendation was reinforced by the Commissioner for Human Rights, Council of Europe (COE) during his Special Mission to Kosovo from 23 to 27 March 2009 when he urged EULEX Kosovo to establish an effective accountability mechanism as a matter of priority:

The EU's Rule of Law Mission, EULEX could also consider the advantages of setting up an independent (human rights) accountability mechanism. EULEX does have the possibility to exert some executive powers. There are a number of options for accountability mechanisms for EULEX. One is that EULEX could take on the model of the current (UNMIK) Human Rights Advisory Panel⁹; another is that complaints could be dealt with by the Kosovo Ombudsperson's Institution. A third option is that EULEX could create its own independent mechanism.¹⁰

The Commissioner elaborated on his theme of human rights accountability in a press release on 8 June, 2009 wherein he stressed the importance of an international organisation such as EULEX, in the exercising of executive and legislative powers as a surrogate state, being treated to standards required of a democratic government.¹¹

6 UN Security Council, Security Council Resolution 1244 (1999), 10 June 1999, [online], available: <http://www.un.org/en/sc/documents/resolutions/>, [accessed 20 April 2015].

7 UNMIK (2006), 'UNMIK Regulation No. 2006/12 on the Establishment of the United Nations Human Rights Advisory Panel of 23 March, 2006', [online], available: <http://unmikonline.org>, [accessed 20 April 2015].

8 Human Rights Watch (2008) *Kosovo: EU Should Ensure International Mission is Accountable*, Brussels: The Norwegian Helsinki Committee & Amnesty International.

9 UNMIK (2006), *op cit*.

10 Council of Europe (2009) 'Report of the Council of Europe Commissioner for Human Rights Special Mission to Kosovo 23/27 March 2009', [online], available: <http://www.coe.int>, [accessed 20 April 2015].

11 Office of the Commissioner for Human Rights (2009), 'Press release 450 of 8 June 2009' [online], available: <http://www.coe.int>, [accessed 20 April 2015].

Establishment of the EU Human Rights Review Panel

Ultimately, the EU decided on the option of creating an independent mechanism, resulting in the establishment of the EU Human Rights Review Panel (Panel) on 29 October 2009. The Panel was formally appointed by the Acting Head of Mission EULEX Kosovo on 4 May 2010. The deliberations of the Panel members are conducted on a part-time basis, backed-up with a permanent Secretariat located in Pristina.

The Panel is composed of three international experts in human rights law, two of whom are externally based lawyers: the Presiding Member is a lawyer at the Registry of the European Court of Human Rights, Strasbourg, France and the other external member is a Defence Counsel and Consultant who practices law before international criminal jurisdictions (ICTY, ICC, STL and ECCC). The internal EULEX Panel member is an international criminal judge, Mitrovica Basic Court, Executive Division, EULEX Kosovo. There is also a substitute Panel member who is a Criminal Judge in the Supreme Court/Appellate Court, Executive Division, EULEX Kosovo. The Panel became operational concurrent with the adoption of its Rules of Procedure on 10 June 2010.

The COE observed at the time of the creation of the Panel, that, for the first time in history an individual applicant could invoke the human rights accountability of international organisations operating in the executive role.¹² Heretofore, accountability for human rights violations had been the exclusive preserve and responsibility of international member states. COE now stressed that the administration of territories by international organisations, being a classic government function, impacted directly upon the lives of individuals and had to be accompanied by appropriate legal (human rights) safeguards and accountabilities.

Procedural Framework

The Rules of Procedure (Rules) are broadly based on the Rules of the European Court of Human Rights (Strasbourg Court) and contain provisions for the review of complaints as well as the deliberations of the Panel. It also contains several procedural aspects for adherence by the Panel and other listed parties. It stipulates that the Panel be independent in the exercise of its functions and should act in accordance with international human rights standards and norms.

Its procedures further directed that the Panel could only examine complaints which related to alleged violations that occurred after 9 December 2008. Complaints had to be submitted within six months from the date of the alleged violation and anonymous complaints were permitted if complainants feared for their safety or security. It also stated that the Panel could only review a complaint once all other review mechanisms within the Kosovo court system had been exhausted. Additionally, for jurisdictional reasons, the Panel was prohibited from conducting reviews of judicial proceedings before the courts of Kosovo.

¹² Council of Europe (2013), *Accountability of International Organisations for Human Rights Violations*, Strasbourg: Parliamentary Assembly, pp. 5-6, Paras 4-7 and Page 17 Paras 58-59.

Legislative / Regulatory Framework

The Council Joint Action is the source of authority and power of EULEX Kosovo. A regulatory framework was formulated which guides the activities of the Panel. It lays down the mandate of EULEX and, inter alia, specifies the responsibility of EULEX to act in compliance with relevant human rights standards in order to “ensure that all its activities respect international standards concerning human rights and gender mainstreaming.”¹³

Pursuant to the provisions of its establishment, the Panel may review complaints of alleged human rights breaches under the standard international human rights declarations, conventions and covenants. In practice, most complaints fall under the European Convention on Human Rights.

Mandate

The mandate of the Panel, as expanded upon in the Accountability Concept¹⁴ (Concept) issued by the General Secretariat of the Council, is to review complaints from any person, other than EULEX Kosovo personnel, who claims to be a victim of a violation of human rights by EULEX Kosovo in the conduct of its executive mandate in the justice, police and customs sectors.

The Concept stated that the establishment of an effective, transparent human rights accountability mechanism was a fundamental requirement for EULEX Kosovo as a Rule of Law Mission vested with certain executive powers, particularly as they relate to factors of security, namely: organised crime, corruption, conflict-related property issues, war crimes, terrorism, ethnically motivated crimes, inter-ethnic crime, as well as financial and economic crimes.

The Concept further stipulates that the Panel will publish annual reports with a detailed account of its operations accompanied by supporting statistical material. It also states that the Panel may continue with its mandate for a limited supplementary period after completion of the executive mandate of EULEX Kosovo. This provision is designed to facilitate the Panel to process the complaints still under review at that time or complaints that may yet be filed within the six month time limit, from the date of the alleged violation.

Public Outreach Campaign

In developing the procedural frameworks that guide the workings of the Panel, The Secretariat recognised the importance of imparting its existence, operating structures and rules of procedure to the public¹⁵:

... EULEX Kosovo will ensure a proper dissemination of public information on the Panel and its work, including the rules to make a complaint and the availability of the human rights accountability mechanism.¹⁶

¹³ Official Journal of the European Union (2008), op cit.

¹⁴ European Union (2009) *Accountability Concept (Concept) EULEX Kosovo – Human Rights Review Panel*, Brussels: General Secretariat of the Council.

¹⁵ Ibid.

¹⁶ Ibid.

This was reinforced in-country by the Civilian Operations Commander, who declared that the Road Map for the Civilian Planning Conduct Capability should include, inter alia, “the preparation of a comprehensive public relations campaign.”¹⁷ The Concept also emphasised that a proactive communications policy was not only to the benefit of civil society, it was equally beneficial to the EULEX Mission in the conduct of its operations and in the achievement of its objectives.

Accordingly, a public outreach campaign, which commenced in June 2010 and has been ongoing since, has involved the use of broadcast media to disseminate information on the Panel and its activities. The campaign has shown incremental success, as evidenced by the steady increase in the Panel's caseload since it commenced its operations five years ago. Forty two new cases were registered with the Panel in 2014 in comparison with twenty seven cases in the previous year. By the end of 2014, a total of one hundred and thirty six cases were filed with the Panel of which ninety four cases have been finalised.

Complaints

While some complaints of human rights violations by EULEX Kosovo resulted from its actions, many alleged violations resulted from its supposed inaction. Such complaints relate to alleged refusals by EULEX prosecutors to initiate investigations and/or their failure to file indictments. Additionally, there were allegations that EULEX police did not adopt reasonable or adequate measures in certain circumstances to protect complainants from harm by third parties.

The most common types of alleged human rights violations examined by the Panel were in the areas of: the right to life; prohibition of torture; inhuman or degrading treatment; violation of the right to liberty and security; right to a fair trial; right to respect for private and family life; right to freedom of thought, conscience and religion; right to an effective remedy; and the right to the peaceful enjoyment of one's possessions.¹⁸

Admissibility – The Panel's Competence to Review Proceedings Before Kosovo Courts

The Panel addressed various important issues pertaining to the admissibility of complaints in the following decisions: *Emin Maxhuni against EULEX*, Case no. 2013-24; *Gani Gashi against EULEX*, Case no. 2013-22; *Gani Zeka against EULEX*, Case no. 2013-15; and *J against EULEX*, Case no. 2013-04¹⁹. The Panel reiterated its position that, according to Rule 25, paragraph 1, of its Rules of Procedure, based on the accountability concept in the OPLAN of EULEX Kosovo, it had no jurisdiction in principle in respect of the deliberations of Kosovo courts. The fact that EULEX judges sit on the benches of such courts does not detract from the fact that such courts form part of the Kosovo judiciary.

On the other hand, the Panel upheld its view that the actions of EULEX prosecutors taken within the context of a criminal investigation were part of the executive mandate of EULEX Kosovo; therefore, in principle, it fell within the ambit of the mandate of the Panel.

¹⁷ Instruction of the Civilian Operations Commander, 13 November 2009 - A restricted document.

¹⁸ Human Rights Review Panel (2014) 'Annual Report 2013 European Union Human Rights Review Panel - Subject matter of complaints', [online], available: <http://hrrp.eu/>, [accessed 21 April 2015].

¹⁹ Human Rights Review Panel (2014) 'File No 2 – Case Management – Decisions *Emin Maxhuni against EULEX*, Case no. 2013-24; *Gashi against EULEX*, Case no. 2013-22; *Gani Zeka against EULEX*, Case no. 2013-15 and *J against EULEX*, Case no. 2013-04' [online], available: <http://hrrp.eu/>, [accessed 21 April 2015].

Actions or omissions by EULEX prosecutors during the investigative phase of criminal proceedings were therefore not considered to be a part of 'judicial proceedings' for the purpose of determining the competence of the Panel.

The actions of EULEX prosecutors might therefore be subject to the reviewing authority of the Panel where human rights violations were alleged to have occurred, e.g., *Goran Becić against EULEX*, Case no. 2013-03 (decision on admissibility) and *B.Y. against EULEX*, Case no.2014-06.²⁰

Furthermore, the Panel noted that it could not be excluded that it might be competent to evaluate the actions of EULEX prosecutors in criminal investigations even when these are subject to judicial review, if they raised issues of human rights that were not being fully addressed by the competent judicial authorities, e.g. *Tomë Krasniqi against EULEX*, Case no. 2014-04.²¹

Jurisprudence

The Jurisprudence of the Panel has emanated primarily from rulings on preliminary procedural matters such as jurisdiction in general, temporal jurisdiction, admissibility, complaints manifestly ill-founded and the exhaustion of remedies. The Panel also ruled on a number of substantive issues such as the right to life, the right to a fair trial and the right to protection of property.

It has also dealt with specific issues such as the definition of the scope of the acts or omissions which are attributable to EULEX and the identification of continuing and non-continuing violations arising from factual matters which occurred prior to that date, where these facts give rise to a continuing violation in the context of restricted temporal jurisdiction of the Panel. The Panel additionally addressed issues of "legitimate aim," "necessity" and "proportionality" of the interference with the right to respect for the private and family life of complainants.

Recommendations of the Human Rights Review Panel

Recommendations provided by the Panel may include proposals for remedial action for implementation by the Head of Mission (HOM) who has exclusive authority and discretion as to whether to act or not to act on the recommendations. Such recommendations may include: verification of the facts; the removal of the cause of the human rights violation; restitution of the situation that prevailed before the violation occurred; measures to avoid/preempt similar violations in the future; as well as recommendations for the improvement of the EULEX organisation and/or its operations.

The Panel may also furnish recommendations pursuant to deliberations even if EULEX has not committed a violation in the case at hand as such recommendations may, on occasion, assist the Mission in the improvement of its operations and organisation. The Decisions of the Panel are published in the English, Albanian and Serbian languages on

²⁰ Human Rights Review Panel (2014) 'File No 2 – Case Management – Decisions – *Goran Becić against EULEX*, Case no. 2013-03 and *B.Y. against EULEX*, Case no.2014-06, [online], available: <http://hrrp.eu/>, [accessed 22 April 2015].

²¹ Human Rights Review Panel (2014) 'File No 2 – Case Management – Decisions - *Tomë Krasniqi against EULEX*, Case no. 2014-04', [online], available: <http://hrrp.eu/>, [accessed 22 April 2015].

its website and in the print media as are the Decisions of the HOM. Such publication, inter alia, demonstrates the transparency and accountability of the Panel and EULEX Kosovo respectively in these matters and it furthermore facilitates scrutiny of its decisions everywhere by interested parties.

Human Rights Violations by EULEX Kosovo

The Panel made two findings of human rights violations in its cases by EULEX Kosovo in 2011, seven such findings in 2013 and it made a further two such findings in 2014. The Panel submitted detailed recommendations in these case violations to the HOM EULEX Kosovo in order to avoid or pre-empt future similar violations as well to improve the operational planning and organisation of EULEX, inter alia, in the furtherance of its mission objectives. A representation of some of the violations is as follows:

Djeljalj Kazagic against EULEX – Case No. 2011-01

The Panel adopted its first decision on a human rights violation in Djeljalj Kazagic against EULEX²² on 8 April 2011. This case involved a property dispute in the Kosovo court system in Mitrovica between the Complainant and a lending institution relating to the granting of a mortgage to the Complainant's nephew on the Complainant's house without either the knowledge or consent of the Complainant.

The Complainant requested a EULEX Kosovo prosecutor to initiate a criminal investigation in June 2009 which was duly assigned to a EULEX Prosecutor in April 2010. However, despite repeated efforts to communicate with the Prosecutor thereafter, he did not receive any further information or assistance with his case.

The Panel found that there had been a violation of the right of the Complainant to a fair hearing within a reasonable time in contravention of Article 6.1 of the Convention as well as a violation of the right to the peaceful enjoyment of his possessions in contravention of Article 1, Protocol 1 to the Convention.

Blerim Rudi against EULEX – Case No. 2010-07

The Panel adopted its second decision in Blerim Rudi against EULEX²³ on 8 June 2011. The Complainant in this case was employed as Deputy Director, Financial Intelligence Centre (FIC), EULEX from 01 September 2008 until 28 January 2010, when his contract of employment was suddenly terminated.

The FIC was established pursuant to the provisions of UNMIK Regulation 2004/02 and it became part of the Executive Department, EULEX Police Component on 9 December 2008. It was an independent entity which was responsible for the collection and analysis of data and information to prevent money laundering and related offences as well as to stop/interrupt the flow of financial support to terrorist organisations.

²² Human Rights Review Panel (2010) 'File No 2 - Case Management - Decisions - Case No 2010- 01, Djeljalj Kazagic against EULEX', [online], available: <http://hrrp.eu/>, [accessed 23 April 2015].

²³ Human Rights Review Panel (2010) 'File No 2 - Case Management - Decisions - Case No 2010- 07, Blerim Rudi against EULEX', [online], available: <http://hrrp.eu/>, [accessed 23 April 2015].

The Panel found that there had been a violation of the right of the Complainant to the peaceful enjoyment of his possessions by virtue of the manner in which his contract of employment was terminated - contrary to Article 1, Protocol 1 to the Convention.

A, B, C & D against EULEX – Cases No. 2012-09, 2012-10, 2012-11 and 2012-12

The three Kosovo Serb teenagers in this case submitted that they were attacked by an unknown group of persons, who threw stones and Molotov cocktails at them as they travelled home in buses after their participation in the Vidovdan celebrations in Gazimestan on 28 June 2012. A fourth Complainant submitted that he had been assaulted in his car close to Gazimestan by Kosovo Police.²⁴

The Panel held that poor planning and inadequate operational control as well as limited EULEX police human resources had contributed to the Complainants being denied the full and effective enjoyment of their right to a private life, their freedom of assembly as well as their right to exercise their religion safely and without undue hindrance. Therefore, it decided that there were violations of human rights by EULEX under Articles 8, 9, 11 and 13 of the ECHR, as well as Articles 17, 18, 21, 22 and 2 of the ICCPR in these cases.

Actions by the Head of Mission on the Recommendations of the Panel

The Panel, as a matter of procedure, requests the HOM to acknowledge that the circumstances of the human rights violations in the above mentioned cases amounted to breaches of the rights of complainants attributable to the actions or inactions of EULEX in the performance of its executive mandate. However, the HOM has declined the invitation to make such acknowledgements or declarations.

The acknowledgment of a human rights violation by states is a well-established practice in the procedures of the Strasbourg Court and in the UN Human Rights Advisory Panel. Given the fact that the Panel cannot recommend monetary compensation, a formal acknowledgement of a violation may, inter alia, go some way in the provision of a form of redress for a victim/complainant. The actions taken by the HOM in the various cases were as follows:

Kazagic Djeljalj against EULEK Kosovo – Case No. 2011-01

The HOM stated that EULEX did not initiate a prosecutorial investigation since the matter had already been investigated by a Kosovar prosecutor. It was also concluded that the criteria for the assignment of a EULEX judge to the case had not been complied with. However, certain positive measures were undertaken by the HOM to address the situation within the framework of his executive mandate and the Panel concluded that the HOM had, by and large, exercised his functions as appropriate.

Blerim Rudi against EULEX Kosovo – Case No. 2010-07

The HOM implemented the essence of the Panel's recommendations in this case. In particular the Panel noted that the HOM requested the Director of the Financial Intelligence Centre to take steps to reinstate the Complainant in his post and to pay him his full arrears of salary. The Panel considered that the measures taken should offer some

²⁴ Human Rights Review Panel (2010) 'File No 2 - Case Management - Decisions - Case Nos. 2012-09, 2012-10, 2012-11 and 2012-12, A, B, C & D against EULEX', [online], available: <http://hrrp.eu/>, [accessed 23 April 2015].

restitution to the Complainant and go towards the restoration of professional reputation. Based on the foregoing, the Panel concluded that the HOM exercised his functions appropriately in this case.

A, B, C & D against EULEX Kosovo – Case Nos. 2012-09, 2012-10, 2012-11 & 2012-12

The Panel noted that the HOM fully addressed and implemented its recommendations in these cases in relation to the planning and organisational shortcomings that adversely impacted from a security perspective on the June 2012 Vidovdan celebrations. The Panel noted in particular that EULEX conducted a risk assessment with a view to the identification of any potential threats to the safety and protection of participants from a human rights perspective.

There was a much greater EULEX police presence in 2013 and clear guidelines and instructions were issued, in particular with regard to the circumstances under which the EULEX Police should intervene to prevent human rights violations. The HOM also directed that EULEX police officers record any human rights violations that they might witness or that were reported to them during the celebrations.

Effective means of communication were also established to ensure prompt intervention and adequate coordination between the Mission and competent Kosovo authorities. Also, Kosovo Police were fully briefed on their responsibilities, and the security recommendations provided by EULEX were duly implemented by Kosovo Police authorities. The Panel noted with some considerable satisfaction that the HOM implemented all of its recommendations with regard to organisational planning and operational control for the involvement of EULEX in the Vidovdan celebrations of 28 June 2013 and to great effect.

Conclusion

On the basis of its experiences to date, some five years after its establishment, the Panel has identified a number of factors which limit its effectiveness. These include: its inability to issue binding decisions; the fact that it does not have jurisdictional competence over judicial proceedings; the situation whereby it cannot recommend monetary compensation for successful claimants; the position of its limited jurisdiction *ratione temporis*;²⁵ and the fact that it has no *proprio motu*²⁶ trigger of jurisdiction, in that it cannot act of its own volition. These are matters that could be considered when such a Panel may be established in the future in these circumstances.

The Panel is now well established within the CSDP mission infrastructure as an effective accountability mechanism for the protection and promotion of international human rights standards and norms. As such, it serves as an effective means to ensure EULEX accountability for breaches of international human rights instruments in the exercise of its executive mandate in Kosovo. The Panel also provides a good role model for the protection and promotion of human rights and serves as an excellent practical example of human rights accountability for the state institutions of Kosovo.

²⁵ Temporal jurisdiction.

²⁶ Of its own initiative.

It has helped, through its decisions, to provide some respite to those complainants whose human rights have been violated by EULEX Kosovo. By its mere presence, it has both directly and indirectly raised human rights awareness in the Kosovo state institutions and amongst the public at large.

The Panel decisions and their implementation by the HOM have helped to clarify in a practical way and in the operational sense, the accountability of EULEX Kosovo for its human rights violations in the context of its executive mandate responsibility. The Panel Vidovdan Decisions have also been of assistance to EULEX CIVPOL as evidenced by the improvements which came about in its operational planning and organisation for the Vidovdan celebrations on 28 June 2013, which, incidentally, went off almost without incident.

Through its operations, the Panel has enhanced the credibility of EULEX Kosovo from a human rights accountability perspective as it has subjected itself to external scrutiny of its actions in the discharge of its executive mandate in Kosovo. Additionally, it constitutes a potential model or prototype for the implementation of a viable and meaningful human rights accountability mechanism for the protection and promotion of human rights when the European Union next exercises executive authority in a CSDP mission.

Finally, the Panel is making its contribution to the promotion of international human rights protection and accountability and it is playing its part in the development of international human rights law in a mission where the EU is exercising executive powers for the first time in its history.

Can Effective 21st-Century Peacekeeping Operations Only Be Conducted Under the Umbrella of a Security Organisation Such as NATO?

ABSTRACT

Peacekeeping operations under the umbrella of the United Nations (UN) seem to be timeless companions of contemporary land and resource scarcity, multinational crime and terrorism, migration, inter-ethnic tensions and poverty. As of March 2015, the UN are conducting 16 peacekeeping missions with an overall headcount of about 106,000 uniformed and more than 17,000 civilian personnel deployed. Guiding and directing these missions in an extremely complex environment puts high demands on the UN command and control structure and possibly even overburdens the UN capabilities and capacities. This paper examines the statement that effective 21st-century peacekeeping operations can only be conducted under the umbrella of a security organisation such as NATO.¹ Following an initial definition of the key terms, the question “What shapes 21st-century peacekeeping?” will be addressed. Necessary critical capabilities for mission success are derived and will be matched with standing NATO capabilities. The analysis will show that there are good reasons to support but even better reasons to contradict the original statement. It will become evident that a promising task for NATO might be more an enabling role for other regional security organisations rather than acting as a primary peacekeeping force in the first instance.

Peacekeeping and Security Organisations: Setting the Scene

Afghanistan became the theatre for NATO's first peacekeeping mission beyond Europe. The ISAF² Mission, which finished at the end of 2014, marks possibly the latest evolution of peacekeeping in modern times. ISAF, established under Chapter VII of the UN Charter, was authorised to use force to achieve the goals of its mandate. Up to 140,000 troops, deployed countrywide, fought offensive operations up to brigade size, conducted security operations in order to shape terrain, trained police forces and the military, and made major contributions to the economic and governmental lines of effort. However, following the completion of its mission, the effects which ISAF brought to bear with regard to the quality of the peacekeeping and the outcome of its training and mentoring efforts are

¹ North Atlantic Treaty Organisation.

² ISAF: International Security Assistance Force in Afghanistan.

disputed.³ Therefore, it seems of interest to ask if the use of security organisations is the only effective approach to 21st-century peacekeeping. Due to constraints of space, this paper focuses on NATO, as a role model for security organisations, acknowledging the fact that other regional security organisations exist, but also that there are huge variations between different organisations. It is posited that NATO as a peacekeeping organisation is neither the best possible approach to achieving effective 21st-century peacekeeping nor could NATO sustain a large-scale engagement for a longer period without risking its unity and cohesion. The paper will firstly define the term peacekeeping in order to create a common understanding of the critical vocabulary. Following this, the specifics of 21st-century peacekeeping and their demands of military forces will be discussed. Reasons for and against NATO as a capable umbrella organisation will also be presented and critically analysed. The paper concludes with a short glimpse of possible NATO involvement in an enabling role for other organisations in order to better meet the requirements of contemporary peacekeeping.

Peacekeeping: Defining the Concept

There seems little agreement within the international community on an accepted definition of the concept of peacekeeping. Pauwels states, that peacekeeping “has become a catch-all term for all operations that are intended to bolster peace, whether falling under Chapter VI or Chapter VII of the UN Charter.”⁴ Furthermore, the UN itself admits that the “boundaries between conflict prevention, peace-making, peacekeeping, peace building and peace enforcement have become increasingly blurred. Peace operations are rarely limited to one type of activity.”⁵

Durch, Earle, Holt and Shanahan⁶ attempt to define this concept more precisely with reference to the Brahimi Report,⁷ and describe peace building as the effort that takes place in consolidating a post-conflict peace. It bridges between robust peace-enforcement and peacebuilding, where peace builders as “substantive members of a complex operation [...] create the conditions that enable peacekeepers to go home.”⁸ Although the neat listing of peace-enforcement, peacekeeping and post-conflict peacebuilding on a timeline makes perfect sense, reality in Afghanistan has shown that all forms of engagement can appear concurrently, and even regression from a mainly peacebuilding atmosphere back to peace-enforcement is possible.⁹ For the purpose of this paper, peacekeeping will be seen as all international efforts that “support the restoration and enhancement of essential services revitalize and provide support to

3 Felbab-Brown, V. (2013) 'Afghanistan After ISAF', *Harvard International Review*, 35 (2), pp. 65-69.

4 Pauwels, A. (2008) 'NATO as a peacekeeper, a contradiction in terminis?' *Paper presented at the 2007 European Society of International Law Biennial research Forum in Budapest, 28-29 September* [online], available: http://www.esilsedi.eu/fichiers/en/Agora_Pauwels_588.pdf, [accessed 22 April 2015].

5 UN (2015) 'Peace and Security: United Nations Peacekeeping' [online], available: <http://www.un.org/en/peacekeeping/operations/peace.shtml>, [accessed 22 April 2015].

6 Durch, W.J., Earle, C.R., Holt, V.K. and Shanahan, M. (2003) 'The Brahimi Report and the future of UN Peace Operations', *Research Paper Henry L. Stimson Center* [online], available: <http://www.stimson.org/images/uploads/research-pdfs/BR-CompleteVersion-Dec03.pdf> [accessed 22 April 2015].

7 "There are many tasks which United Nations peacekeeping forces should not be asked to undertake and many places they should not go. But when the United Nations does send its forces to uphold the peace, they must be prepared to confront the lingering forces of war and violence, with the ability and determination to defeat them." United Nations (2000) 'Report of the Panel on United Nations Peace Operation' [online], available: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/55/305 [accessed 22 April 2015].

8 Durch et al (2008) op cit, p. 17.

9 In 2009, the USA boosted their troop strength in Afghanistan with an additional 17,000 troops. "The increase is necessary to stabilize a deteriorating situation in Afghanistan, which has not received the strategic attention, direction and resources it urgently requires" Starr, B. (2009) 'Obama approves Afghanistan Troop increase', *CNN Online Article, 18 February 2009* [online], available: <http://edition.cnn.com/2009/POLITICS/02/17/obama.troops/> [accessed 22 April 2015].

stalling peace processes and help to tackle the root causes of conflict.”¹⁰ Peacekeeping Operations must be legitimised by a UN Security Council Resolution.¹¹ Apart from a generic definition of the term peacekeeping, we must also look at what precisely defines so-called 21st-century peacekeeping in order to progress.

What Shapes 21st Century Peacekeeping?

Henderson and White¹² note that the Brahimi Report of 2000 provided a turning point for peacekeeping missions. The Security Council of the UN – following Brahimi’s advice – typically authorises peacekeeping operations under Chapter VI of the UN Charter “to use all necessary means to carry out its mandate [...] including to protect civilians under imminent threat of physical violence.”¹³ In saying so, the authors refer to more robust mandates of peacekeeping forces. This is best illustrated by the MONUSCO¹⁴ intervention brigade that was tasked with neutralising and disarming rebels following its establishment by the UN in 2013.

However, not only have the principles of the mandate changed, but the environment in which peacekeeping must be conducted also seems to have evolved. Le Roy¹⁵ declares that future crisis scenarios will comprise multiple elements: “Land and resource scarcity, multinational crime and terrorism, migration and inter-ethnic tensions, poverty, the age-old quest for fair political representation and freedom will all continue to be potential drivers of conflict.” It is not only the environment that presents challenges, but also time, taking into consideration the fact that “The Arab Spring has shown once again that we cannot always predict when and how it will come.”¹⁶ This volatile, uncertain, complex and ambiguous environment leads to specific requirements for organisations which conduct peacekeeping on the ground. These requirements must be researched in greater depth, in order to assess the suitability of NATO as an umbrella organisation in such a challenging environment.

The Requirement for Peacekeeping Forces to Meet Contemporary Needs

The UN's Department of Peacekeeping Operations (DPKO) stipulates that it is still paramount to create a common understanding among all stakeholders of the objective of UN peacekeeping, and the role that each plays in its realisation.¹⁷ Coherent and integrated approaches with both the UN and actors on the ground have no alternative if the goal is to contribute effectively to the peacebuilding continuum. Additionally, the World Bank underlines the need for the inter-related nature of humanitarian, security and development changes.¹⁸ Tary¹⁹ enunciates this in a concise way by stating that there is a

10 University of Dublin, Trinity College (2015) *Development Studies: UN Intervention and Peacekeeping* [online], available: https://www.tcd.ie/Economics/Development_Studies/link.php?id=98 [accessed 22 April 2015].

11 The necessity for legitimisation in the form of a UN-Security Council Resolution (UNSCR) as a precondition for peacekeeping operations is questioned by some states. However, some European players, including Ireland and Germany, consider a UNSCR as a vital condition that must be established prior to an (military) intervention.

12 Henderson, C. and White, N.D. (2013) ‘The changing Face of Peacekeeping in the 21st century’, [online], available: <http://elgarblog.com/2013/05/29/the-changing-face-of-peacekeeping-in-the-21st-century-by-christianhenderson-and-nigel-d-white/>, [accessed 22 April 2015].

13 *Ibid.*, p. 2.

14 United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo.

15 Le Roy, A. (2011) ‘Looking Forward: Peace Operations in 2020’, *GCSP Geneva Papers* No 23, October 2011, p. 21.

16 *Ibid.*

17 DPKO-DFS (2009) *A New Partnership Agenda. Charting a New Horizon for UN Peacekeeping*, New York: United Nations.

18 World Bank (2011) ‘World Development Report 2011’, [online], available: http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011_Full_Text.pdf, [accessed 22 April 2015].

19 Tary, T. (2011) ‘For a Renewed Consensus on UN Peacekeeping Operations’ *GCSP Geneva Papers* No 23, October 2011, p. 10.

“necessity for developing further the integration of missions and partnerships with other crisis management actors and [...] for multidimensional peacekeeping to commit over long periods of time in support of fragile states.” The message of these authors feeds into the military realisation that a counterinsurgency²⁰ campaign, which is a more than likely scenario in peacekeeping operations, is only 20% military effort and 80% political.²¹ All of the aforementioned authors touch on the requirement for an umbrella, which brings together different actors under a common goal.

On the military side, Le Roy underlines the need to deploy the right capabilities into increasingly complex and high tempo environments. This includes state of the art aviation, information, logistics and communication means, which are “flexible and nimble enough to meet evolving challenges on the ground.”²² Tary also underlines the need for new technologies, such as drones and communications devices, while conducting peacekeeping operations in order to manage the “increased complexity of mandates, in particular with the protection of civilians.” Furthermore, there is the “necessity to adopt flexible country-specific and not standardised approaches.”²³ Le Roy²⁴ also mentions the importance of implementing peacebuilding projects early in the peacekeeping process, given that a capable host nation is always the exit strategy for the troops involved in peacekeeping.

Peacebuilding for the military adds up to providing training and mentoring for the host nation’s security forces and also the ability to provide links to political and economic lines of effort, thus enabling more cohesive interaction with the other actors, particularly non-military organisations. The rule of law and governmental efforts must be coordinated with all military capacity building initiatives. As one can see, 21st-century peacekeeping places high demands on those organisations who conduct operations on the ground. In particular, the need for high-quality equipment and personnel, integrated operations in line with economic and governmental efforts, training and mentoring capabilities is noteworthy. The ability to conduct highly adaptable, non-conventional military operations such as COIN, is a core competence. These demands are difficult for less economically developed nations such as Bangladesh, Benin, Egypt, Ethiopia, India and Nepal, who contribute the bulk of UN Peacekeepers but do not have the same level of military capability as NATO members.²⁵ It seems reasonable therefore, to ask if contemporary peacekeeping, with its high demands, can only be effectively conducted by an established security organisation such as NATO. What follows will elaborate on this question, and present findings which support, but also challenge this contention.

20 COIN: “Counterinsurgency (COIN) is the blend of comprehensive civilian and military efforts designed to simultaneously contain insurgency and address its root causes. Unlike conventional warfare, non-military means are often the most effective elements, with military forces playing an enabling role.” US Government (2009) ‘Counterinsurgency Guide’ [online], available: <http://www.state.gov/documents/organization/119629.pdf> [accessed 22 April 2015].

21 Davidson, J. (2009) ‘Principles of modern American Counterinsurgency: Evolution and Debate’, [online], available: <http://www.brookings.edu/research/papers/2009/06/08-counterinsurgency-davidson>, [accessed 22 April 2015], p. 4.

22 Le Roy (2011) op cit, p. 21.

23 Ibid.

24 Le Roy (2011) op cit.

25 As briefed by Colonel McDermott, former Military Representative of the Irish Defence Forces at the United Nations, during a lecture at the Irish Senior Command and Staff Course on 16 April 2015.

Security Organisations Such as NATO: Capabilities

While the Brahimi Report was a catalyst for change within the UN, the end of the cold war era, with the fall of the Berlin wall, was a catalyst for NATO. The organisation was no longer focused on “great war” scenarios and deterrence; rather it changed its profile,²⁶ diversified and developed into a multifunctional security agency.²⁷ Indeed, nowadays NATO offers many of those capabilities which are required to conduct effective peacekeeping: NATO has standing headquarters at the operational and strategic levels, and thus the capability to plan and direct operations globally. “In comparison with the UN system, NATO has crisp and clear lines of command and control, flexible rules of engagement and powerful well tailored readily available forces.”²⁸ The NATO involvement in supporting the implementation of the Dayton Peace Agreement displayed the potential of NATO in a peacekeeping environment. After the disaster of the Rwanda genocide in 1994, the UN demonstrated a preference for subcontracting to regional security organisations rather than conducting their own operations. During that time, NATO was the only organisation “which was able and willing to deploy the necessary military personnel [...] in a relatively quick period.”²⁹

In addition to classical capabilities, such as unity of command, the possibility of using coercive measures with high precision, sophisticated communications, co-ordination, mature tactics and procedures and command and control structures promote the perception of NATO as highly capable in the conduct of peacekeeping operations. NATO itself also highlights the civil dimensions of peacekeeping as being an essential capability. Milkoreit³⁰ addresses the issue of Post-Conflict Reconstruction (PCR), which presents itself as an umbrella term that incorporates inclusive Security Sector Reform (SSR),³¹ capacity building³² and peacekeeping. Milkoreit³³ argues that NATO could be the key to solving the challenge of PCR for four reasons.

Firstly, NATO has a proven mastery in managing the military aspects of conflict resolution and secondly, it has already tested a combined civil-military approach in adapting the concept of Provisional Reconstruction Teams³⁴ (PRTs) in Afghanistan. Thirdly, NATO is trained in permanent co-operation and communication between different military entities and nations; hence, NATO can incorporate civil partners without any great difficulty. Fourthly, NATO has redefined its purpose and is eager to meet the challenge of 21st-century peacebuilding. Milkoreit concludes with the statement that NATO should even consider reforming into an international reconstruction organisation. As one can see,

26 The print on the shirt of the secretary general of NATO, Mr Robertson, at a ministers meeting in 2003 probably shows best the change in NATO's self-perception: “This ain't your daddy's NATO.” Zarandi, M. and Fitschen, P. (2005) ‘Die Zukunft der NATO – ein Jahr nach dem Irakkrieg’, Arbeitskreis Internationale Politik, Konrad Adenauer Stiftung.

27 The literature on this topic is nearly overwhelming. A good overview is provided by Macinlay and Kent (1997) ‘International Responses to complex emergencies; why a new approach is needed’, *NATO Review*, Web-edition, No 3 May-June 1997, Vol.45, pp. 27-29.

28 Lemos-Maniati, E. (2001) ‘Peace Keeping Operations: Requirements and Effectiveness; NATO's role’, *Paper presented in accordance with the NATO EACP Fellowship*, [online], available: <http://www.nato.int/acad/fellow/99-01/lemos-maniati.pdf>, [accessed 22 April 2015] p. 27.

29 Pauwels (2008) op cit, p. 5.

30 Milkoreit, M. (2007) ‘Opinion: Taking the civil dimension of security seriously – NATO as the post-conflict reconstruction organisation’, [online], available: http://www.nato.int/docu/review/2007/military_civilian_divide/EN/index.htm, [accessed 22 April 2015].

31 Security Sector Reform describes the state and peace building process within the Security Sector in post conflict nations. SSR comprises five Pillars: Justice, Police, Military, Counter Narcotics and Disarmament and Demobilisation.

32 The UN definition for Capacity building is: “Specifically, capacity building encompasses the country's human, scientific, technological, organisational, institutional and resource capabilities.” UNEP (2002) ‘Capacity building: For sustainable development’, [online], available: http://www.unep.org/Pdf/Capacity_building.pdf, [accessed 22 April 2015].

33 Milkoreit (2007) op cit.

34 A Provincial Reconstruction Team (PRT) is an “interim civil-military organisation designed to operate in semi-permissive environments usually following open hostilities.” Center for Army Lessons Learned (2007) ‘PRT Playbook’, [online], available: <http://usacac.army.mil/cac2/call/docs/07-34/07-34.pdf> [accessed 22 April 2015].

the reasons to support the perception of NATO as being a role model to conduct future peacekeeping missions are strong. They also cover almost the entire spectrum of requirements that were discussed earlier and translate into the ability to apply a comprehensive approach.³⁵ However, there are even stronger reasons to counter this view.

Why it Doesn't Succeed: Critical Shortfalls

The reasons why one should question NATO's capability to conduct effective peacekeeping can be separated into two groups, namely legitimacy and willingness. Legitimacy comprises operational (perceived) legitimacy³⁶ and political legitimacy. Willingness includes the element of cohesion, the factor of operational overstretch due to primary obligations, national commitment to send "boots on the ground" to foreign countries and the willingness of NATO to become subordinate to UN authority.

Legitimacy

One of the major pillars of UN peacekeeping operations is impartiality. However, "NATO is quite often described as an organisation that tends to be dominated by the US which uses it as a cover for conducting its own foreign policy."³⁷ This means that the legitimacy pillar will generally be questioned by opposing nations within the UN Security Council (UNSC), resulting in a possible deadlock when it is planned to 'task' NATO with peacekeeping operations.³⁸ Additionally, one might form the impression that NATO under a US lead "considers itself as being the security manager of the world, not constrained by the rules of a collective security system as laid down in the UN Charter."³⁹ Most remarkably, it seems that unlike other security organisations in the field of peacekeeping, NATO does not even have observer status in the General Assembly of the UN.⁴⁰ An enlargement of NATO's tasks beyond collective self-defence⁴¹ would therefore require a complete reconfiguration of the institutionalised relationship between NATO and the UN.

Perhaps of greater importance than the question of political legitimacy is the perceived or 'operational legitimacy' of NATO in the eyes of the population in operational theatres. There would appear to be evidence that this was a weak point of the NATO campaign in Afghanistan. In Islamic States, NATO, as an alliance of Western, therefore, secular-oriented nations, will always have to contend with a 'crusader-image.' Furthermore, Islamic populations tend to be suspicious about the real motives of intervening Western Forces, and frequently view their objectives in terms of a selfish economic agenda.⁴² The very cautious support demonstrated by Western States for the fight against the Islamic State of Iraq in the Levant (ISIL) illustrates this point.

³⁵ The Comprehensive Approach involves political, civilian and military instruments. NATO (2013) 'A "comprehensive approach" to crisis' [online], available: http://www.nato.int/cps/en/natolive/topics_51633.htm [accessed 22 April 2015].

³⁶ "For peacekeepers, [operational] legitimacy explains why a society would be supportive of, and obedient to, a foreign armed force interfering in its affairs." Mersiades, M. (2005) 'Peacekeeping and Legitimacy: Lessons from Cambodia and Somalia' *International Peacekeeping* 12(2), p. 206.

³⁷ Pauwels (2008) op cit, p. 15.

³⁸ The author is well aware that the UN can neither task NATO, nor can NATO follow a UN invitation as 'lead agency' without the prior internal decision of its members. However, the space constraints of this paper do not allow for elaboration on these issues in depth.

³⁹ Pauwels (2008) op cit, p. 14.

⁴⁰ UN (2015) 'Intergovernmental Permanent Observers', [online], available: <http://www.un.org/en/members/intergovorg.shtml>, [accessed 22 April 2015].

⁴¹ See Article 5 of the North Atlantic Treaty and Article 51 of the UN Charter.

⁴² Mersiades, M. (2005) op cit.

Willingness

2014 brought new challenges for NATO, reminding all member states of the original purpose of the alliance. The NATO Summit in Wales in September 2014 was almost entirely dedicated to the perceived threat of Russian Troops in Ukraine, as one can ascertain from the Summit Press Release: “Russia’s aggressive actions against Ukraine have fundamentally challenged our vision of a Europe whole, free, and at peace.”⁴³ This new (but old) theme will require a significant number of central European Forces for a longer period in order to achieve deterrence. One could also suggest that the ‘adventure’ of peacekeeping operations in the last 15 years will now be replaced by the planning of classic operations that will counter a perceived eastern threat. This means that operational and strategic headquarters are more than busy with their own planning and will not be in a position to act as an umbrella for peacekeeping operations in a distant land.

Furthermore, ISAF demonstrated the limits of the member states’ political willingness to contribute with “boots on the ground” far away from the European mainland. As Pauwels puts it: “Especially for ISAF in Afghanistan, NATO experiences many difficulties in persuading NATO members to supply additional forces.”⁴⁴ In addition to the willingness of member states to contribute, the cohesion of the alliance in ISAF can be doubted as Gowan explains: “NATO has been split over whether the mission should have a strong counterinsurgency focus (and thus an aggressive military approach) reflecting differing threat perceptions between the US and Europe.”⁴⁵ Last but not least, it is questionable as to whether a military organisation should really be in charge in acting as an umbrella, while only a minor percentage of the overall peacekeeping and peacebuilding efforts are deemed to be military in nature. Lemos-Maniati describes this dilemma: “NATO, a military structure de facto supports a unity of command. The difference, however, stems from the fact that such unity should be exercised under the NATO structures [...] not under an organisation with non-military structures and thus no military experience.”⁴⁶

So What? Summing up and Weighing Up the Arguments

This paper has provided arguments for and against the assumption that 21st-century peacekeeping can only be efficiently conducted under the umbrella of security organisations such as NATO. In analysing the arguments, it is apparent that the reasons to support this statement are more linked to tactical and operational military capabilities. The reasons against the statement, in contrast, are more related to strategic thoughts and assumptions. However, strategic rationale undoubtedly plays the primary role when it comes to the fundamental decision for or against a peacekeeping operation. Furthermore, the ISAF operation has shown that despite an overwhelming superiority of equipment and quality of personnel, and a genuine attempt to apply a comprehensive approach, the result was still not a satisfactory one.⁴⁷ This is rationalised by some authors as being the result of the overall lack of operational legitimacy of ISAF in the eyes of the Afghan Population.⁴⁸ This leads to the crucial issue of ownership of the problem,

43 NATO (2014) ‘Wales Summit Declaration’ [online], available: http://www.nato.int/cps/en/natohq/official_texts_112964.htm [accessed 22 April 2015].

44 Pauwels (2008) op cit.

45 Gowan, R. (2009) ‘The Future of Peacekeeping Operations: Fighting Political Fatigue and Overstretch’, *Friedrich Ebert Stiftung Research Paper*, 3, March 2009.

46 Lemos-Maniati (2001) op cit, p. 3.

47 Felbab-Brown, V. (2013) op cit.

48 Long, A. and Radin, A. (2012) ‘Enlisting Islam for an effective Afghan Police’, *Survival: Global Politics and Strategy* 54(2) [online], available: <http://dx.doi.org/10.1080/00396338.2012.672769> [accessed 14 September 2014].

which is inseparably linked to regionalism. Regionalism of peacekeeping “is not a new solution, since it is affirmed in the United Nations Charter Chapter VIII.”⁴⁹ Looking at contemporary hotspots from a geopolitical perspective (Africa, Arabian Peninsula) and from an ideological angle (Islamism), NATO is neither the organisation that would fit as a regional security organisation with ties to the states involved, nor as an organisation that would be trusted due to ideological prejudices. Therefore, it is unlikely that NATO will either be willing or legitimised in the eyes of the population in question to act as umbrella in these scenarios.

Outlook: Possible Alternatives to the Active Engagement of NATO

Acknowledging the deficiencies of NATO and following on the principle of regionalism, NATO should invest in developing either established organisations like the African Union (AU) or enabling smaller organisations like the Gulf Cooperation Council (GCC) for effective peacekeeping. This approach would make use of NATO's unquestioned tactical and operational potential and would also avoid major issues at a strategic level, such as the cohesive deployment and sustainment of troops. The development of regional organisations within crisis regions should always consider an appropriate integration of civil capacities and would therefore require more than just the engagement of NATO. The development of the civil aspect of a crisis response organisation could probably be facilitated by the European Union, which already provides an excellent civil supranational cooperation concept itself. In doing so, NATO would not be an active peacekeeping entity, but rather a valuable facilitator of effective peacekeeping operations which would have a reasonable chance of being perceived not only politically, but also operationally as legitimate actors.

⁴⁹ Lemos-Mainati (2001) op cit, p. 35.

Global Maritime Security – Maintaining Public Order of the Oceans

ABSTRACT

The unique nature of the world's oceans unites nations in trade. In the past decade there has been an increasing acceptance among states of their common interest in dealing with emerging maritime security threats. The potential impact of terrorist attacks on global commerce if maritime trade is successfully targeted has compelled states to move from previously exclusively held positions on jurisdiction of Law of the Sea to a more inclusive approach. States have recognised that transnational terrorism requires a united response to maintain global maritime security and freedom of navigation which is essential to the world's economy. This article explores the key role that International Law of the Sea plays in maintaining global maritime security and how Ireland as a maritime nation is playing its part in maintaining public order of the oceans.

The oceans are primarily a spatial extension resource, and their foremost use is as a means of transit and communication, which is why freedom of navigation is the bedrock of maritime interest.¹

Introduction

Security interests in the world's oceans traditionally related primarily to the military interests of states. While the protection of sovereignty and national interests remain the keystone to states' focus in maritime security, after the terrorist attacks on the United States in September 2001 there has been an increasing acceptance among states of the common interest between them in dealing with maritime security threats. This common interest stems from the unique nature of the world's oceans which unite nations in trade, and the potential impact of terrorist attacks on global commerce if maritime trade is successfully targeted. As a consequence, states are now demonstrating a greater sense of urgency in dealing with terrorist attacks on the maritime industry. A number of recent international legal initiatives have been implemented to improve security onboard ships, both at sea and in port, and also in the ports themselves. Most notable is the International Ship and Port Facility Security Code (ISPS) of 2004 which is a multilaterally agreed code that seeks to deal with risk management in the complex international area of the world's ports. The Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation in 2005 authorises navies to conduct boarding at sea for the suppression of terrorist offences. The United Nations Security Council has passed Chapter VII resolutions to deal with pirate attacks in the Gulf of Aden and both

¹ Mc Dougal, M. and Burke, W.T. (1962) *The Public Order of the Oceans*, Newhaven: Yale, p. 564.

NATO and the EU have responded to piracy at sea. The result of these legal initiatives is that navies have become increasingly collaborative in dealing with such threats. The scourges of narcotic smuggling and people trafficking are transnational in nature. The complexity of the law of the sea in deciding in which state's sovereign area the law enforcement measures can take place has resulted in states sharing law enforcement tasks that were previously the sole sovereign concern of one state. The very insidious nature of transnational criminality at sea means that more than one state must address such criminality to effectively combat it.

While there is no universally accepted definition of 'maritime security' it is commonly regarded as "the stable order of the oceans subject to the rule of law at sea."² From a European Union (EU) perspective, maritime security is understood as a state of affairs of the global maritime domain in which international law and national law are enforced, freedom of navigation is guaranteed and citizens, infrastructure, transport, the environment and marine resources are protected.³ Currently international maritime security threats include ship hijacking and piracy, trafficking in humans, narcotic smuggling and use of the sea by transnational terrorist and extremist organisations. The global maritime domain faces threats such as illegal, unreported and unregulated fishing, intentional and illegal dumping, and discharge of pollutants as well as uncontrolled environmental degradation.⁴ Maritime security operations require a balancing act to combat the identified threats without excessively limiting legitimate activities at sea. The unique nature of the world's oceans in international law means that maritime security law is in effect a hybrid form of international law comprised of International Law of the Sea, International Human Rights Law, International Criminal Law and the Law of Naval Warfare, in itself a subset of International Humanitarian Law. Added to this already substantial mix of international law norms, consideration must also be given to both international and national trade, customs and immigration regulations. Maritime security enforcement raises new issues in the exercise of law enforcement jurisdiction and the application of naval power in different locations of the world's oceans.

Maritime security and maritime safety have become intertwined in relevance and importance despite evolving separately. This nexus is arguably unavoidable as both maritime security and maritime safety mutually reinforce each other; "[A] secure maritime space is certainly a safer one; and a maritime regime that prioritises safety is less vulnerable to...threats to security."⁵ If it is considered that the viability of the world economy depends on freedom of navigation to secure maritime transportation systems, then there is critical emphasis given to securing what Mc Dougal and Burke called "the public order of the oceans."⁶ International law has reinforced this public order of the oceans with the United Nations Convention on the Law of the Sea (UNCLOS).⁷ States have since pursued the range of policies provided by UNCLOS and Shearer has claimed that international law is a mechanism for the coastal state to enforce its laws in the superjacent waters to its coastline.⁸ Ireland has taken advantage of ratifying UNCLOS in 1996 to enforce criminal

² Kraska, J. and Pedrozo, R. (2013) *International Maritime Security Law*, Leiden: Nijhoff, p. 2.

³ Council of the EU - EU Maritime Security Strategy Action Plan (doc. 15658/14) Brussels, 16 Dec 2014.

⁴ United Nations Oceans and Law of the Sea, Report of the Secretary General, 10/03/2008, para 40 UN DOC A/63/63.

⁵ *Ibid*, para 36.

⁶ Mc Dougal and Burke (1962) *op cit*, p. 562.

⁷ United Nations Convention on the Law of the Sea, 10 Dec 1982: UN Treaty Series Reg No I-31363.

⁸ Shearer, I. (1998) 'Development of International Law with respect to the Law Enforcement Role of Navies and Coast Guards in Peacetime', *Naval War College International Legal Studies*, 71, p. 429.

law in the territorial sea, customs infringements in the contiguous zone and resource contravention in the exclusive economic zone.⁹ Balanced with coastal states' ongoing creeping jurisdiction into the oceans is the concept of international jurist Hugo Grotius' *mare liberum* or freedom of the seas.¹⁰ In outlining his theory of control of the oceans, Alfred Mahan's concept of maritime power is that sea control is an essential feature of power politics and this can only be achieved by large scale engagements at sea between warships.¹¹ However, contemporary developments have seen a subtle shift from this position towards the concept of Julian Corbett's theory of constabulary sea control. This shift is largely due to the emerging influence of International Law of the Sea on maritime security. The central tenet of Corbett's theory is that it is not enough just to control the seas; force structure should not only include combat power but also widely distributed forces capable of engagement and also exercising constabulary authority.¹² Kraska and Pedrozo maintain that in today's world, International Maritime Law is the most suitable medium for developing a collaborative approach to expanding constabulary authority.¹³

Renaissance in Maritime Security Collaboration

Post 9/11 developments in international law have seen Law of the Sea move from the periphery to centre stage of maritime strategy. The relationship between maritime security and international law must be understood in light of this significant change. Kraska and Pedrozo claim that the prospects of terrorist attacks from the sea prompted negotiation of new agreements under the framework of International Law of the Sea that have awakened a renaissance in maritime security collaboration.¹⁴ Law of the Sea norms and regimes have been central to greater collaboration amongst maritime nations. This collaborative and inclusive nature of the emerging global maritime security regime is "in sharp distinction to the disparate and competing national perspectives on international law concerning counter-terrorism."¹⁵ Unique in the development of international maritime security law is that the building of trust and collaborative decision making is influenced by states, international and intergovernmental organisations. The United Nations Secretariat includes the Division of Ocean Affairs and Law of the Sea and they have played a key role working with the United Nations General Assembly. The International Maritime Organisation also plays a pivotal role in developing codes and guidelines on maritime safety and security. Other agencies such as the International Criminal Police Organisation and the United Nations Environmental Program all contribute to the development of global oceans policy and law. UNCLOS is unique in that as an international treaty dealing with law of the sea, it also includes and was influenced in its drafting by land-locked states. The reality has been grasped by states, international and intergovernmental organisations that ensuring security at sea means that every coastal and littoral state, flag states and even land locked nations must work in collaboration with port states.

⁹ Government of Ireland (2006) *Sea Fisheries and Maritime Jurisdiction Act 2006*, Dublin: Stationery Office. Superjacent waters are defined as the waters above the continental shelf. The contiguous zone is that portion of the sea not included in the territorial seas of the State which lies between the baseline and the outer limit of the contiguous zone, which is 24 nautical miles from the nearest point of the baseline. The exclusive economic zone of the State is the area beyond and adjacent to the territorial seas to the outer limit which lies 200 nautical miles from the nearest point of the baseline.

¹⁰ Grotius, H. (1633) *The Freedom of the Seas, or the Right which belongs to the Dutch to take part in the East Indian Trade* (Maguffin, R. trans), Oxford: OUP, p. 1916.

¹¹ Mahan A.F. (1890) *The Influence of Sea Power Upon History 1660-1783* (12th edn.), Newport: Little Brown, pp. 14-24.

¹² Corbett, J.S. (1918) *Some Principles of Maritime Strategy*, Eastbourne: Longmans, Green & Co.

¹³ Kraska and Pedrozo (2013) *op cit*, p. 12.

¹⁴ *Ibid*, p. 13.

¹⁵ *Ibid*, p. 13.

States have responded to global maritime security threats by using and relying on International Law of the Sea to demonstrate a willingness to cooperate in developing new laws and revising old rules to support their mutual interests. The rise of transnational terrorism and the fear of proliferation of weapons of mass destruction have acted as a catalyst to further developing the Law of the Sea to deal with concerns over maritime security. The recent decade has witnessed bilateral, regional, and multilateral agreements adopted, emphasising that states recognise an inclusive interest when it comes to maritime security issues. However, Klein has observed that recent changes made to Law of the Sea are fragmented because of focussing only on specific threats.¹⁶ There have always been certain binding factors enshrined in Law of the Sea. For instance, coastal state sovereignty over the territorial sea; freedom of navigation on the high seas and in the exclusive economic zone; and the exclusive jurisdiction of the flag state over its vessels, have endured throughout history. Most notable in contemporary attempts to improve the laws relating to maritime security is the relative comfort that states have demonstrated as they effectively sought to move away from these fundamental principles. Any shift from the fundamental tenets of the Law of the Sea has been tempered by the inclusion of certain protections to maintain existing interests, primarily in the area of jurisdiction. For example, while there has been an increase in the opportunities for states to exercise enforcement jurisdiction against foreign flagged vessels on the high seas the retention of preferential jurisdiction by the flag state concerned acts as a counter balance to permitting another state to enforce jurisdiction that was once the sole remit of the flag state. In commenting on this changing status of exclusive flag state jurisdiction, Becker remarked "it has been substantially eroded...leading to a variety of different types of concurrent jurisdiction and inclusive competence to maintain public order at sea."¹⁷

The desire to preserve and enhance global maritime security has resulted in changes to the Law of the Sea which states have considered necessary to ensure continued freedom of navigation. This inclusive and mutual interest in maritime security has resulted in greater cooperative initiatives which reflect the unique nature of maritime security which possesses both an inclusive as well as exclusive claim to ocean space and use. It is clear that the newer amendments to Law of the Sea have promoted inclusive interests to the cost of previously exclusive interests such as exclusive flag state authority over vessels on the high seas. The increased sharing of competences between states has been achieved by treaty law, the United Nations Security Council and political endeavours such as the Proliferation Security Initiative to deal with the unlawful movement of weapons of mass destruction at sea. The authority of the United Nations Security Council to overrule fundamental Law of the Sea principles such as the sovereign immunity of vessels has been demonstrated in its use of Chapter VII powers to deal with certain maritime security threats to international peace and security. While changes have taken place to Law of the Sea under the rubric of global maritime security there has been virtually no impact on the Law of Naval Warfare. While responses to maritime security concerns have relied on the rules relating to the use of force and the Law of Naval Warfare to amend the Law of the Sea, the conduct of military activities have largely remained unaffected by the broader developments in maritime security. States' sovereign interest over their maritime domain

¹⁶ Klein, N. (2011) *Maritime Security and the Law of the Sea*, Oxford: OUP, p. 324.

¹⁷ Becker, M.A. (2005) 'The Shifting Public Order of the Oceans, Freedom of Navigation and the Interdiction of Ships at Sea' *Harvard Journal International Law*, 46, p. 220.

and over the vessels flying their flag has remained an enduring factor which has acted as a cautionary brake on the recent amendments to the Law of the Sea.

The EU Maritime Security Strategy Action Plan

The EU Maritime Security Strategy Action Plan reflects the EU's vision of its role in an unstable, globalised world.¹⁸ Europe's traditional reliance on the sea to import and export goods reflects the geostrategic location and interests of its Member States. For instance, of the 28 EU Member States, 23 are coastal states and 26 are flag states of merchant shipping. EU Member States are responsible for the control of a coastline over 90,000 km in length that borders two oceans and four seas. European ship owners manage 30% of the world's seagoing vessels and 35% of world shipping tonnage - inter alia 55% of container vessels and 35% of tankers, representing essentially 42% of the value of global seaborne trade.¹⁹ The European Union Maritime Security Strategy is based upon four principles: cross-sectoral approach, functional integrity, respect for rules and principles, and maritime multilateralism. The aims of the Action Plan are, inter alia, to enhance the visibility of the EU in the global maritime domain and to strengthen and support EU regional responses ensuring coherence with the EU policies inherent in the Integrated Maritime Policy, the Internal Security Strategy and the Common Foreign and Security Policy. The EU Council is unambiguous in the role that Member States' armed forces are expected to play in a strategic role at sea and from the sea to provide global reach, flexibility and access that will enable the EU and its Member States to contribute to the full spectrum of maritime responsibilities. The sea is a valuable source of growth and prosperity for the EU and its citizens and the reality remains that the majority of the EU's external and internal trade is transported by sea. More than 70% of the external borders of the EU are maritime and Europe's energy security largely depends on maritime transport and infrastructure. Consequently the EU and its Member States have vested strategic interests across the global maritime domain in identifying and addressing security challenges linked to the sea and the management of coastal borders. Allied to this strategic interest in maintaining the security of the maritime domain is the desire to harness the sea's potential for growth and jobs, whilst safeguarding the marine environment. The European Union Maritime Security Strategy provides the political and strategic framework to address maritime security challenges through the employment of all relevant instruments at international, EU and national level. It facilitates improved cross-sectoral cooperation within, between and across civilian and military authorities and actors to encourage maritime multilateralism.

'Harnessing Our Ocean Wealth' - Ireland's Role in Global Maritime Security

Robert Fisk summed up Ireland's geostrategic location in respect of access to Europe from the sea by citing Winston Churchill's reference to Ireland's Treaty Ports as the "sentinel towers of the western approaches."²⁰ In Ireland, ensuring maritime security and surveillance was identified as one of the key means by which the Government can achieve its policy of 'Harnessing Our Ocean Wealth.'²¹ Building on this emerging domestic policy and harnessing the EU Maritime Security Strategy Action Plan's move

¹⁸ European Commission (2014) 'Towards an EU Integrated Approach to Global Maritime Security', Press Release (IP/14/224 2014) Brussels, 6 March.

¹⁹ Ibid.

²⁰ Fisk, R. (1983) *In Time of War, Ireland, Ulster and the Price of Neutrality 1939-45*, London; Paladin, p 43.

²¹ Dept. of An Taoiseach (2012) *Harnessing Our Ocean Wealth - An Integrated Marine Plan for Ireland*, Dublin: Stationery Office.

to maritime multilateralism, Ireland's involvement with the proposed 'Atlantic 5 Co-Operation Framework' is an example of theory being put into practice. The 'Atlantic 5 Co-Operation Framework' seeks to enhance co-operation on maritime safety, security and surveillance between the 'Atlantic 5 Sea Basin' navies. The Atlantic 5 Sea Basin consists of the maritime domain under the jurisdiction of Ireland, the UK, France, Spain and Portugal. That jurisdiction is prescribed by international law and extends to the outer edge of their respective continental shelves which is ordinarily 200 nautical miles. However, in the case of Ireland and Portugal, both of whom have extended continental shelves, such jurisdiction exceeds the normal 200 nautical miles claim. This jurisdiction gives states the right to enforce their laws insofar as International law permits, in this instance particularly UNCLOS. As the State's principal seagoing agency, maritime law enforcement at sea in general falls to the Naval Service who are empowered in various legislative instruments to act unilaterally and also on request from An Garda Síochána, Customs and the Coastguard. Maritime law enforcement remains a Member State obligation under European Union and international law and the European Commission is unequivocal on this "...it is the responsibility of Member States to ensure the effective surveillance of waters under their sovereignty and jurisdiction, and on the high seas."²² Under International Law of the Sea, Ireland has both sovereign and exclusive rights in the Exclusive Economic Zone and continental shelf. These exclusive rights include the development of resources and extraction of energy balanced with the caveat that the State also has obligations to ensure the protection of the marine environment. Following the acceptance by the United Nations of Ireland's submission for an extended continental shelf, which in law is the natural elongation of the State under water, there is now a constitutional obligation on the Naval Service, in accordance with Article 10 of the Constitution of Ireland, to patrol and protect Ireland's sovereign and exclusive rights out to the edge of its continental shelf, where the State's jurisdiction now reaches.²³

In 1920, the UK Prime Minister, Lloyd George, set the framework for the content of the treaty negotiations for the Irish plenipotentiaries of the emerging Free State based on a *fait accompli* of "dominion status and no navy."²⁴ Such an approach clearly retarded the development of the naval component of the then fledgling Defence Forces and further delayed the emergence of Ireland as an independent maritime nation. However, less than a century later it is startling to consider the quantum leap that Ireland has made as a nation in maritime matters. After what has seemed to be an interminably slow start, this most recent progress, particularly in the past decade, is testament to the growing acceptance that Ireland is an island nation with a proud maritime history and tradition. The most innovative approach of this progress in my opinion has been the focus of Ireland's maritime future. The recent economic downturn has forced Ireland to look to alternative and innovative means of growth. Having produced an Integrated Marine Plan, Ireland has set a target of increasing the value of our ocean wealth to 2.4% of GDP by 2030.²⁵ Good governance of our ocean resources is fundamental to enabling Ireland to realise this target which, while laudable, is still below the European average. In 2013 Ireland deliberately chose maritime security and surveillance as one of its key

²² European Commission (2014) 'Communication from the Commission to the EU Parliament and Council' [COM (2014) (451)] Brussels, Final, 8 July.

²³ Government of Ireland. *Constitution of Ireland 1937*, Dublin: Stationery Office.

²⁴ Powell, J. (2014) *Talking to Terrorists, How to End Armed Conflicts*, London: Bodley Head, p. 326.

²⁵ Dept of An Taoiseach (2012) op cit.

EU Presidency Priorities.²⁶ Participation in the European Defence Agency sponsored Maritime Surveillance Project has enabled Ireland to participate in the exchange of operational maritime data aimed at protecting marine trade, natural resources and safety and security at sea. Recognising the cost and efficiency benefit that can be leveraged from mutual co-operation in maritime security and surveillance, Ireland has accepted that it is a maritime nation and is actively playing its role in ensuring continued freedom of navigation on the world's oceans.

Conclusion

Emerging threats to global maritime security will continue to present new challenges to the enforcement of Law of the Sea. Long succinctly summarises that “at the core of the legal regime governing maritime security is the need to foster enhanced international cooperation and coordination.”²⁷ The past decade has witnessed a significant evolution in Law of the Sea as different legal mechanisms are deployed to mitigate the risks posed by maritime security threats, but further change may be warranted to ensure ‘*mare liberum*’.²⁸ Boyle is of the opinion that UNCLOS was intended to have the flexibility to respond to change and because of its negotiating history and near universal approval that it is less vulnerable to unilateral or regional challenges.²⁹ It is unlikely in the short term that there will be any further ceding of coastal state sovereignty or flag state authority. However, to further promote global maritime security a shift in emphasis on a state’s inclusive interests could permit boarding of foreign flagged vessels on the high seas once a treaty to that effect was adopted rather than requiring further consent in addition to the treaty itself as is the current practice. The jealous nature in which states guard their exclusive sovereign rights means that they will almost certainly retain preferential jurisdiction over their citizens and flagged vessels in the near future. Klein suggests that more emphasis on inclusive interests would also allow, by way of further example, a port state to continue with enforcement proceedings rather than allowing the flag state’s jurisdiction to trump the port state.³⁰ While seemingly minor, such a suggested shift in emphasis could produce law that will more effectively promote maritime security in the common interest. This will enable the law of the sea to continue to play a vital role in improving global maritime security. Law cannot achieve maritime security in isolation and future amendments and adaptations must be based on political imperatives, economic and ecological needs considered in conjunction with the law. The continuing evolution of threats to the global economy means that existing gaps and uncertainties must be addressed to deal with new maritime security threats. While certain fundamental tenets of maritime law may seem to have been set in stone, contemporary developments have demonstrated that future responses may need to move beyond what has previously been accepted as immutable in the Law of the Sea.

²⁶ Department of Defence (2013) ‘Challenges and Opportunities in Maritime Security and Surveillance for Effective Governance and Innovation in the EU’s Maritime Domain’, Dublin: Stationary Office, pp. 8-9.

²⁷ Long, R. (2008) ‘Maritime Security Capacity Building – Remarks of the Moderator’, in Nordquist, M., Wolfrum, R., Norton Moore, J. and Long, R., *Legal Challenges in Maritime Security*, Leiden: Nijhoff.

²⁸ Grotius (1633) *op cit*, p. 1916.

²⁹ Boyle, A. (2006) ‘Further Development of the 1982 Convention on the Law of the Sea: Mechanisms for Change’, in Freestone, D., Barnes, R. and Ong, D., *The Law of the Sea, Progress and Prospects*, Oxford: OUP.

³⁰ Klein (2011) *op cit*, p. 326.

To What Extent does the Emergence of an ‘A2/AD’ Threat Challenge the Ability of the US Navy to Fulfil its Strategic Mission?

ABSTRACT

Since 2012, the United States' strategic interest has moved towards the Western Pacific. With a rapidly expanding China exerting increased political, economic and diplomatic influence in the region, backed by a resurgent and technologically advanced Army, Air Force and Navy, the United States (US) faces a new type of challenge. The nature of the Chinese military expansion and the distances involved provide strong indicators that any conflict in this theatre is likely to centre on an Anti Access/Area Denial (A2/AD) strategy. The US, and in particular its Navy, have taken steps to maintain the strategic and operational advantage in this sphere and counter the emerging threat. By examining the nature of the A2/AD threat and the strategic and operational concepts being employed by the US Navy (USN) we can assess the opening moves in what is a finely balanced game of chess taking place on the global commons.

Introduction

The emergence of an Anti-Access/Area Denial (A2/AD) threat has not posed a serious challenge to the US Navy's (USN) ability to conduct its strategic mission. It is however an innovative strategy that has forced the US to review its operational concepts in order to ensure that it doesn't succumb to a strategic or operational surprise. The A2/AD threat has shaped the evolution of the Navy's strategy, tactics and equipment for the 21st Century. This paper will identify what the A2/AD threat is and what impact it has had on the US Navy's ability to conduct its strategic mission. It will examine what that strategic mission is and how the USN is evolving to counter the A2/AD threat. In the paper *Sustaining US Global leadership; Priorities for 21st Century Defence*, the US Secretary of Defence highlights the importance of countering the A2/AD threat at a strategic level; "In order to credibly deter potential adversaries and to prevent them from achieving their objectives, the United States must maintain its ability to project power in areas in which our access and freedom to operate are challenged."¹ In order to do this the US must have a strategy to neutralise the A2/AD threat.

¹ Dept of Defense (2012) *Sustaining US Global leadership; Priorities for 21st Century Defense*. Washington: US Department of Defense, p. 4.

US Naval Strategy up to 2010

Sir Julian Corbett, a 20th Century Naval Strategist, emphasised the importance of command of the sea, noting that it was likely to be limited in time, space and degree. British Naval doctrine defines this as the “condition that exists when one has freedom of action to use an area of sea for one’s own purposes for a period of time and, if necessary, deny its use to an opponent.”² In the post Cold War period “most Western Navies moved away from strategies designed to cater for a major war in Europe to more limited contingencies.”³ The USN now faced a broader range of roles, with a reduced emphasis on large scale engagements. The US roles were increasingly crisis response, peace support and sanctions enforcement. “In 1992, the US Navy, after one hundred years, closed its book on sea power doctrine in the image of Mahan.”⁴ The last symbols of US post World War and Cold War strategy, the mighty battleships, were retired during the 1990s as the US Navy evolved to become smaller, faster, more agile and flexible in response to the changed nature of the tasks being assigned; “For the US Navy, operations would thus take place in the littorals, and they would be in response to a whole range of ‘regional challenges.’”⁵ The USN role in *Operation Joint Endeavour* during the Balkans conflict was an example of the shift in strategic focus, “away from what navies do at sea and toward what they can do *from* the sea.”⁶ It was with this understanding that US Naval strategy developed, focusing on power projection in peace support and crisis management operations.

Sea Power 21

The Department of the Navy set out its strategic vision for the USN and Marine Corps for the 21st century in *Sea Power 21*. In this document, Admiral Vern Clarke identifies the need for a multi-dimensional approach, encompassing sea, land, air, space, and cyberspace and states that “In this unified battlespace, the sea will provide a vast manoeuvre area from which to project direct and decisive power around the globe.”⁷ This policy is seen as being the transformation for a violent era, where the US will face challenges which will “produce frequent crises, often with little warning of timing, size, location, or intensity.”⁸ The policy is a three-faceted approach to dealing with a wide array of problems and ensuring that the USN is able to achieve its strategic mission of projecting force throughout the globe. The three facets are Sea Strike, Sea Shield and Sea Basing. Sea Strike is characterised as ‘Projecting Precise and Persistent Offensive Power’ and Sea Shield ‘Projecting Global Defensive Assurance.’ Both are enabled by the concept of Sea basing, ‘Projecting Joint Operational Independence.’⁹ The evolving USN strategy to ensure that Sea Basing is still viable in an A2/AD environment will be explored throughout this paper.

2 Speller, D. I. (2012). Naval Warfare. In D. Jordan, D. J. Kiras, J. D. Lonsdale, I. Speller, C. Tuck, & C. D. Walton, *Understanding Modern Warfare* p. 138.

3 Speller (2012) op cit, p. 162.

4 Baer, G. (1994) *One Hundred Years of Seapower: The US Navy, 1890 - 1990*, Stanford: Stanford University Press, p. 451.

5 Sloan, C. E. (2012) *Modern Military Strategy. An Introduction*, New York: Routledge, p. 9.

6 Sloan (2012) op cit, p. 8.

7 Clark, V. (2002) ‘Sea Power 21; Projecting Decisive Joint Capabilities’, *Proceedings*, October, Vol. 128/10/1,196, p.1.

8 Clark (2002) p. 2.

9 Dept of Defense (2012) *Joint Operational Access Concept*, Washington: Dept of Defense, p. 15.

Defining the A2/AD Threat

'Anti Access' is defined as "those actions and capabilities, usually long-range, designed to prevent an opposing force from entering an operational area."¹⁰ This can be composed of traditional kinetic actions, such as targeting air and sea assets, but can also include non-kinetic targets such as cyber and communications. 'Area Denial' is defined as "those actions and capabilities, usually of shorter range, designed not to keep an opposing force out, but to limit its freedom of action within the operational area."¹¹ These may be both kinetic and non kinetic, and target land, sea and air forces. Many of these capabilities may be used in both anti access and area denial roles. Therefore, when employed together they form an A2/AD capability.

A2/AD is not a new concept and does not require sophisticated equipment or technology. It is rather an innovative approach to maximising existing capabilities in order to achieve operational advantage and strategic surprise. Mahnken likens the emergence of the A2/AD threat to Egypt's innovative use of surface-to-air missiles and anti-tank guided munitions during the 1973 Arab-Israeli War to inflict a heavy defeat on Israel.¹² It was not a technological or numerical advantage; it was the innovative use of existing technology to provide an operational advantage.

The USN faces A2/AD challenges in a variety of theatres. In the Persian Gulf, for example, the geographic features force ships within range of land-based anti-ship missiles, making an A2/AD strategy cost effective. Iran has tested Khalij Fars anti-ship missiles, which are reportedly capable of Mach 3 speeds and can hit targets at a distance of 186 miles.¹³ If such a weapon were deployed in the narrow Strait of Hormuz, Iran would have a viable method of shutting down most shipments of oil out of the Persian Gulf, as well as slowing the movement of an adversary's surface fleet, posing a serious A2/AD threat. However, US strategic interests are becoming increasingly centred on the Western Pacific Theatre of Operations (WPTO), and it is here that this paper will focus.

PRC Strategy

China's record-setting economic expansion has led directly to its re-emergence as a world power, and to its expansion and modernisation of the People's Liberation Army (PLA), encompassing the Army, Airforce (PLAAF) and Navy (PLAN). O'Rourke states that China is likely to stand out as a defining feature of the strategic landscape of the early 21st Century and that China's military "is now venturing into the global maritime domain, a sphere long dominated by the US Navy."¹⁴ The globalist approach to world security issues¹⁵ would suggest that direct full scale conflict between the US and China is unlikely due to their close economic links and the scale of damage such a conflict would inflict on both nations. However the strategic influence China is exerting in the WPTO is undermining US influence amongst its traditional allies in the area and affecting the day-to-day choices made by Pacific countries "including decisions on whether to

¹⁰ Dept of Defense (2012) *op cit*, p. 15.

¹¹ Dept of Defense. (2012) *op cit*, p. 15.

¹² Mahnken, T. G. (2011) 'China's Anti-Access Strategy in Historical and Theoretical Perspective', *The Journal of Strategic Studies*, 34(3), p. 300.

¹³ Binnie, J. (2012) 'Iran Tests anti-ship ballistic missile', *Janes Defence Weekly*, September.

¹⁴ O'Rourke, R. (2013) *China Naval Modernisation: Implications for US Naval Capabilities - Background and Issues for Congress*, Washington: Congressional Research Service, p. 1.

¹⁵ Baylis, J. (2008) *The Globalisation of World Politics*, London: Oxford University Press.

align their policies more closely with China or the United States.”¹⁶ The 1996 Taiwan Strait incident, in which the US sent two carriers to show support for Taiwan during Chinese missile tests, has shaped the current PRC strategy. Speller identifies the PLAN as being “optimised for costal defence, local sea control” and as having “no serious plans to develop large, blue-water capabilities in the near future.”¹⁷ The PRC has opted to enhance its influence on the sea out to the first chain of islands, linking Okinawa, Taiwan, and the South China Sea and expanding out to the second chain, which extends as far as Guam and New Guinea, by developing its A2/AD capability.¹⁸

While the PLA does not use the term A2/AD, Chinese military writings clearly outline a battle plan that would seek to maximise the effect of their A2/AD capability in order to seize control of an area and make it an extremely costly effort to retake it from them.¹⁹ Van Tol outlines the PRC strategy for a pre-emptive strike, followed by a strategic defence posture that will “confront the United States with the prospect of either paying a very high (and perhaps prohibitive) cost for reversing its gains, or accepting Beijing’s *fait accompli*.”²⁰ In the event that the PRC decided to pursue its strategic goals, such as unification with Taiwan, or the enforcement of sovereignty claims against the Diaoyu/Senkaku Islands through military means, the A2/AD strategy is one which could well be implemented.

PRC A2/AD Capability

The nature of the modernisation of the PLA’s equipment is significant and “many of the capabilities the Chinese military is acquiring reflect a deliberate A2/AD operational approach.”²¹ China’s A2/AD capability aims to be able to restrict USN activities out to the second chain of islands.²² These developments are most notably in the areas of Anti-Ship Ballistic Missiles (ASBMs) and stealth aircraft. The Dong Feng 21D (DF-21) missile is thought to be a significant threat to US carriers even while underway over the horizon. The J-20 Chengdu stealth aircraft represents a significant leap forward for the PLAA in terms of offensive strike capability. There are also significant developments in Anti-Ship Cruise Missiles (ASCMs), Land-Attack Cruise Missiles (LACMs), Surface-to-Air Missiles (SAMs), mines, manned aircraft, unmanned aircraft, diesel submarines, aircraft carriers, destroyers, frigates, patrol craft, amphibious ships, mine countermeasures (MCM) ships and supporting Command, Control, Communications, Intelligence, Surveillance and Reconnaissance (C4ISR) systems including anti submarine warfare (ASW) equipment. Therefore, China’s military modernisation involves “a mixture of incremental innovation, creative innovation, and creative adaptation”²³ to produce a credible A2/AD capability. This reflects its strategy to counter USN capabilities in the WPTO rather than attempting to match them, thereby challenging the USN’s ability to conduct its strategic mission in the region.

16 O’Rourke (2013), op cit, p. 1.

17 Speller (2012) op cit, p. 169.

18 Dept of Defense (2009) *Annual report to congress; Military power of the Peoples Republic of China*, Washington: Office of the Secretary of Defense, p. 18.

19 Krepinevich, A. F. (2010) op cit, p.15.

20 Van Tol, J., Gunzinger, M., Thomas, J., & Krepinevich, A. (2010) *Airsea Battle; A Point-of-departure Operational Concept*, Washington: Centre for Strategic and Budgetary Assessments, p. 21.

21 Van Tol et al (2010) op cit, p.3.

22 Dept of Defense (2009) op cit, p. 28.

23 Mahnken, T. G. (2011) ‘China’s Anti-Access Strategy in Historical and Theoretical perspective’, *The Journal of Strategic Studies*, 34(3), p. 301.

A report by the Congressional Research Service assesses that the PRC has not achieved full operational capacity in these areas as yet: “China would face several short-comings in a near-term A2/AD operation.”²⁴ In particular, China’s intelligence and target acquisition systems may not be able to detect and target US ships out to the effective range of their weapons capabilities. However, it is clear that the PRC is capable of realising these abilities and often in a much shorter time frame than expected. The speed with which the PLA was able to develop an Anti-Satellite (ASAT) Missile and successfully knock out a disused Chinese weather satellite in 2007 after only three attempts, caught US analysts by surprise. The earliest that they had estimated the PRC would have this capability was 2010.²⁵ As recently as 2011, US Secretary of Defence, Robert Gates, acknowledged that US intelligence had underestimated elements of China’s military modernisation.²⁶ Therefore, if the US has in fact underestimated the PRC’s A2/AD capability, its navy could lose what it considers long-standing sanctuaries. This could result in the USN being denied the freedom of action to which it has become accustomed, with the loss of “strategic and operational initiative”²⁷ thereby impacting on its ability to fulfill its strategic mission.

US Strategy

The US Naval strategic mission is not a standalone concept, but is designed to support the US National Security Strategy (NSS). The 2010 NSS paper identifies China as a major centre of influence in Asia, and defines the US military interest as being “to ensure that US interests and allies, regionally and globally, are not negatively affected”²⁸ by the growth of China’s military capability. US economic and security interests are “inextricably linked to developments in the arc extending from the Western Pacific and East Asia into the Indian Ocean region and South Asia, “...we will of necessity rebalance toward the Asia-Pacific region.”²⁹ In global security terms, China’s developing military capabilities present the US with what neo-realists would view as a classic security dilemma. The emerging A2/AD threat is significant, and the US, faced with “unresolvable uncertainties”, are developing what it views as precautions against attack, thus engaging in what Baylis describes as “relentless security competition.”³⁰

The US has adopted a globalist approach to its stated international security policy and its overarching strategic goal is “to assure access to and use of the global commons, both by strengthening international norms of responsible behaviour and by maintaining relevant and interoperable military capabilities.”³¹ In order to achieve this strategic goal, ten key missions are specified for the US Military, including the ability to project power despite A2/AD challenges. To fulfil these missions, the US Military has resolved to employ a joint forces concept to ensure operational access, regardless of the adversary.

24 O’Rourke (2013) op cit, p. 4.

25 Krepinevich (2010) op cit, p. 15.

26 Pomfret, J. (2011) *Defence Secretary Gates: US underestimated parts of China’s military modernisation*, Washington Post 09 January.

27 Van Tol et al (2010) op cit, p. 23.

28 Office of POTUS (2010) *National Security Strategy 2010*, Washington: Dept of State, p. 43.

29 Dept of Defense (2012) *Sustaining US Global leadership; Priorities for 21st Century Defense*, Washington: US Department of Defense, p. 8.

30 Baylis, (2008) op cit, p. 257.

31 Dept of Defense (2012) op cit, p. 1.

Joint Operational Access Concept (JOAC)

The JOAC is “the joint force contribution to assured access, the unhindered national use of the global commons and select sovereign territory, waters, airspace and cyberspace.”³² It is essentially an approach to deal with the emergence of the A2/AD threat in order to ensure that the USN can achieve its strategic mission. In the JOAC there are eleven precepts identified that take cognisance of the A2/AD threat and guide planning, with a focus on how best to counter the threat: “Coupled with the central idea of cross-domain synergy, they provide a description of how joint forces will operate to gain access in the face of armed opposition.” They include some key operational guidance on the application of force, maintaining corridors of access, targeting A2/AD assets in depth and the denial of an opponent’s surveillance and targeting capabilities. The application of this guidance is formalised under the USN Air-Sea battle (ASB) concept. “ASB is a supporting concept to the JOAC, and provides a detailed view of specific technological and operational aspects of the overall A2/AD challenge in the global commons.”³³ The framework for the USN’s approach is outlined in the Naval Operational Concept 2010 (NOC10). The NOC10 outlines how the USN “organises, deploys, and employs current and programmed capabilities”³⁴ to accomplish its near term goals and its role in the “development process, experimentation, and assessment to support long-term joint capability development.”

Air-Sea Battle Concept

The ASB concept is designed “to develop networked, integrated forces capable of attack-in-depth to disrupt, destroy and defeat adversary forces.”³⁵ The ASB can be seen as a military innovation in the same way as the Chinese development of A2/AD. It is designed to provide strategic and operational advantages, before the US is faced with an adversary that can employ A2/AD capabilities to seriously challenge USN operations. The ASB concept calls for a cross-domain approach, whereby the commander, regardless of domain, can call on a variety of assets to “exploit symmetric advantages in specific domains to create positive and potentially cascading effects in other domains.”³⁶ These concepts, when applied with the precepts identified in the JOAC, identify a clear operational approach to defeating an adversary’s A2/AD capabilities. This is vital if the USN is to continue to achieve its strategic mission against an increasingly complex A2/AD threat. The JOAC also calls for a diverse manner of basing options due to the nature of the WPTO and the vulnerability of traditional sea-basing approaches to the A2/AD threat. This will require even closer links between the US and its allies in the area of operations.

³² Dept of Defense (2012) *Joint Operational Access Concept*, Washington: US Department of Defense, p. 1.

³³ Department of the Navy (2013) *Airsea Battle: Service Collaboration to Address Anti-Access & Area Denial Challenges*, Washington: Dept of the Navy, p. 4.

³⁴ Dept of the Navy (2010) *Naval Operations Concept*, Washington: Department of the Navy, p. 95.

³⁵ Dept of the Navy (2013) *op cit*, p. 4.

³⁶ Dept of the Navy (2013) *op cit*, p. 5.

Impact on US Allies

US influence in the WPTO has largely been based on the USN being able to effectively project power into the region without a significant challenge to their freedom of action, as happened during the 1996 Taiwan Strait incident. The emergence of the PRC's A2/AD capability, which could potentially limit USN operational access, may have a significant impact on the attitude of US allies in the region. With the PRC's economic might, proximity and an ever more credible capability to restrict USN operational access, some allied nations may view themselves as being more susceptible to coercive diplomatic, information, military and economic instruments of power. The ASB concept is a very robust approach which calls for deep strikes against key infrastructure, and consequently it is not well suited to dealing with low level conflicts such as the ongoing dispute over the Diaoyu/Senkaku Islands. Therefore, US allies in the region, on whom the US depends for forward bases, may be less enthusiastic about the ASB concept than the USN. So while the emergence of the PRC's A2/AD capability is being balanced through the ASB concept, an appropriate means of deterring aggression of a lower intensity needs to be developed in tandem. In this way, the emergence of the A2/AD threat has challenged the manner in which the USN will conduct its strategic mission.

Conclusion

The emergence of the A2/AD threat has not presented a significant challenge to the USN's ability to conduct its strategic mission. No adversary has successfully conducted an A2/AD campaign that has prevented the USN from achieving its mission. However the emergence of the A2/AD threat has had a major impact on the USN's concepts of operational deployment. Where previously it had been assumed that the USN would have largely unimpeded use of the seas and be able to project overwhelming power at a given space and time, it has now emerged that it will be challenged by the A2/AD capability of various adversaries. With the JOAC and ASB concepts, the USN has developed an operational model that uses cross-domain synergy and maximises the USN's strengths in order to shape the A2/AD environment through kinetic and non kinetic means. While the ASB concept is at one level merely a military-technology issue, the political message behind it is quite clear; it signals that the US is preparing to ensure the preservation of the military status quo in the WPTO and in other domains where an A2/AD threat exists. The ASB concept and the nature of the A2/AD threat are still evolving and it is still unclear which strategy will provide the strategic and operational initiative. What is clear is that to fulfil its strategic mission, the USN will have to be able to ensure free access to the global commons and project force where required, even in a complex A2/AD battlespace.

The Practical Implications of Declaring Cyberspace the Fifth Operational Domain

ABSTRACT

The Defence Forces have recognised the challenges presented by cyberspace¹ for a number of years, with the organisation acknowledging the importance of the protection of its own networks from attack, as can be seen by the establishment of the Computer Incident Response Team (CIRT) in DFHQ CIS Company. This paper examines some of the practical implications of carrying out offensive and defensive operations in cyberspace. It will argue that offensive operations in cyberspace are hugely problematic due to legal constraints, and that, in the era of shrinking military budgets, there will be a temptation to “oversell” the potential of cyber versus kinetic effects. As militaries attempt to establish a foothold in cyberspace, it is suggested that there is potential for unintended spill over onto the other operational domains. Finally, it is concluded that there are parallels between our understanding of the strategic capabilities of the early nuclear deterrent and current military activities in cyberspace.

Introduction

There is some dispute concerning exactly how many of the world’s militaries are beginning to treat cyberspace as the fifth operational domain. It is assessed that the number of militaries devoting resources to developing a cyber capability vary from 20² to 33.³ Whatever the number, it is apparent that militaries are trying to, if not occupy, then certainly gain a foothold in cyberspace. The impact of globalisation on the world’s economy means that it is plausible that if a large American bank was successfully targeted in a cyber attack, “it would have an order-of-magnitude greater impact on the global economy” than the 911 attacks.⁴ The security risks and opportunities that cyber creates now mean that it could be viewed that cyber-warfare is “just as critical to military operations” as other domains of warfare.⁵

Why does this matter? Why are activities that militaries carry out online different, and arguably more significant than those, potentially similar activities carried out by private companies? This essay will attempt to outline some of the practical issues that arise as a result of military involvement in cyberspace.

¹ Cyberspace is defined in the UK Cyber Security Strategy, 2011 as “an interactive domain made up of digital networks that is used to store, modify and communicate information.”

² Nye, J. (2013) ‘From Bombs to Bytes: Can our nuclear History Inform our Cyber Future?’, *Bulletin of the Atomic Scientists*, Vol 69(5), p. 8.

³ Burton, J. (2013) ‘Cyber Security: The Strategic Challenge and New Zealand’s Response’, *New Zealand International Review*, 38(3), p. 6.

⁴ Sanger, D., Markoff, J. and Shanker, T. (2009) ‘U.S. Steps Up Effort On Digital Defenses’, *The New York Times*, available: <http://www.nytimes.com/2009/04/28/us/28cyber.html>, [accessed 13 May 2015].

⁵ Burton (2013) op cit, p. 7.

Firstly, the legal implications of military involvement in cyber space will be assessed, focussing on the legal difficulties involved in launching cyber-attacks against potentially obscured and ill defined targets. This will be followed by an examination of the effect that involvement in the cyber domain will have on militaries themselves, including potential changes in doctrine, and the influence of shrinking defence budgets. Finally, the potential for a cyber-arms race to increase tensions between states will be assessed, as militaries begin to compete with each other.

This paper will focus primarily on the US experience of the militarisation of cyberspace, as the majority of the academic literature available is centred on the US Armed Forces. Given its current dominant military position, it is also arguably the best indicator of the practical threats and opportunities that cyberspace offers.

Potential Legal Implications

In the Air, Land and Sea domains, concepts such as offence and defence are readily understood and are governed by the Law of Armed Conflict. As technology has advanced rapidly and militaries have moved to attempt to harness the potential of cyber warfare, the necessary legal framework has not yet caught up. A consensus on how military involvement in cyberspace should or even could be regulated by International Humanitarian Law has not been reached.⁶

As with other forms of warfare, attack can sometimes be the best form of defence. There are very good technical reasons why a defensive only “fortress model” will not work for cyber⁷ as it is simply building a wall around a network and hoping that there are no weaknesses to exploit. This means that in order to simply protect their own networks, militaries are going to have to develop an offensive capability in cyber. These offensive capabilities raise a number of significant legal issues. While some commentators describe the ability of cyber weapons to break “into enemy computers with pinpoint precision” and to pursue “perpetrators back into their own networks”⁸ the legal basis for this in the Law of Armed Conflict is dubious at best.

The Law of Armed Conflict requires that an attacker is identified prior to launching a counterattack.⁹ However, state and non-state actors may use the ability of the internet to cloud responsibility to launch cyber-attacks because of the “lack of accountability.”¹⁰ Governments and militaries realise that a completely positive identification may not be a black and white process. US politicians asked the first head of Cyber Command, General Keith Alexander “How sure would we need to be about the identity of an attacker to fire back?”¹¹ Even if the attacker is identified, striking back still causes a number of legal difficulties, not least because such a strike would cross international boundaries. This illustrates the difference between what a private company might do to protect their networks, and the potential geopolitical ramifications if a military carried out the same actions across international boundaries.

⁶ Kelsey, J. (2008) ‘Hacking into International Humanitarian Law: The Principles of Distinction and Neutrality in the Age of Cyber Warfare’, *Michigan Law Review*, Vol 106, p. 1430.

⁷ Sanger, Markoff and Shanker (2009) *op cit*.

⁸ Gjelten, T. (2013) ‘First Strike - US Cyber Warriors Seize the Offensive’, *World Affairs*, Jan/Feb 2013, pp. 33-43, p. 34.

⁹ Farwell, J. and Rohozinski, R. (2011) ‘Stuxnet and the Future of Cyber War’, *Survival: Global Politics and Strategy*, Feb-Mar, p. 31.

¹⁰ Kelsey (2008) *op cit*, p. 1446.

¹¹ The Economist (2010) ‘War in the Fifth Domain’, *The Economist*, available: <http://www.economist.com/node/16478792> [accessed 13 May 15].

Despite the ambiguity of the legality of state-controlled cyber-attacks, they are nevertheless allegedly taking place. According to reports, US intelligence agencies mounted 231 “offensive operations” in 2011.¹² The Russian-based cyber attack on Estonia in 2007, which has been referred to as “Web War 1” is a good example of some of the legal dilemmas of an offensive cyber-attack.¹³ The 1977 Additional Protocol I to the Geneva Convention¹⁴ states that countries must “never use weapons that are incapable of distinguishing between civilian and military targets.” Despite this, in Estonia the emergency services telephone number was “unavailable for more than an hour.”¹⁵ The legality of this under the Law Of Armed Conflict is at best questionable, as it has no military function, but it may be said that the anonymity offered by the internet may lead to “more frequent violations of the principle of distinction.”¹⁶

The absence of a clear, unambiguous legal structure with international acceptance also means that the Estonian experience raises the potential invocation of NATO’s Article 5 clause. This could have been interpreted as an armed attack and as Estonia is a member of NATO the question “should the alliance have defended it?” is valid.¹⁷ NATO itself has stated that it will “defend against any threat of aggression and against emerging security challenges”¹⁸ but in a post Iraq Invasion world, it is difficult to see how Western democracies could attempt to justify going to war over an attack whose origins may not be clear cut.

Some commentators argue that there is little realistic prospect for countries to work towards a treaty governing the use of cyber weapons because of the promise of being able to carry out military operations “with minimal expense in lives and resources.”¹⁹ States have made efforts to move towards some form of self regulation. US National Security Directive 16 sets out the “development of guidelines to regulate the use of cyber weapons in war” as a goal.²⁰ Despite this, General Alexander admitted that there is a “mismatch between our technical capabilities to conduct operations and the governing laws and policies.”²¹ The lack of agreement on “the rules of the game” means that the potential for a cyber incident to escalate tensions between countries is significant.

The Effect on Militaries

The potential enhanced capabilities that cyber offers to militaries are now beginning to be recognised. Some senior officers go as far as stating that every military system has “critical cyber components.”²² Military alliances such as NATO have also displayed an increased awareness and have pledged to use “the NATO planning process to enhance and coordinate national cyber-defence.”²³ As well as this growing awareness, countries are beginning to spend significant amounts of money on this new and highly technical

¹² Rid, T (2013) ‘End This Phony Cyberwar’, *New Scientist*, 7 Sep 2013, p. 26.

¹³ The Economist (2010) *op cit*.

¹⁴ ICRC (1977) *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, Geneva: ICRC, p. 26.

¹⁵ Kelsey (2008) *op cit*, p. 1429.

¹⁶ *Ibid*, p. 1436.

¹⁷ The Economist (2010) *op cit*.

¹⁸ NATO (2010) *Strategic Concept For the Defence and Security of The Members of the North Atlantic Treaty Organisation*. Lisbon: NATO, p. 2.

¹⁹ Kelsey (2008) *op cit*, p. 1449.

²⁰ *Ibid*, p. 1430.

²¹ Shanker, T. (2010) ‘Cyberwar Nominee Sees Gaps In Law’, *The New York Times*, available: <http://www.nytimes.com/2010/04/15/world/15military.html> [accessed 13 May 15].

²² Poirier, W. and Lotspeich, J. (2013) ‘Air Force Cyber Warfare - Now and the Future’, *Air & Space Power Journal*, Sep-Oct 2013, p. 73.

²³ NATO (2010) *op cit*, p. 5.

area (for example it has been reported that the US government spends \$4.3 billion a year in military cyber activities²⁴). In the zero-sum game of shrinking military budgets, this is likely to have two effects. The first is that in order to secure funding, military planners are going to have to make an excellent case that cyber will make a significant impact on operations. They are likely to champion the best possible scenario where a cyber attack on a military target “may be capable of effectively neutralising a hostile threat without risking lives or equipment.”²⁵ The second will be that militaries will change their doctrine to take advantage of cyber, and money will be taken out of other areas of military spending.

It has been assessed by some that the US is using cyber in two distinct ways. Firstly, in hybrid operations where kinetic activities are taking place in other domains, (for example, in Afghanistan), and secondly to carry out covert operations such as Stuxnet.²⁶ Stuxnet is likely to be the blue ribbon for the selling of cyber capabilities. During 2011 there was considerable speculation that Israel or the US might authorise air strikes to “retard Iran’s nuclear programme.”²⁷ Stuxnet was “designed and used for the same purpose and with the same effect as a kinetic weapon.”²⁸ The results were spectacular. The inspectors from the International Atomic Energy Agency reported a “23% decline in the number of operating centrifuges from mid-2009 to mid-2010.”²⁹ No lives were lost, and while the cost of the program is not in the public domain, “it was almost certainly less than the cost of a single fighter-bomber.”³⁰

Militaries are already carrying out hybrid operations which combine kinetic and non-kinetic capabilities. The Russian invasion of Georgia in August 2008 saw Georgians “denied online access to news, cash and air tickets.”³¹ The Israeli Air Force was able to strike a partially constructed nuclear site in Syria in 2007 without any response from the Syrian Air Force. It is believed that a cyber attack was able to disrupt the Syrian radar system while the attack took place.³²

These examples show the force multiplier potential of cyber. However there are dangers if this potential is oversold or misunderstood. Some military commanders are suggesting that in the future “planners will choose the effect that will best produce the desired outcome” rather than kinetic or non-kinetic effects.³³ It is not deemed credible that in the short term cyber effects will give reliable, measurable, guaranteed results in the way that kinetic effects can. Therefore, an over-reliance on the effects of a cyber-attack would be unwise. This technology is very new, and is getting more and more complex every year. Unlike other domains, military organisations are not the only entities with the capability of carrying out offensive operations in cyberspace, as it offers a far lower “barrier to entry.”³⁴ Commercial agencies are spending huge amounts of money on internet security, and with the advent of quantum cryptography in networks (which uses physics rather

24 Rid (2013) op cit, p. 26.

25 Kelsey (2008) op cit, p. 1434.

26 Carr, J. (2013) ‘The Misunderstood Acronym: Why Cyber Weapons Aren’t WMD’, *Bulletin of the Atomic Scientists*, Vol 69(5) p. 35.

27 Farwell and Rohozinski (2011) op cit, p. 28.

28 Gjelten (2013) op cit, p. 35.

29 Farwell and Rohozinski (2011) op cit, p. 29.

30 Ibid, p. 35.

31 Sanger, Markoff and Shanker (2009) op cit.

32 McMillan, S. (2013) ‘Running a War by Computer: Cyber Warfare and its Dilemmas’, *New Zealand International Review*, Vol 38 (3), p. 2.

33 Poirier and Lotspeich (2013) op cit, p. 86.

34 Burton (2013) op cit, p. 5.

than mathematical equations for encryption), penetrating defences will become more and more difficult. There needs to be a realisation that the line between cause and effect for cyber will not necessarily be as straight as it is in the case of kinetic operations.

Dr Jamie Shea, head of NATO's Emerging Security Challenges division has described it as "the ultimate in asymmetrical warfare."³⁵ This is perhaps the best prism in which to view cyber. The nature of militaries and their rigid structures will act as a disadvantage in cyberspace. Large states will have effective cyber strategies; however they will be susceptible to attack from the comparatively weak.³⁶ The relative low-cost of the technology will level the playing field to a degree. Large states "may have greater cyber resources than non-state actors, but they also have greater vulnerabilities."³⁷ A large power could be humbled by a smaller foe who is quicker to react in a cyber version of The Six Day War. Taking these issues into consideration, it could be argued that cyber will cause a number of difficulties for militaries themselves.

Militaries Competing in Cyberspace

The rhetoric surrounding the cyber activity of militaries is beginning to resemble some of the language used during the Cold War. Iran is openly bragging about having the world's second largest cyber-army.³⁸ The US Army has officially announced their dedicated cyber brigade (the 780th Military Intelligence Brigade) and has announced that it is including cyber warfare as an "element of strategic doctrine."³⁹ A Chinese Army Colonel has described the US government's cyber policy moving from a "comprehensive defence to a full-scale attack."⁴⁰

As well as not so subtly announcing their capabilities, tensions are being increased due to the activities or suspected activities of militaries in cyberspace. An official in the office of the National Intelligence Director stated very publicly that "Chinese network operations" have been detected in electricity grids.⁴¹ One senior American military source said that if any country were found to be planning logic bombs⁴² on the grid, it would provoke the equivalent of the Cuban missile crisis.⁴³ Reports from internet security companies (Team Cymru & Mandiant) claim that a large number of cyber attacks on a diverse range of targets originate in China.⁴⁴

The language surrounding the potential offensive capabilities of cyber operations is also adding to mistrust. For example, US Air Force Senior Officers describe "hunting and pursuit capabilities to offer real-time defence and response against adversary actions."⁴⁵ This is potentially being focused at a domestic audience for the funding reasons outlined in the previous section. However it is being received by an external audience who, quite legitimately, have concerns about how this technology will be used and how it will affect them. This perception of preparing for offensive cyber attacks is likely to cause friction between states.

³⁵ *Ibid*, p. 6.

³⁶ The Economist (2010) *op cit*.

³⁷ Nye (2013) *op cit* p. 9.

³⁸ The Economist (2010) *op cit*.

³⁹ Burton (2013) *op cit*, p. 6.

⁴⁰ Xu, D. (2013) 'The United States has Launched a "Cyber War" against China', *Chinascopes*, March/April 2013, p. 22.

⁴¹ Sanger, Markoff and Shanker (2009) *op cit*.

⁴² A logic bomb is an unauthorised program that is inserted into a computer system; when activated it interferes with the operation of the computer.

⁴³ The Economist (2010) *op cit*.

⁴⁴ Sanger, Markoff and Shanker (2009) *op cit*.

⁴⁵ Poirier and Lotspeich (2013) *op cit*, p. 83.

Considering the above statements it is understandable how “mistrust and uncertainty in the cyber realm may fuel cyber arms races.”⁴⁶ As well as the language and the rhetoric, the presence of militaries in cyberspace trying to dominate the same ground will cause a rise in tension. Despite the “rigorous, deliberate” training personnel receive⁴⁷ errors can and do happen, and are much more likely to happen if militaries are operating in close proximity to each other. In other domains, there are many incidents throughout history where militaries operating in close proximity caused a rise in tension between states. The near collision in 2013 between the USS Cowpens and a Chinese People’s Liberation Army Navy Ship is a good example of the potential for disaster that proximity of forces can trigger. There is no reason to believe that the cyber domain will be any different.

However, some commentators believe that the deterrence doctrine of “mutually assured destruction” that was prevalent during the Cold War may be applicable to Cyberspace.⁴⁸ The increasingly globalised nature of the world’s economies may act as a buffer to total war being carried out in the cyber domain, because of the catastrophic effects that it would have on economies. In 2003, the Bush administration considered launching a cyber attack on the Iraqi Banking system prior to the invasion, but did not go ahead with it, “fearing an unintended impact on global financial markets.”⁴⁹ The reliance of western democracies and militaries on internet services may prove to be a disadvantage as “dependent on a constantly running Internet system than many of its potential adversaries, and therefore could suffer more damage in a counterattack.”⁵⁰

While currently some find it difficult to “imagine a cyber weapon that could directly cause the death of a human being,”⁵¹ the proximities of militaries in cyberspace and the competition will inevitably lead down the path to more and more destructive weapons. It is not certain if the presence of militaries in cyberspace “lowers the threshold for resorting to war of any sort.”⁵² Virtual objectives could have physical consequences.

Conclusion

There may be parallels in what is happening currently with cyber being sold to politicians and senior military leaders and how the US Air Force was set up. Farley⁵³ argues that the US Air Force was “built on the optimistic vision that ordnance delivered from the air could, cheaply and cleanly, bring about a peaceful, American-dominated world.” Farley goes on to say that the Air Force’s capacity for “independent strategic effect” is “no longer relevant” due to the end of the cold war and of strategic nuclear payload delivery. With this in mind, it is suggested that cyber is not the panacea that some military commanders believe it to be.

The concept of security is now in flux and the “transnational, multi-actor games of the cyber domain”⁵⁴ mean that the idea of national security will be forever affected by the non physical nature of the internet. Non state actors are also contributing to the instability.

46 Burton (2013) op cit, p. 6.

47 Poirier and Lotspeich (2013) op cit, p. 93.

48 Sanger, Markoff and Shanker (2009) op cit.

49 Shanker (2010) op cit.

50 Sanger, Markoff and Shanker (2009) op cit.

51 Carr (2013) op cit, p. 36.

52 Lucas, G. (2010) ‘Postmodern War’, *Journal of Military Ethics*. Vol 9, No 4, p. 294.

53 Farley, R. (2013) ‘America Does Not Need the Air Force’, *Meduim*, available: <https://medium.com/war-is-boring/ff4662469f95> [accessed 13 May 2015]

54 Nye (2013) op cit, p. 13.

Anonymous, the hacktivist group, for example are “running their own foreign policy and carrying out attacks as they see fit.”⁵⁵ The attempt by Georgia to move government websites to the US during the 2008 conflict with Russia shows how easily third parties can be dragged into conflicts, either intentionally or unwittingly.⁵⁶

While the technology has advanced rapidly, the legal and military framework around cyber operations has not, as of yet, been fleshed out. Indeed it could be argued that “conceptually our understanding of the cyber domain is more reasonably comparable to strategic assessments of nuclear arms circa 1950.”⁵⁷

The impact of private military contractors is likely to be a significant factor in the cyber domain as it is in the other domains. As outlined above, militaries are bound by guidelines rather than a concrete Treaty, so the legal position of a private military contractor operating in cyber space will be almost impossible to determine. For example one of the largest French cyber security companies, *Vupen*, “has chosen to comply” with European and international regulations restricting technology exports.⁵⁸ This may not always be the view of *Vupen*'s shareholders.

As technology progresses, it is likely that legal quandaries will continue to be the central practical difficulty for the militaries' move into cyberspace. The introduction of Artificial Intelligence agents as part of a military's arsenal will cause significant legal issues. Some scientists, such as Ronald C. Arkin, argue that “lethal autonomous systems ('killer robots')” would follow the Laws of Armed Conflict more faithfully than humans as they are “immune to hatred, prejudice.”⁵⁹ However, who will be held responsible if a programming error leads to a war crime?

There are real and significant issues surrounding military operations in the fifth domain, and as technology progresses these are likely to become more and more complex.

55 McMillan (2013) op cit, p. 4.

56 Ibid, p. 2.

57 Nye (2013) op cit, p. 9.

58 Gjelten (2013) op cit, p. 40.

59 Lucas (2010) op cit, p. 293.

No, the Sky is Not Falling Down: The Enduring Applicability of International Humanitarian Law in the Development of New Weapons Technologies

ABSTRACT

Mankind is a creative being; he is challenged by the physical, the difficult, and the abstract. Such creativity finds sharp focus in innovation and technological output. The means and methods of warfare and conflict have been net beneficiaries of this creativity. There have been quantum leaps in recent times in areas such as the operation of remotely operated weapon systems as well as automated and autonomous weapon systems. There has also been a recasting of the parameters of what was formerly referred to as the 'battlefield'; cyber operations have thrust conflict into the fifth domain. We know that International Humanitarian Law regulates the conduct of conflict and war; it also exercises a legal supervisory jurisdiction over the technological development of weapons and weaponry. This paper asks whether the existing law is sufficient to meet the significant advances in weapons such as those that have occurred in recent decades. This is done by analysing current technological advancement in weaponry as against the scrutiny of the existing legal supervisory regime.

International Humanitarian Law - is it a case of 'the more things change, the more they stay the same?' Weapon technologies as fielded in the modern 'battlespace' are developing at an exceptionally swift rate. These quantum leaps in the technological development of 'new weapons' [systems], particularly in the last two decades, have sparked concerns regarding the adequacy of International Humanitarian Law (IHL)² to address the challenges that routinely arise.

Indeed, it has become fashionable to deride the current state of IHL as antiquated, insufficient, not fit for purpose and to call for substantial revision. At present in the 'new weapons' area, challenges are presented in the form of:

¹ Any views and opinions that are expressed are mine alone and do not necessarily represent the views of the Defence Forces and the Minister for Defence of Ireland. A note of appreciation to Professor Mike Schmitt of the Law School, University of Exeter for inspiring the title.

² Also referred to as 'The Law of Armed Conflict' (LOAC).

- Cyber warfare & Cyber operations,
- Remotely Piloted Vehicles (also drones),
- Automated and Autonomous Weapon Systems.

Cyber (Cyber warfare and Cyber Operations) has given the media an entirely new lexicon of jargon with terms such as CONFICKER, STUXNET and REGIN to name but a few.³ Concerns are expressed at the apparent difficulty in applying the law to a new type of battlefield – more ‘battlespace’ than battlefield – and a question that arises in terms of IHL is what parameters does the cyber arena have?

In the case of ‘drones’ (more correctly titled Remotely Piloted Vehicles (RPVs) critics claim that their deployment has killed thousands of innocent civilians, and set a dangerous legal precedent that irresponsible governments may abuse. Robotics and Artificial Intelligence are the subject of ongoing technological advances whereby “artificial intelligence has become vastly more sophisticated in a short time, with machines now able to learn, not just follow programmed instructions.”⁴ The military application of such technological advancement is referred to as ‘autonomous weaponry.’ Within this sphere there is an apparent media craze for the ‘Killer Robot.’ Going far beyond the comic exploits of ‘Dan Dare’ in 2000 AD, concerned citizens are being made aware of the potential roll-out of fully autonomous weapons seemingly capable of target identification and engagement albeit without a human being ‘in the loop’ or ‘trigger sequence.’ In the case of fully autonomous weapon systems, a call for an international ban was publicly mooted by the issuing of a Human Rights Watch (HRW) report in November of 2012.⁵

New weapons and technologies have revolutionised warfare since time immemorial. Inventions such as the chariot, the crossbow, gunpowder, the airplane, or nuclear weapons reflect the manner in which new weapons and technology have altered the nature of conflict. IHL as *lex specialis*⁶ applies to the area of ‘new weapons’. But is it adequate? This paper considers whether IHL provides an adequate legal regime for the effective and ongoing supervision and regulation of certain new weapons technological developments.

The Mistaken Notion of the Fair Fight and What IHL is Not

In the context of the utility of technology, consider the biblical story of David versus Goliath. The singular Shepherd encounters the menacing, well armed Philistine Giant. Yet David slays the giant with a single smooth stone launched from his sling. The slingshot, a small lightweight weapon reliant on simple physics to launch a missile with lethal force from a distance was an innovation that rendered moot all of the giant’s physical attributes and overwhelming military advantage. Asymmetrically, it ignored the spirit of the contest. David’s weapon embodied the nature of all technological advances in warfare, which are essentially unfair as they confer a significant advantage on one side over the other. That does not mean they are unlawful.

³ All are variants of malicious software or ‘malware.’

⁴ Cain Miller, C. (2014) ‘Rise of the robot presents major challenge for human workforce’, *The Irish Times*, 22nd December, available: <<http://www.irishtimes.com>>, [accessed 22 December 2014].

⁵ Human Rights Watch (2012) ‘Loosing Humanity; The Case against Killer Robots’, International Human Rights Clinic, Harvard Law School, available: <http://www.hrw.org/sites/default/files/reports/arms1112ForUpload_0_0.pdf>, [accessed 04 November 2012].

⁶ A Latin phrase meaning the law governing a specific subject matter. It comes from the legal maxim “*lex specialis derogat legi generali*.” The doctrine states that a law governing a specific subject matter overrules a law that only governs general matters.

IHL is not and has never been about ensuring a *fair fight*. As a body of law it comprises prohibitions, restrictions and obligations designed to balance a state's interests in effectively prosecuting and waging a conflict (military necessity) with its interest in minimising harm to those involved in that conflict (humanity), i.e. protecting the victims of that conflict.

IHL and the Incessant March of Technology

The issue of new weapons technology and its implications for IHL is not a new question. For centuries nations and their militaries have had to respond to such developments in the means and methods of warfare. These have ranged from hardware developments, such as the crossbow and gunpowder, to the development of particular tactics, such as asymmetric warfare.

In the last two decades in particular, such developments have moved from trigger pulling to button pressing, and included the introduction of a 'proximity gap' – physically removing certain decision makers from the field of battle. The proximity gap represents many things to many people; for some it is a technological advancement, for some it's the stark manifestation of an unfair and unequal balance in the delivery of kinetic force – but is that not a moral argument as opposed to a legal one?⁷ For others the technology has strayed outside the strict parameters given to us by the law and in particular IHL.

The technological development of new weapons presents searching questions. Some issues deserve to be borne in mind throughout this discussion:

- Technology is advancing at such a rate that its measurement is difficult to couple or juxtapose with IHL. Added to this is the burden of secrecy that many states understandably impose on the development of new weapons systems.
- What can be said is that the place of the human being in the decision making process seems to have changed. That is not to assert that the man (or woman) is 'out of the loop' in terms of decision making but it is the point at which that decision is being made which is at issue; it is no longer necessarily on the field of battle. This dislocation is perhaps best captured by Norman Friedman as follows: "To the extent that it works, the place of the human in the system seems to have changed dramatically. The important judgement is now made at a data fusion or intelligence centre..."⁸
- In this debate, which is often infused with policy, morality, or ethical arguments, it is important – whether in the international field or not - to distinguish – but not discard - those arguments from the purely legal discourse.

⁷ "We find ourselves tangled in legal and moral knots over the RPV (Drone), a weapons platform that can find and strike a single target, often a single individual via remote control." Bowden, M., (2013) 'The killing machines: how to think about drones', available: <http://www.theatlantic.com/magazine/archive/2013/09/the-killing-machines-how-to-think-about-drones/309434/>, [accessed 27 September 2013].

⁸ Friedman, N. (2010) 'UCAVs: A New Kind of Air Power?', Royal United Services Institute (RUSI) Defence Systems, June 2010, p. 62.

The challenge to IHL – albeit in general terms – was outlined in a speech by the then UK Secretary of State, Dr John Reid, MP: “Much has been achieved in current legal frameworks. But warfare continues to evolve ...”⁹ Dr Reid’s critical conclusion was that: “We risk continuing to fight a twenty-first century conflict with twentieth century rules.”¹⁰

What Does IHL Require in the Consideration of New Weapons?

Over the centuries IHL, in its various guises, has always had as its focus on the regulation of armed conflict so as to protect the victims of war. Since the St. Petersburg Declaration of 1868,¹¹ which banned the use of projectiles of less than 400 grammes, the international community has attempted to regulate new technologies in warfare. The declaration set out general principles which would later inform the entire approach of IHL towards new weapons and methods of warfare. There are essentially four pillars of IHL on weapons:

- Nations can choose the methods and means of war, but this right is limited. The rules must be obeyed.
- Weapons that do not have the ability to discriminate between civilian and military targets are prohibited.
- Weapons and weapons platforms or systems that cause unnecessary suffering are also prohibited.¹²
- Weapons that the international community decides are abhorrent for some other reason are prohibited. This was seen at the 2008 Dublin Diplomatic Conference which adopted the Convention on Cluster Munitions.¹³

A further defining IHL theme is found in the [Von] *Martens Clause*.¹⁴ Taking its name from a declaration read out by the Russian delegate at the Hague Peace Conference in 1899,¹⁵ the Clause has formed a part of IHL since its first appearance in the preamble to the 1899 Hague Convention (II) with respect to the laws and customs of war on land.¹⁶ The widest interpretation is that conduct in armed conflicts is not only judged according to treaties and custom but also to the principles of international law.

9 Reid, J. (2006) ‘Twenty-First Century Warfare – Twentieth Century Rules,’ a paper delivered at RUSI, available: <<http://www.rusi.org/downloads/assets/Reid.pdf>>, [accessed 03 April 2006], p. 13.

10 Reid (2006) op cit, p. 15.

11 The Declaration Renouncing the use, in time of war, of certain explosive projectiles. Saint Petersburg, 29 November to 11 December 1868.

12 A weapons system covers the entire range of weaponry capabilities embodied in a single entity capable of delivery to an intended target area. A weapons platform may be as simple as a vehicle to transport a weapons system or its components.

13 Subsequently signed in Oslo on 3- 4 December 2008. The Convention on Cluster Munitions [‘CCM’] prohibits all use, production, transfer and stockpiling of cluster munitions.

14 “Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity and the requirements of the public conscience.”

15 Fyodor Martens introduced the declaration after delegates at the Peace Conference failed to agree on the issue of the status of civilians who took up arms against an occupying force.

16 Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899.

A modern restatement can be found in Art 1(2) of Additional Protocol I.¹⁷ Importantly, the International Court of Justice (ICJ) in the Nuclear Weapons Case¹⁸ found the clause: “has proved to be an effective means of addressing the rapid evolution of military technology.”¹⁹

In order to determine the overall lawfulness of a weapon system, there are two distinct aspects of IHL that must be borne in mind: *weapons law* and *targeting law*. Weapons Law verifies that the weapon itself is lawful. Targeting Law determines whether the use of the weapon system during hostilities might be prohibited in any manner under IHL. A weapon must satisfy both of the above aspects before it may be lawfully used in a conflict.

- *Weapons Law*: In deciding whether the weapon system itself is lawful, there are two distinct rules that apply. The first rule is that the weapon system must not be indiscriminate by its very nature. A weapon is deemed indiscriminate by nature if it cannot be aimed at a specific target and would be as likely to strike civilians as combatants.²⁰ Found in Additional Protocol I to the Geneva Conventions, the rule is considered to be reflective of customary international law.²¹ The second rule is that a weapon system cannot cause unnecessary suffering or superfluous injury.²² This rule, also considered reflective of customary international law,²³ seeks to prevent needless or inhumane injuries.
- *Targeting Law*: Assuming the particular weapon satisfies the above weapons law rules, the weapon platform/system must then be examined in the context of ‘targeting’ law to determine whether the actual use of it might be prohibited in some manner. To conduct this analysis, three core IHL requirements are particularly salient: distinction, proportionality, and precautions in the attack.²⁴ The principle of ‘Distinction’ in IHL has been recognised as ‘cardinal’ by the International Court of Justice, which has also described it as “intransgressible.”²⁵ Distinction is highlighted in a number of IHL rules, the two most fundamental being the customary law prohibitions on making civilians and civilian objects the principle focus of attack.²⁶

17 Additional Protocol I. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 51(4)(b), June 8, 1977, 1125 U.N.T.S. 3 at Article 1(2) [hereinafter AP I]. “In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from dictates of public conscience.” The clause represents customary international law.

18 *Legality of the Threat and Use of Nuclear Weapons* (1996) 1C 226, International Court of Justice, [hereafter the ‘Nuclear Weapons Case’].

19 *Ibid*, para 78.

20 AP I, op cit, Article 51(4)(b).

21 International Committee of the Red Cross (ICRC) (2005), *Customary International Humanitarian Law* (J. Henckaerts & L. Doswald-Beck eds.), Rule 7 [hereafter ‘CIL study’].

22 AP I, op cit, Article 35(2).

23 ICRC (2005) op cit, CIL Study at Rule 70.

24 A weapon system, even one deemed lawful under the above tenets of weapons law, may not be lawfully used if, based on the circumstances, its use would violate any one of these three requirements.

25 The Nuclear Weapons Case at paragraph 78, op cit.

26 AP I, op cit, Articles 51(2) and 52(2) respectively.

In order to verify compliance with the two weapons law rules listed, a state intent on fielding a new weapon must conduct a thorough *legal review [of the new weapon]*. This requirement for a legal review, which appears in Article 36 of AP I, ensures that the weapon is not indiscriminate and that it would not cause unnecessary suffering or superfluous injury.²⁷

Is this law said to be set in stone? In response to the criticisms leveled at IHL, its supporters have in part emphasised the *evolutionary flexibility* of IHL. This flexibility has allowed the law to evolve in a manner that adapts to the developments in both technological capabilities (means) and tactics (methods) employed in armed conflict. This flexibility has included specific measures to ban weapons when seen as appropriate. More importantly, IHL has demonstrated its flexibility through the defining principles underpinning its operation. These principles: military necessity, humanity, distinction and proportionality—are of an enduring quality and provide a benchmark against which developments in technology and tactics can be assessed as to their lawfulness. Professor Christopher Greenwood, writing in 1998, identified this flexibility as the key strength of IHL.²⁸

There are other aspects that merit consideration. Colonel Darren Stewart focused on the positive benefits that technology affords IHL in the examination of new weapons: “... technological advances in weaponry frequently work to enhance application of LOAC, particularly in the areas of distinction and proportionality.”²⁹

In general, history shows that laws have always been adapted to better suit the times. When they become outdated, or less relevant, or less applicable to the realities of the day, they have been amended, repealed or revoked. This is true of all laws, domestic or international and IHL in our particular context.

The question then arises as to whether IHL has been able to adequately respond to the challenge of the changing character of weapons or if a fundamental root-and-branch reassessment is required. It is necessary to cast a brief eye over some of these weapon platforms/systems.

I - Cyber Warfare & Cyber Operations

Cyber Operations are conducted against or via a computer or a computer system through a data stream. Cordula Droege from the International Committee of the Red Cross (ICRC) states: “Such operations can aim to do different things, for instance to infiltrate a computer system and collect, export, destroy, change, or encrypt data or to trigger, alter or otherwise manipulate processes controlled by the infiltrated system.”³⁰

²⁷ “In the study, development, acquisition or adoption of a new weapon or method of warfare, States Parties have an obligation to determine whether its use would, in some or all circumstances, be prohibited by Additional Protocol I or by any other rule of international law.” Article 36 of AP I. Customary law requires this legal review of weapons and weapon systems, also referred to as the ‘means of warfare’, and these reviews are thereby required by all states, including those not a party to AP I.

²⁸ Greenwood, C. (1998) ‘The Law of Weaponry at the Start of the New Millennium’, in *The Law of Armed Conflict into the next Millennium*, 185, 221 (Schmitt, M.N. & Green, L.C. (eds.)), (Vol. 71, US Naval War College International Law Studies) p. 54.

²⁹ Stewart, D. (2011) ‘New Technology and the Law of Armed Conflict,’ Ch X in *International Law Studies*, Volume 87 ‘International Law and the Changing Character of War,’ p. 272.

³⁰ Droege, C., (2011) ‘No Legal Vacuum in Cyber Space’, ICRC Interview, available: <<http://www.icrc.org/eng/resources/documents/interview/2011/cyber-warfare-interview-2011-08-16.htm>>, [accessed 28 February 2014].

There are some points to be borne in mind:

- With all apologies to Hollywood, some 'matrix-like' realm of cyberspace which bears no connection to the 'real-world' does not exist. Actors still act in physical space; hardware and networks (even wireless and virtual ones) still require physical constructs. However, that is not to argue that computer network attacks fit neatly into the humanitarian law paradigm that has developed over the last century. There are unresolved questions.
- In order to apply extant IHL norms to Cyber operations, it is necessary to accept various interpretative premises. Most important are the consequence-based interpretations of "armed conflict" and "attack." In the absence of such understandings, the applicability, and therefore adequacy, of present-day humanitarian law principles would come into question.

In addition, cognisance must be taken of the ongoing debates between experts in relation to the laws applicable in conventional armed conflicts and their correlation to cyber operations. These debates, such as the current discourse on direct participation in hostilities as applied to cyber operations, the cyber targeting of dual-use facilities, the difficulty of attribution in cyber space when acting in self-defence and/or counter-attacking, what precautions in cyber attack are necessary, cyber perfidy, the difficulty of determining an 'organised armed group' from within virtual hacker groups and trying to impose parameters on cyberspace. These, and more, form the background to the ongoing discussion of the application and interpretation of IHL as it applies to computer network attacks and cyber operations generally.

It is not just academic debates. The 'Talinn Manual' project convened to consider the applicability, or otherwise of IHL to cyber operations, has concluded, after three years of rigorous examination, that the legal regime prescribed by IHL is fully applicable and generally adaptable to this form of conflict.³¹

Concerns remain regarding the application of IHL to these areas.³² As with other challenges to be addressed, the reply to the question of whether IHL is fit for purpose in the 'cyber scenario' is that IHL is not necessarily the answer today but that it has the inherent flexibility and adaptability to formulate the answer for tomorrow.

II - Remotely Piloted Vehicles (RPVs) (also Drones)

Much has been written about 'Drones' – correctly termed 'Remotely Piloted Vehicles' (RPVs). RPVs are not new - first used for surveillance, they have had a remarkable rate of development in the last two decades. Unarmed RPVs can, for example help detect fires and therefore save lives. However, while possessing an undoubted civil utility, by

³¹ The Talinn Manual on the International Law Applicable to Cyber Warfare, (2013) Schmitt, M.N. (Gen. Ed.), available: <http://www.ccdcoe.org/249.html>, [accessed 28 February 2014].

³² See, for example, Brown, D., (2006) 'A Proposal for an International Convention to Regulate the Use of Information Systems in Armed Conflict' *47 Harv. Int'l L.J.* 179; and, Hollis, D.B. (2007) 'Why States Need an International Law for Information Operations' *11(4), Lewis & Clark L. Rev.* 1023.

mid-2010 over forty states and other entities possessed RPVs, many with the capability of launching missiles and dropping bombs.³³

What is novel about the RPV is that it combines known technology in an original way—aircraft, global telecommunications links, optics, digital sensors, supercomputers, etc. When armed, it becomes a technologically enhanced, highly specialised tool: a weapons platform that employs and harnesses simple physics to launch a weapon (e.g. missile) with lethal force from a significant distance, a first step into a world where going into conflict does not mean deploying an army, or putting any of your own soldiers, sailors, or airmen at risk.

The RPV is effective but – to be fair - rather technologically unremarkable. Advocates of its use (correctly) hail its extraordinary precision as a weapons platform which makes it an advance in humanitarian warfare. In theory, when used with principled restraint by the operator, it is undoubtedly capable of rigorous compliance with IHL. But many well reported incidents of RPVs have given rise to recurring questions of legal ambiguity and consequent concern.³⁴ RPVs are not specified in any weapons treaties. The fact is that an RPV is not a weapon, but rather a weapons platform (or a weapons delivery system). While technological advancement has meant that certain RPVs include various automated functions, the piloting is not done by an individual in the cockpit but by a pilot in a remote physical location. RPV pilots are no different to pilots of manned aircraft such as attack helicopters or other combat aircraft as far as their obligations to IHL are concerned.

Essentially, RPVs have not created a revolution in legal affairs. The current rules of IHL are indeed adequate for the legal regulation of RPVs (or ‘Drones’).

III - Automated & Autonomous Weapon Systems

Within new weapons technology it is firstly necessary to distinguish between weapons that have a high level of automation or automated features and those weapons that might be said to be truly (or fully) autonomous:

- *Automated weapons*: improvements in weapon technology have meant that various weapon systems have varying degrees of automation. Here, we are examining the application of IHL to weapons that do not in the final stages retain that continuum of automation. In short, the human being remains ‘in the loop’ – pressing the button as opposed to pulling the trigger. Nonetheless, the man/ woman is NOT out of the loop. As with RPVs IHL applies.
- *Truly Autonomous weapon systems*: units in this category work in conjunction with artificial intelligence and vision or sensor systems to respond in a rudimentary way to environmental stimuli. Truly Autonomous weapons are those weapons which have the capability of functioning without human input or supervision – no ‘man/ woman in the loop’. Such weapons must be able to:

³³ UN, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, (2010) , Alston, P., ‘Addendum, Study on Targeted Killings’, U.N. Doc. A/HRC/14/24/Add.6, p. 9 (May 28, 2010), available: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A_HRC.14.24.Add6.pdf>, [hereafter the ‘Report of the Special Rapporteur’], [accessed 28 February 2014].

³⁴ Ackerman, S., (2014) ‘US drone strikes – the facts on the ground’, *The Guardian*, 24th November , p. 12.

- identify (possible) threats/ targets/ adversaries,
- determine what course of action to take or initiate when the target is identified (i.e. whether to fire or not),
- aim, fire, and reload - all without human operation or intervention.³⁵

However, with the incessant development of technology in this area comes a growing concern for legal, ethical and philosophical issues. The qualification 'autonomous' implies that a weapon bears responsibility for its own actions, that it is (or might be) the computer's fault. This attitude could obviously lead to a denial of responsibility with respect to warfare involving autonomous weapons and difficulties with the necessary attribution of responsibility.

Although most robotics experts predict fully autonomous weapon systems will not be available for use on the battlefield for a number of years, the debate over the lawfulness of such systems has nonetheless begun. In November 2012, Human Rights Watch (HRW) released a report entitled *Losing Humanity: The Case against Killer Robots*.³⁶ In the report, HRW advocates for an international treaty prohibiting the development, production, and future use of fully autonomous systems.³⁷

IHL practitioners have continued to analyse this area. In terms of applying existing IHL, an interesting finding arises in terms of accountability, or the apportionment of responsibility. The question of accountability in the case of remotely operated or piloted vehicles (albeit with high levels of automation) is relatively straightforward. An operator controls the device; as a consequence the actions of that device can be attributed to that operator, or to his commander in the context of directing action.

This equation becomes much more problematic in the case of 'truly' autonomous systems. The very nature of autonomous systems implies that they have an artificial intelligence capable of analysing information, determining a course of action based on this analysis and then executing that response, all without the intervention of a human operator. The future deployment and operation of the autonomous device creates considerable challenges for the IHL minded Prosecutor in terms of establishing the relevant nexus of culpable behaviour by a human such as to give rise to criminal liability. However, there is scope for the attribution of responsibility in terms of whom, or what state deploys these weapon systems and also the level of programming involved, as well as its source.

As with any weapons system, concerns remain that need to be addressed and include 'discernment', i.e. the ability for a machine to discern/distinguish between a combatant, a Prisoner of War and a casualty;³⁸ the existence of a 'failsafe' or default setting which may require human interjection (thus not as a truly autonomous weapon system), and the

³⁵ The UK Ministry of Defence define an autonomous weapon system as one that "is capable of understanding higher level intent and direction. From this understanding, and perception of its environment, such a system is able to take appropriate action to bring about a desired state. It is capable of deciding a course of action, from a number of alternatives, without depending on human oversight and control, although these may still be present. Although the overall activity of an autonomous weapon system will be predictable, individual actions may not be." UK MOD, Joint Doctrine Note 3/10, 'Unmanned Aircraft Systems: Terminology, Definitions and Classification', available: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33713/JDN310Amendedweb1June10.pdf, [accessed 28 February 2014].

³⁶ Human Rights Watch (2012) op cit.

³⁷ Human Rights Watch (2012) op cit, p. 2: "[F]ully autonomous weapons would not only be unable to meet legal standards but would also undermine essential non-safeguards for civilians." Therefore, they "should be banned and . . . governments should urgently pursue that end."

³⁸ While autonomous robots are less likely to commit unplanned rage-filled war crimes, they enable the type of deliberate war crimes that a professional soldier might refuse. Neither are they governed by passions of loss, anger, or revenge. And machines do not suffer from fatigue that can cloud judgment. A computer has no anger to make it lash out, but it also has no pity, no disgust, and no sense of guilt. It does whatever it is programmed to do.

ever present moral question – the placing of killing power in the hands (binary codes?) of a machine.

The respondents to the HRW claim argue that:

- Autonomous weapon systems will have to be integrated into human warfare as a human-system collaboration, but are highly unlikely to entirely replace the human (as concluded by the US Department of Defence review of 2012).³⁹
- Prof. Michael Schmitt argues that HRW is to be commended for drawing attention to the issue of fully autonomous weapon systems. But in his general criticisms of a general ‘the sky is falling down’ scaremongering approach commented “... in the absence of even a single such system being fielded, it is premature to draw conclusions either as to their legality or to the broader issue of whether they should be banned as a matter of policy.”⁴⁰

Robert Tarrant addressed the policy issue of taking the human out of the loop when writing in the Defence Forces Official magazine:

... [N]o robot can replace the dynamics of human interaction or intuition when it comes to the areas of politics and/or command. It is our greatest flaw and strength that we do not act or behave in entirely programmed patterns as a computer does. Reducing warfare to binary codes would make the act itself entirely pointless and devoid of meaning. In short, conflict is a human thing.⁴¹

The ICRC convened an international expert meeting on autonomous weapon systems in 2014. It brought together government experts including roboticists, jurists, ethicists, and representatives from the UN and non-governmental organisations. The aim was to gain a better understanding of the particular issues raised by autonomous weapon systems. A number of issues were highlighted at the expert meeting, including:

- An awareness of the fact of rapid progress in civilian robotics in the past decade, but existing autonomous robotic systems have some key limitations: they are not capable of complex decision-making and reasoning performed by humans; and they have little capacity to perceive their environment or to adapt to unexpected changes.
- A recognition of the importance of maintaining human control over selecting and attacking targets, but less clarity on what would constitute ‘meaningful human control.’
- Acknowledgement that autonomous weapon systems that are highly sophisticated and programmed to independently determine their own

³⁹ US Department of Defense (DOD) (2012), ‘Autonomy in Weapons Systems,’ Directive Number 3000.09, November 21, 2012, available: <<http://www.dtic.mil/whs/directives/corres/pdf/300009p.pdf>> [accessed 10 Sept 2013], pp. 1-2.

⁴⁰ Schmitt, M. N. (2013) ‘Autonomous Weapon Systems and International Humanitarian Law: A Reply to the Critics,’ *Harvard National Security Journal*, Vol 4, available: <http://harvardnsj.org/wp-content/uploads/2013/02/Schmitt-Autonomous-Weapon-Systems-and-IHL-Final.pdf>, [accessed 17 Sept 2013], p. 37.

⁴¹ Tarrant, R. (2013) ‘Remote Fire: the Advent and Future of Drone Warfare,’ *An Cosantoir*, July/ August, p. 21.

actions, make complex decisions and adapt to their environment (with 'artificial intelligence') do not yet exist.

- Confirmation that the development and use of autonomous weapon systems in armed conflict is governed by IHL, including the obligation to undertake legal reviews in the study, development, acquisition or adoption of new weapons.
- Acknowledgement that programming a machine to undertake the qualitative judgements required to apply the IHL rules of distinction, proportionality and precautions in attack, particularly in complex and dynamic conflict environments, would be extremely challenging.
- Even if autonomous weapon systems could be used in compliance with IHL rules, ethical and moral challenges need to be considered carefully.⁴²

Once again, it seems the application of policy, moral and ethical considerations may hold as much sway as the law. What can be said however is that the existing body of IHL will have a considerable influence on how the debate evolves.

Is it a Case of the More Things Change, the More They Stay the Same?

The apparent clamour to revise and even replace principles comes at a time when IHL, even as it relates to conventional armed conflict, is under greater academic and legal scrutiny than ever before. On a daily basis IHL matters in very real ways in the modern battlespace – to both the civilian population and combatants. Notwithstanding its critics, IHL in its treatment of 'new weapons' continues to offer a balanced, civilising effect as part of a system of law providing a broad regulatory framework intended to afford protection to the victims of conflict.

In this context, flexibility (coupled with application and compliance) is an inherent strength. Whether the current developments in technology will constitute a 'watershed' or defining moment in the evolution of warfare remains to be seen. Calls to create new standards or to interpret the law in ways that seek to regulate the unknown, or at least the 'not yet known,' do not stand up against an assessment of what IHL provides in terms of a system of law that regulates not just the introduction of new technology, but also its application, and of course, its likely victims.

The future holds interesting possibilities for the ever present challenges presented by the development of 'new weapons'; these include; the *publication of new weapon reviews* not presently favoured by many states, the formulation of *more precise obligations* on states parties who hold an advantage in areas of technological development (also referred to by Colonel Darren Stewart as *common but differentiated responsibilities*).⁴³ There is also the possibility that the International Community may move to prohibit or expressly ban such weapon systems or platforms as earlier outlined. However, all of this will happen under the umbrella of our existing body of IHL and not to its exclusion. It is necessary to keep to the forefront of one's mind what IHL actually is. It is not about

⁴² ICRC (2014), Report of the ICRC Expert Meeting on 'Autonomous Weapon systems: technical, military, legal and humanitarian aspects', 26th–28th March 2014, Geneva, available: <https://www.icrc.org/eng/assets/files/2014/expert-meeting-autonomous-weapons-icrc-report-2014-05-09.pdf>, [accessed 05 January 2015].

⁴³ Greenwood (1998) op cit, p. 276.

ensuring a fair fight. As outlined, its flexible and adaptive nature allows IHL to respond to challenge and also to challenging technological developments at any one point. George Abi –Saab describes IHL as representing a balance between two dynamic forces: “... the requirements of humanity on the one hand, and military necessity on the other. It is the dialectical relation between these two forces, in the light of historical experience, which determines the contents, contours and characteristics of the law of armed conflict at any moment in time.”⁴⁴ Coupled with this, it is hard to argue with Christopher Greenwood’s call for a primary focus on the effective application of the IHL that exists today as opposed to rushing off to draft new laws for tomorrow.⁴⁵

Aside from the law, it is essential to bear in mind that the values of the international community evolve over time. As they do, IHL will be reinterpreted. To take one example, the reliance of societies on cyberspace continues to grow. It is reasonable to expect the notion of attack will be reinterpreted in order to afford greater protection to such activities and the entities, like data, on which they rely. Beyond reinterpretation, states may craft new law to prohibit weapon systems that (although compliant with existing IHL) they find especially abhorrent in light of their contemporary values. Indeed, certain states may in the future decide – for policy, political, operational, or humanitarian reasons – to limit the use of such weapons on the battlefield through new treaty law, as has been done for anti-personnel landmines, booby-traps, permanently blinding lasers, incendiary weapons, and cluster weapons. As values evolve, so too must the law.

IHL endures as the only body of international law with the ability to provide flexible solutions to the many present and future challenges posed by emerging technologies on the modern battlefield and battlespace, providing a continuing source of legal consistency and protection to the victims of current and future conflicts.

No, the sky is not falling down just yet. There is no cause for panic.

Oui, plus ça change, plus c'est la même chose.

⁴⁴ Abi-Saab, G. (1984) ‘The Specificities of Humanitarian Law’ in Swinarski, C., (ed.), *Studies and Essays on International Humanitarian Law and Red Cross Principles in Honour of Jean Pictet* (Martinus Nijhoff, Geneva), p. 265.

⁴⁵ Greenwood (1998) *op cit*, p. 222.

Armour Protection: Materials & Modelling

ABSTRACT

This paper serves as an introduction to the fields of terminal ballistics and materials science as they relate to the protection of Armoured Fighting Vehicles (AFVs). The various mechanisms by which AFVs are defeated are outlined- blast, Explosively-Formed Projectile/Penetrator (EFP), penetration and spalling. The engineering requirements for armour materials are discussed, as are the types of material which are in widespread use around the world. The effort to test and model complex projectile/target interactions is explained. The paper introduces Finite Element Analysis (FEA) and its applicability to terminal ballistics. It is found that there is scope and a need to develop new FEA-based material models taking into account the composition and treatment of metals (i.e. their microstructural characteristics) - this entails carrying out simulations at a smaller scale. Examples are given of FEA-based efforts to improve vehicle safety. These highlight the potential of FEA in conjunction with advanced material modelling to bring benefit to the Defence Forces.

Introduction

Ever since World War I, when Armoured Fighting Vehicles (AFVs) were first developed and used,¹ the development of their armour has gone hand-in-hand with the development of anti-armour weapons. This means that the threats have evolved from small arms and shrapnel to complex modern warheads which can, for example, aim for the weak top armour of an AFV or generate a shaped charge jet which can penetrate any practicable thickness of steel armour.² The crew and other personnel in an AFV, while protected from many battlefield threats, are nevertheless in danger as they are more conspicuous and represent a higher value target for the enemy. Attacks on vehicle-mounted troops have a different profile of wounding and lethality than attacks on dismounted troops,³ and in recent conflicts have accounted for the majority of casualties.⁴ Vehicular armour adds greatly to the size and weight of a military vehicle and affects every aspect of its performance. It is incumbent, therefore, on the designer of armour to ensure that the response of a particular type of armour to the multiple threats on the battlefield is well understood.

This paper aims to provide an overview of the material science aspects of armour design, by focusing on the most common threats to AFVs and the mechanisms by which they cause armour to fail. Following on from this overview, the methodology used by armour

1 Greenhalgh, E. (2000) 'Technology Development in Coalition: The Case of the First World War Tank', *The International History Review*, 22(4), pp. 806-836.

2 Hazell, P. J. (2006) 'The Development of Armour Materials', *Military Technology*, 30(4), pp. 54-62.

3 Ramasamy, A., Harrison, S., Lasrado, I., and Stewart, M. P. (2009) 'A review of casualties during the Iraqi insurgency 2006-A British field hospital experience', *Injury*, 40, pp. 493-497.

4 Wolf, S. J., Bebart, V. S., Bonnett, C. J., Pons, P. T., & Cantrill, S. V. (2009) 'Blast injuries', *The Lancet*, 374, pp. 405-415.

designers will be discussed. It will be shown that the best results are achieved through the use of models which approximate complicated material behaviour, in conjunction with computer-simulated testing.

The study of high-speed projectile impact on armour is known as terminal ballistics. This branch of science and engineering deals primarily with impact which occurs in the 'ordnance range', i.e. roughly 500 to 2000 m/s. In addition to this, much interest is also focused on the behaviour of shaped charge jets; these impact with velocities between 2000 to 8000 m/s.⁵ There are various standards which define and describe the levels of armoured protection- for example, NATO STANAG 4569.⁶ In essence, however, armour can be said to have been defeated if it fails to protect the vehicle occupants from an attack.

The first section of this paper will explain the main defeat mechanisms for vehicular armour: blast, penetration and spalling and fragmentation. The next section will deal with the technical requirements of armour materials. The terms 'strength,' 'hardness' and 'toughness' will be explained- these have very specific meanings in the context of material science and engineering. This will lead into a discussion of the common materials in use in AFVs today, and will highlight the challenge of accurate modelling. The third section will introduce some of the basic models for analysing and predicting armour behaviour, and will compare various kinds of test methods, including Finite Element Analysis (FEA), the most recent developments in this field and the potential for future research.

Defeat mechanisms

Blast and EFPs

Blast effects are created by high explosives, and can cause pressure increases of hundreds of Megapascals⁷ over several microseconds.⁸ The intense pressures generated by a nearby explosion can cause a range of damaging effects on armour, including permanent and transient deformation of the hull shape,⁹ or so-called 'primary' blast injuries to crew, i.e. those not related to fragment impact.¹⁰ Even when a blast wave does not breach the armour of an AFV, its force can be sufficient to violently move the entire vehicle, with resulting crew injuries from collision with the hull interior or loose/detached equipment. An example of this kind of non-penetrating but still damaging effect is shown in Figure 1.

5 Rosenberg, Z., and Dekel, E. (2012) *Terminal Ballistics*. New York: Springer, p. ix.

6 NATO Military Agency for Standardisation (2012) 'STANAG 4569 (Edition 2) - 'Protection levels for occupants of armoured vehicles', Brussels: NATO.

7 The Pascal (Pa) is the SI unit for pressure or stress in a material. It is a measure of force divided by area. In intuitive terms, one Megapascal (1 million Pa) is equivalent to a weight of roughly 10kg spread on an area of only 1cm²; one Gigapascal (1 billion Pa) would equate to roughly 10 tonnes on that same area. For reference, atmospheric pressure is in the region of 0.1 MPa.

8 Whisler, D., & Kim, H. (2014) 'A non-explosive test method for generating wide area dynamic blast-type pressure pulse loading on armoured panels', *International Journal of Impact Engineering*, 68, pp. 28-40.

9 Neuberger, A., Peles, S., & Rittel, D. (2009) 'Springback of circular clamped armor steel plates subjected to spherical air-blast loading', *International Journal of Impact Engineering*, 36(1), pp. 53-60.

10 Courtney, E., Courtney, A., & Courtney, M. (2014) 'Shock tube design for high intensity blast waves for laboratory testing of armor and combat materiel', *Defence Technology*, 10, pp. 245-250.



Figure 1: A four-picture sequence showing an experimental setup in which a model vehicle weighing 150 kg is subjected to blast loading from a buried 'IED'. Note that the vehicle undergoes severe acceleration and is thrown upside-down.¹¹

High explosives can also be used in a more focused way against vehicles, by using a spherically-shaped liner in front of it in an IED or anti-tank mine. This results in the formation of an Explosively-Formed Projectile/Penetrator (EFP). An EFP in flight moves at approximately 2 km/s¹² and has very good penetration properties, while being more compact than kinetic energy projectiles.¹³ Because of the high-speed formation and flight of EFPs, it is useful to simulate this using FEA computer simulation methods, although detailed knowledge of the explosive, liner and target material properties is required. Wu et al¹⁴ present a study such as this, noting the cost saving associated with the use of FEA as opposed to the physical testing of EFPs.

Penetration

Armour fails when it is fully penetrated by a projectile (a 'penetrator'). Carlucci and Jacobsen define armour penetration as "an event during which a projectile creates a discontinuity in the original surface of the target."¹⁵ There are several different types of armour penetration, depending on the nature of the projectile. The theory of hydrodynamic penetration applies in the case of impact events above a certain 'transition' velocity, generally over 1000 m/s.¹⁶ This essentially treats both the target and projectile materials as fluids, neglecting their strengths.¹⁷ It is applicable for the impact of shaped charge jets (the fastest parts of which can reach speeds of 8000 m/s) and long-rod penetrators such as APFSDS ammunition.¹⁸ A simple illustration of hydrodynamic penetration is shown in Figure 2.

¹¹ Denefeld, V., Heider, N., Holzwarth, A., Sättler, A., & Salk, M. (2014) 'Reduction of global effects on vehicles after IED detonations', *Defence Technology*, 10, pp. 219-225.

¹² Rosenberg, Z., and Dekel, E. (2012) *Terminal Ballistics*, New York: Springer, p. 24.

¹³ Cardonne, S.M., Kumar, P., Michaluk, C. A. and Schwartz, H.D. (1995) 'Tantalum and its alloys', *International Journal of Refractory Metals and Hard Materials*, 13, pp. 187-194.

¹⁴ Wu, J., & Liu, J. D. (2007) 'Experimental and numerical study on the flight and penetration properties of explosively-formed projectile', *International Journal of Impact Engineering*, 34, pp. 1147-1162.

¹⁵ Carlucci, D. E., & Jacobson, S. S. (2008) *Ballistics- Theory and Design of Guns and Ammunition*, Boca Raton, FL: CRC Press, p. 309.

¹⁶ *Ibid*, p. 313.

¹⁷ Anderson, C., and Orphal, D. (2008). An examination of deviations from hydrodynamic penetration theory. *International Journal of Impact Engineering*, 35, pp. 1386-1392.

¹⁸ Rosenberg & Dekel (2012) *op cit*, p. 155.

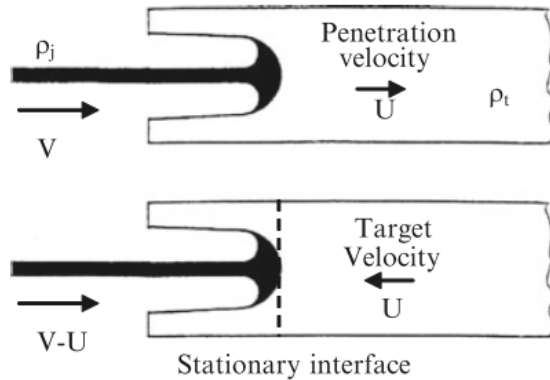


Figure 2: A schematic representation of hydrodynamic penetration for a shaped charge jet, from a textbook on terminal ballistics.¹⁹ This image illustrates the point that jet velocity V and penetration velocity U are not necessarily equal, and that the jet and target material densities ρ_j and ρ_t are important variables.

An interesting feature of hydrodynamic penetration, which is alluded to in Figure 2, is that there is an upper velocity limit, beyond which any increase in projectile velocity does not, in fact, lead to greater penetration.²⁰

Not all penetration is hydrodynamic in nature- in fact, most projectiles impact at velocities significantly lower than the limit velocity mentioned above. In this case, a vital parameter is the so-called 'ballistic limit' velocity, which marks a 'threshold' velocity beyond which penetration will occur for a given target/projectile combination.²¹ Accordingly, and unlike the theory of hydrodynamic penetration, projectile velocity is always a crucial factor. There are several ways in which armoured targets can be penetrated- this is illustrated in Figure. 3.

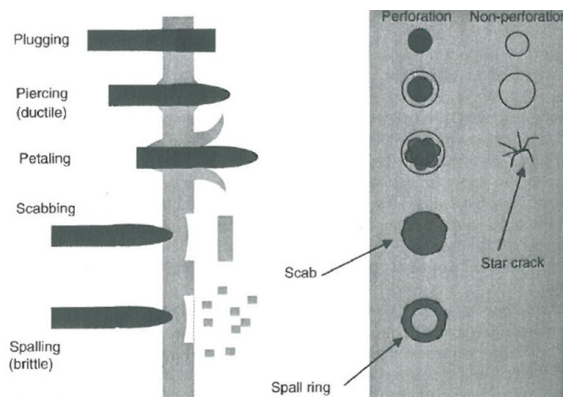


Figure 3: Different failure modes for armour.²²

¹⁹ Rosenberg & Dekel (2012) op cit, p. 156.

²⁰ Lou, J.-f., Zhang, Y.-g., Wang, Z., Hong, T., Zhang, X.-l., & Zhang, S.-d. (2014) Long-rod penetration: The transition zone between rigid and hydrodynamic penetration modes. *Defence Technology*, 10(2), p. 1-6.

²¹ Rosenberg & Dekel (2012) op cit, p. 7.

²² Carlucci & Jacobson (2008) op cit, p. 314.

The thickness of the armour plate has a huge effect on which mode of penetration will dominate. Thick plates will tend to fail by the methods shown in Figure 3, whereas thinner plates will tend to bend and stretch around the area of impact, thus absorbing much of the kinetic energy of the projectile.²³ This is important for spaced armour, for example. The effect of varying plate thickness is shown in Figure 4.

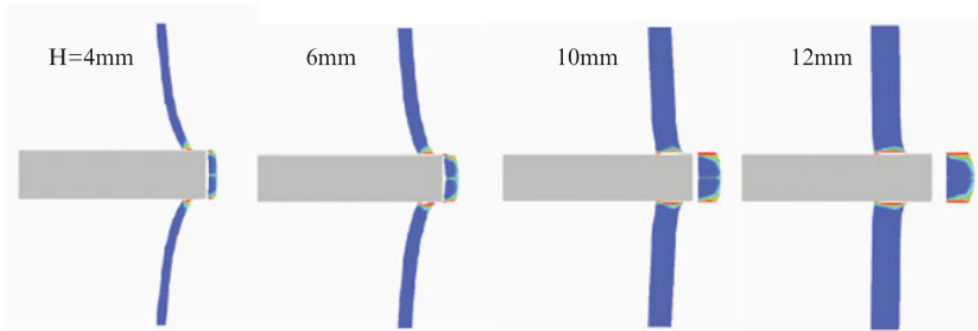


Figure 4: Comparison of penetration failure in plates of varying thickness in a Finite Element Analysis (FEA) computer simulation. Several important effects can be noted, such as the much greater deformation of thinner plates prior to failure and the very small area of concentrated stress (red) around the circumference of the projectile.²⁴

The analysis shown in Figure 4 utilises FEA- the complicated real-life behaviour of high-speed impacts is replicated in a virtual environment, giving valuable results for a fraction of the setup cost. This advantage will be discussed in greater detail in a later section of the paper. Another important penetration mechanism is adiabatic shear fracture, where intense heat is generated during the impact event. Because of the short timescales involved, the heat cannot be conducted away and the material temperature rises, thus diminishing its strength.²⁵ Like the theory of hydrodynamic penetration, adiabatic shear fracture is an example of how impact mechanics are complicated by the extremely high speeds and short timeframes involved.

Spalling and fragmentation

Spalling is a material fracture mechanism associated with high-speed impacts. It is caused by the interaction of decompression/rarefaction shock waves, which create a region of extreme tension within a material.²⁶ This tension field causes the nucleation, growth and coalescence of microscopic voids in the material,²⁷ which leads to fracture and acceleration of fragments from the free end of the body (i.e. the side opposite the surface which was impacted). Spalling is also known as 'scabbing' in much of the literature. Even without full penetration of armour from an anti-tank weapon, spall fragments can be lethal to vehicle crews. Some armaments, such as High-Explosive Squash Head (HESH) ammunition, are actually designed specifically to maximise pressure waves and spall fragmentation, rather than penetrate the armour.²⁸ A simulation of a target penetration

²³ Rosenberg & Dekel (2012) op cit, p. 109.

²⁴ Ibid, p. 145.

²⁵ Carlucci & Jacobson (2008), op cit, p. 315.

²⁶ Antoun, T., Curran, D. R., Razorenov, S. V., Seaman, L., Kanel, G. I., Utkin, A. V., and Horie, Y. (2003) *Spall Fracture*, New York: Springer, p. 1.

²⁷ Chen, D., Tan, H., Yu, Y., Wang, H., Xie, S., Liu, G., and Yin, Z. (2006) 'A void coalescence-based spall model', *International Journal of Impact Engineering*, 32, pp. 1752-1767.

²⁸ Deshpande, P., Prabhu, V., and Prabhakaran, K. (2003) 'Impulsive Loading of Armour by High Explosive Squash Head Munition' *Defence Science Journal*, 4, pp. 357-365.

and resulting spall debris cloud is shown in Figure 5. Note that the cloud of spall contains fragments of both the projectile and target materials.

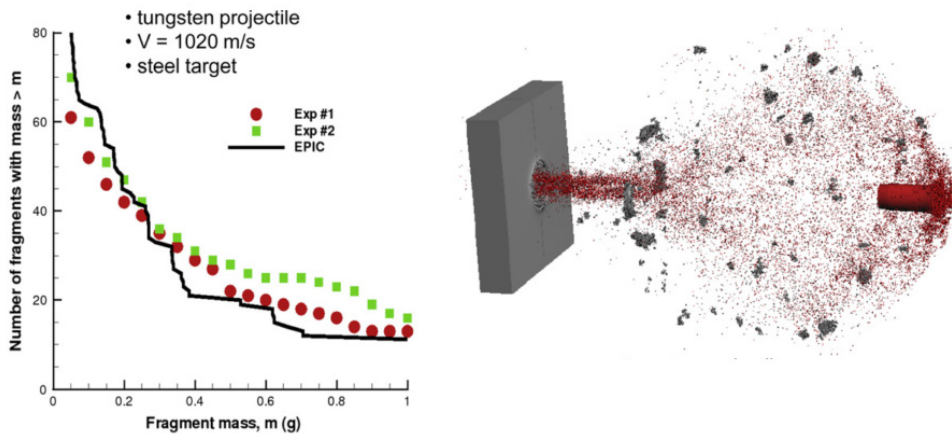


Figure 5: Comparison of experimental and numerical simulation of a tungsten projectile impacting a steel target with a velocity of 1020 m/s. The graph on the left shows the close correlation between FEA simulation (EPIC code) and experiments. The image on the right, from the numerical simulation, shows the complete penetration of the target and the large cloud of spall material.²⁹

The simulation shown in Figure 5 gives results that are close to the experimental data, as shown in the accompanying graph. Once again, this shows that FEA, when used in conjunction with the appropriate material models, can accurately predict very complicated physical behaviour.

Material requirements

Strength, hardness and toughness

Strength is an inherent property of a material or part, such as a plate of Rolled Homogeneous Armour (RHA). It can be affected not just by the material choice, but also by how that material is fabricated, processed and heat-treated. It can also vary at different points within the material. *Strength* in a material is distinct from *stress*, which is transient and variable, caused by a force being applied.³⁰ Stress is simply force divided by area, and is measured in Pascals (Pa). In most engineering applications, stresses encountered are so large that MPa or GPa are used. Strength is also measured in Pa- simply put, when the *stress* in a particular material exceeds its *strength*, the material fails.

Hardness is related to strength, and it is often used as a proxy for strength since it can be measured without testing a specimen to destruction, but the two properties are not synonymous. Shigley defines hardness as “The resistance of a material to penetration by a pointed tool.”³¹ There are different definitions for hardness, each based on a specific testing method, and so references are made to a material’s ‘Rockwell Hardness’ or

²⁹ Johnson, G. R. (2011) ‘Numerical algorithms and material models for high-velocity impact computations’, *International Journal of Impact Engineering*, 38(6), pp. 456-472.

³⁰ Shigley, J., Budynas, R., & Nisbett, J. (2011) *Shigley’s Mechanical Engineering Design, 9th SI Edition*, London: McGraw-Hill, p. 34.

‘Brinell Hardness.’ The latter test is popular since, for many materials, there is a roughly linear relationship between its Brinell hardness number (BHN) and its strength.³²

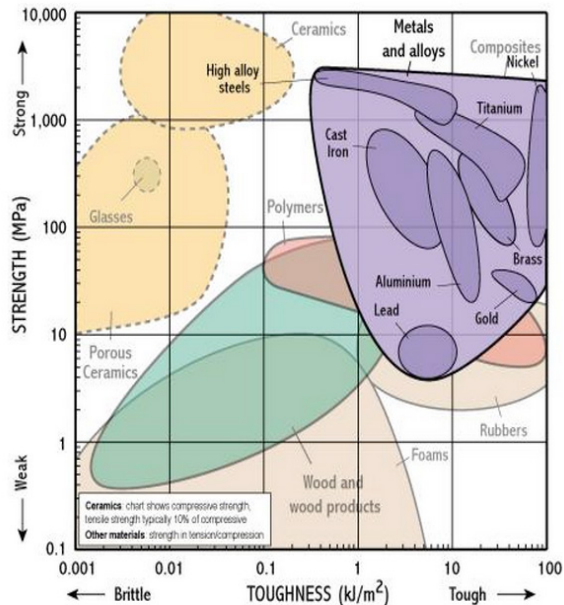


Figure 6: Material selection chart based on two properties- strength and toughness.

Note that the scale of the chart is logarithmic- it increases in powers of ten. Metals and alloys are shown in more detail.³³

Strength alone is not sufficient for armour materials - they must be able to resist cracking and shattering. Unfortunately, the two properties of strength and toughness are often at odds increases in strength will lead to decreases in toughness, and a greater likelihood of brittle behaviour such as shattering.³⁴ This is also seen graphically in Figure 6, where the strongest of the ‘High alloy steels’ have three times the strength but only ~4% of the toughness of the weakest ones. Any predictive analysis for armour penetration must take account of these important material properties. For example, when using FEA to predict the outcome of an impact test, it is absolutely critical that the material model used takes full account of the complicated interdependence of material strength, hardness and toughness, and how they change and evolve in very short timescales as a projectile impacts an armour material.

³¹ *Ibid*, p. 41.

³² *Ibid*, p. 41.

³³ University of Cambridge (2002) ‘Introduction to Material Selection Charts’, available: http://www-materials.eng.cam.ac.uk/mpsite/interactive_charts/strength-toughness/NS6Chart.html, [accessed 07 March 2015].

³⁴ Mishra, B., Jena, P. K., Hazarika, B., Siva Kumar, K., & Balakrishna Bhat, T. (2010) ‘An experimental study on the shattering behavior of a high strength armour steel under blast and long rod penetrator impact’, *Materials and Design*, 31(8), pp. 3971-3981.

Material solutions

The function of an armour material is to resist the various mechanisms of defeat outlined earlier in the paper, and to incorporate the beneficial properties explained above. Hazell distinguishes between 'energy disruptive' and 'energy absorbing' armour materials.³⁵ He further explains that the 'disruptive' material is intended to induce fragmentation in the penetrator, thus dispersing its kinetic energy, while the 'absorber' transfers the kinetic energy of the projectile to heat.³⁶ Traditionally, armoured vehicles have been, and remain, fabricated from high-strength steels. The steels used have generally contained 0.25 to 0.4 per cent carbon, with the principal alloying elements being nickel and chromium. The strength of such steels has varied from 850 to 1700 MPa. Although it can be cast into complete shapes, such as vehicle turrets, armour is usually produced in the form of RHA.³⁷ This is produced in large plates which are cut and welded to form vehicle hulls.

The only other metallic material which is commonly used in AFVs is aluminium. The first generation of aluminium-hulled AFVs (1960s) used the 5083 alloy, whose minor elements are magnesium (4.5%) and manganese (0.75%). More modern aluminium AFVs use a 7039-type alloy, which contains zinc (5%) and magnesium (2.5%). Although the 7039 alloys are stronger and better ballistically than the 5083 alloys, both are considerably weaker than RHA. To provide the same level of protection, therefore, the plates need to be thicker than RHA or homogenous high-hardness armour. This limits its usefulness, although it has the advantage of giving greater structural support.³⁸

Another metal used occasionally for armour is titanium, whose alloys exhibit greater ballistic properties than aluminium, while its density is much less than that of steel. Although it is an effective armour material, its high price renders it unsuitable for most AFVs.³⁹ Non-metallic armour usually refers to composite materials or ceramics. Composites have the advantage of a relatively low density and ability to dissipate the energy of incoming projectiles, while ceramic materials make use of their high hardness and compressive strengths. Some ceramic materials in use for armour purposes are boron carbide, silicon carbide and titanium di-boride.⁴⁰ Despite the promising developments in the fields of composite and ceramic material science, however, cost is a key driver in AFV development and therefore manufacturers still focus mainly on steel, which is more cost-effective and long-lasting. In addition, more modern manufacturing techniques have resulted in harder steels.⁴¹ A final crucial factor is the fact that a lot of data exist on the material properties of most metals- this helps designers in creating appropriate models for use in FEA analyses and thus predicting accurate behaviour.

³⁵ Hazell (2006) *op cit*.

³⁶ Hazell, P.J., Edwards, M., Longstaff, H., and Erskine, J. (2009) 'Penetration of a glass-faced transparent elastomeric resin by a lead-antimony-cored bullet', *International Journal of Impact Engineering*, 36(1), pp. 147-153.

³⁷ Ogorkiewicz, R. M. (1991) *Technology of Tanks (Volume II)*, London: Jane's Information Group, p. 359.

³⁸ *Ibid*, p. 368.

³⁹ *Ibid*, p. 369.

⁴⁰ Carlucci & Jacobson (2008) *op cit*, p. 342.

⁴¹ Brown, N. (2013) 'Lighten up: tracking innovations in passive armour solutions', *Jane's International Defence Review*, 46(April), pp. 62-65.

Testing and modelling

Physical testing and theoretical modelling

As with every field of engineering and technology, armour and anti-armour designers must predict and test how their designs will behave in service. In the case of armour, service conditions entail hostile attack- therefore the physical testing which armour undergoes must involve high-speed projectile impacts.

The simplest form of physical test, of course, is to simply fire an anti-armour weapon or charge at a sample of target material on a range.^{42,43} This has the advantage of being the most faithful representation of 'real-life' loading conditions for the armour. On the other hand, there are many variables that cannot be controlled well or at all at such a scale- accuracy of firing and meteorological considerations, for example. For this reason, and because of the cheaper cost and simplicity of setup involved, laboratory gas guns are a very common means of testing armour materials.⁴⁴ These allow for much more control of accuracy and projectile velocity. Using a setup such as is depicted in Figure 7, velocities can be measured accurately and, if available, high-speed cameras can capture images of the impact process at high resolution.

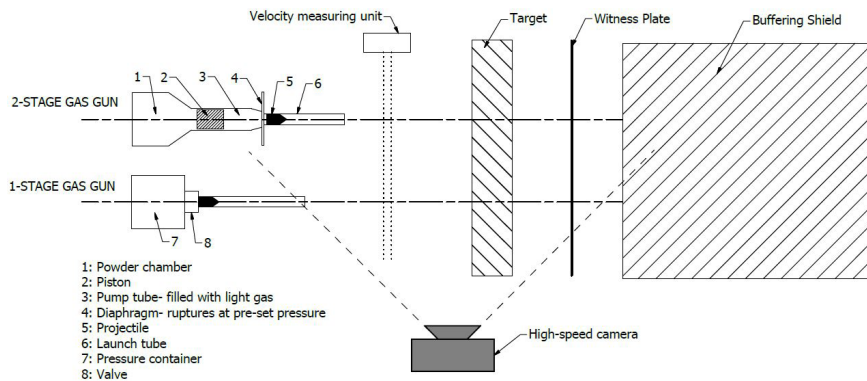


Figure 7: Simple schematic of a gas-gun test facility, including instrumentation for gathering data. Two different kinds of gas-guns are shown. In the two-stage gas gun, the piston (2) is initiated by combustion of a powder charge in the chamber (7). This rapidly compresses a light gas (e.g. Helium) in the pump tube, bursting the diaphragm (4) at a set pressure and accelerating the projectile (5).

Another simplification that can be made in the laboratory relates to shaped charges. While a shaped charge round such as HEAT FFV 551 travels at a velocity of 255 m/s,⁴⁵ its shaped charge jet travels at speeds of multiple kilometres per second- the velocity of the round is negligible in this context, considering what was discussed earlier. Therefore, in order to simplify the experimental setup, a shaped charge can be set up by itself, without a round or fuse, at a suitable stand-off distance from the desired target.^{46,47}

42 Mishra et al (2010) op cit.

43 Wu & Liu (2007) op cit.

44 Rosenberg & Dekel (2012) op cit, p. 3.

45 DCSINT (1999) *OPFOR: Worldwide equipment guide*, Ft. Leavenworth, KS: Training and Doctrine Command, US Army, p. 1:10.

46 Arnold, W., & Schäfer, F. K. (1999) 'Behind Armour Blast (BAB) caused by shaped charges', *International Journal of Impact Engineering*, 23(99), pp. 13-25.

47 Jia, X., Huang, Z. X., Zu, X. D., Gu, X. H., & Xiao, Q. Q. (2014) 'Theoretical analysis of the disturbance of shaped charge jet penetrating a woven fabric rubber composite armor', *International Journal of Impact Engineering*, 65, pp. 69-78.

Despite the opportunities for simplification, carrying out physical tests on armour is an expensive and complex prospect. For this reason, designers strive to produce models which predict responses to impacts. This allows them to see the effect of changing variables and conditions, while keeping the need for full tests to a minimum.

For engineers, theoretical models are an attractive and much cheaper prospect. Rooted in proven physical laws, they allow for easy iteration of a design. The designer chooses the inputs (e.g. velocity of projectile), sets the boundary conditions (e.g. neglecting air resistance) and gets near-instantaneous outputs (e.g. thickness of steel required, deflection, resulting cost). Although the mechanics of projectile impact is quite complex, it can in many cases be approximated by simple mathematical relationships, such as in the DeMarre equation:⁴⁸

$$\frac{mV^2}{d^3} = C \left(\frac{t}{d} \right)^n$$

In this relationship m is the mass of the projectile, V is the velocity of the projectile at impact, d is the diameter (calibre) of the projectile and t is the thickness (i.e. depth) of armour which is penetrated. All quantities are expressed in kg, mm and m/s. In the above equation, C and n are constants - variations in the values for these two quantities reflect the material and geometric properties of both projectile and target, and allow the equation to remain general. In addition, the impact is assumed to occur normal to the target- i.e. at right angles to it. The theoretical behaviour described by the DeMarre equation ceases to apply for projectiles undergoing hydrodynamic penetration behaviour, as explained in earlier. This is best described by the following equation:⁴⁹

$$t = L \sqrt{\frac{\rho_p}{\rho_t}}$$

In the above equation, L is the length of the projectile and ρ_p and ρ_t represent the densities of the projectile and target material respectively. What this means is that the depth to which the projectile penetrates is directly related to its length, and not related to the strength of either material, or the velocity at which the impact occurs.

The problem with a model such as the De Marre Equation is that the constants C and n are empirical- they must be derived through experimentation, with each value only remaining true for a specific projectile material interacting with a specific armour material. A recent study⁵⁰ analysed a wealth of experimental data for a range of materials to develop a powerful means of predicting ballistic limit velocities and penetration thicknesses. It was also noted, however, that it should soon be possible to predict these quantities from information regarding material chemistry and heat treatment alone. This would be of great benefit- not only for designers, but also for the military- the end users of armoured vehicles. This

48 Carlucci & Jacobson (2008) op cit, p. 317.

49 Ogorkiewicz, R. M. (1991) *Technology of Tanks (Volume I)*, United Kingdom: Jane's Information Group, p. 113.

50 Anderson, C. E., & Riegel, J. (2015) 'A penetration model for metallic targets based on experimental data', *International Journal of Impact Engineering*, 80, pp. 24-35.

would allow for further reliance on FEA as a means of ‘bridging the gap’ between full experimental and abstract theoretical testing, as discussed in the next section.

Numerical Models

Finite Element Analysis (FEA) is a powerful tool used by engineers in every field, including impact mechanics and terminal ballistics. It involves using a computer’s processing power to give an approximate (but often very accurate) solution to a problem which is too complex to solve by other means. In essence, the complex real-life situation is simplified by ‘chopping’ it into discrete parts (elements), which are solved individually and over a very short time period. The FEA process is illustrated in Figure 8.

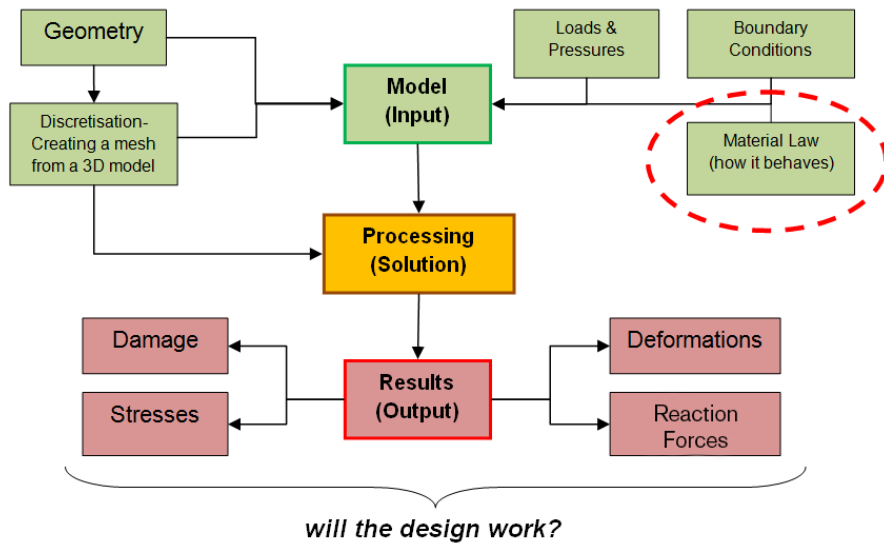


Figure 8: A flowchart illustrating the finite element process. The ‘Material Law’ input is highlighted for further discussion below.

FEA simulations allow for the creation of powerful visual results such as in Fig. 5. In fact, with the large deformations and complicated loadings which characterise projectile impact, a purely analytical (i.e. non-FEA) solution is impossible for most practical problems.⁵¹ Although the process is represented simply in Figure 9, there is in fact a large amount of preparation which must precede any calculation, if results of any value are to be obtained. Despite the often complex setup involved in FEA, it is still usually orders of magnitude cheaper to carry out than the equivalent experimental testing.

One of the key inputs to an FEA analysis is the ‘material law’; this tells the program exactly how each miniscule element of the model behaves in response to the loads, pressures and displacements which are applied. The material law can range from simple to extremely complicated, depending on the materials used, type of impact etc. Such models even include behaviour as complex as spalling.⁵² As mentioned briefly in the

51 Dunne, F., & Petrinic, N. (2005) *Introduction to Computational Plasticity (2 ed.)*, Oxford, UK: Oxford University Press, p. 83.

52 Ikkurthi, V., & Chaturvedi, S. (2004) ‘Use of different damage models for simulating impact-driven spallation in metal plates’, *International Journal of Impact Engineering*, 2004(30), pp. 275-301.

previous section however, it would be immensely beneficial if material models could be generalised to be based on composition and treatment, rather than empirical experimental data, unique to each material combination. Some efforts are being made in this direction - for example models which analyse materials at the meso/micro scale, as opposed to the larger macro scale, were presented recently.^{53, 54} Since the properties of metals depend on their crystal and grain structures, this focus on the smaller scale can lead to more accurate models, although they tend to be more computationally intensive. This will be an area of increasing value for armour designers, however, as processing power continues to increase.

Numerical (i.e. FEA) models allow for the development and adoption of new designs in armoured vehicles - for example, V-shaped hull bottoms, which are a key feature of the LTAV. Denefeld et al⁵⁵ present a study in which they use numerical models to show the large reduction in momentum transfer, and thus acceleration, to a V-shaped vehicle following an IED strike, compared to a flat-bottomed vehicle. Another interesting concept which the same authors⁵⁶ discuss is Dynamic Impulse Compensation (DIC), a prototype system whereby a launcher mounted on the vehicle rapidly ejects a large mass in a certain direction when the vehicle is struck by an IED- the resulting change in momentum tends to 'cancel out' the momentum increase from the explosive, thus diminishing its damaging effect. This system is shown in Figure 9, with the results of simulated testing presented in Figure 10 - this latter image shows the marked improvement which the DIC system could bring.

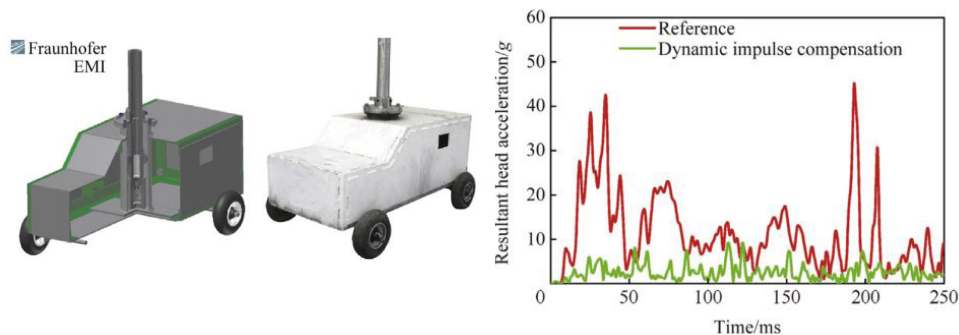


Figure 9 (left): A computer-simulated cutaway view and real-life scale model of a vehicle equipped with a DIC system. The barrel of the launcher is seen protruding from the roof of the vehicle.⁵⁷

Figure 10 (right): Results from a numerical simulation in which the head acceleration of a passenger in a generic APC is measured during an IED strike. The results are shown from simulations with and without DIC.⁵⁸

53 Molinari, A., Mercier, S., & Jacques, N. (2014) 'Dynamic failure of ductile materials', *23rd International Congress of Theoretical and Applied Mechanics*, 10, pp. 201-220.

54 Heilig, G., Durr, N., Sauer, M., & Klomfass, A. (2013) 'Mesoscale Analysis of Sintered Metals Fragmentation under Explosive and Subsequent Impact Loading', *The 12th Hypervelocity Impact Symposium*, 58, pp. 653-662.

55 Denefeld, V., Heider, N., Holzwarth, A., Sättler, A., & Salk, M. (2014) 'Reduction of global effects on vehicles after IED detonations', *Defence Technology*, 10, pp. 219-225.

56 Heider, N., Denefeld, V., Holzwarth, A., Sättler, A., & Salk, M. (2013) 'Vehicle Protection Against Global IED Effects', *27th International Symposium on Ballistics*, Freiburg, Germany.

57 Denefeld et al (2014) op cit.

58 Ibid.

An interesting application of FEA to military planning is Germany's Universelles Verwundbarkeitsmodell (Universal Vulnerability Model, shortened to UniVeMo). It is used by the German Army as the standard for predicting the lethality of weapons and the vulnerability of vehicles, structures and troops.⁵⁹ Rather than simulating only one very specific impact event in isolation, this model tries to quantify the global effects on vehicles and troops and ultimately on combat effectiveness.

The UniVeMo is constantly being developed- for example, last year a paper was published which modified the model to include the effects of debris behind walls, i.e. spalling in cementitious materials.⁶⁰ As computer processing power improves, global models such as this will become more and more powerful. The examples shown above demonstrate the value of FEA, particularly when used in conjunction with material models which allow the simulation to behave accurately in complex impact scenarios.

Conclusion

The aim of this paper was to provide the reader with a brief, reasonably non-technical overview of the state of material science and impact mechanics as they relate to vehicular armour, and to highlight areas of research which might hold relevance for the Defence Forces in the context of its own armoured fleet.

Having examined the mechanisms of armour defeat - blast damage, penetration and spalling - the requirements of armour materials were discussed. Some technical terms were defined, and a short overview of the state of material usage for armour was given. The techniques which engineers use to predict and test material behaviour were critically assessed, leading to an introduction to FEA which, as this paper has shown, when used with the correct material models, can be a powerful tool for armour designers and military planners. This is due to the fact that it bridges the gap between expensive experimental methods and the cascading complexity of theoretical analysis. It should be clear at this stage that better material models for FEA will aid in the development of improved armour materials, as well as leading to a better understanding of the capabilities and limitations of various types of armour. The key to producing better models lies in the ability to analyse the behaviour of metals at the microscopic level of the grains, and this is an area which should be pursued in greater detail. The ultimate aim of further research in this area should be to give military planners and commanders the tools to make a realistic and accurate assessment of the level of threat to armoured vehicles, which in turn should lead to a more effective and efficient use of DF assets in hostile environments.

⁵⁹ Dorsch, H., Bongartz, A., & Rossberg, D. (2013) 'Modelling of ballistic effects with regard to urban operations', *27th International Symposium on Ballistics*, 2013, pp. 591-601.

⁶⁰ Dorsch, H., Doerr, A., Hoellinger, R., & Bongartz, A. (2014), 'Modelling of behind wall debris effects', *28th International Symposium on Ballistics*, pp. 1462-1470.

Terrorism is Essentially a Form of Aggressive Advertising

ABSTRACT

This paper examines the point at which communicative violence can be described as advertisement, and the point at which terrorism can be seen as aggressive advertising. The Hierarchy of Effects framework of advertising is used to analyse the effects of publicity and the propaganda of the terroristic act, the brand identification and narrative that has become ubiquitous in the act's aftermath, and how terrorists use these methods to have a wide variety of effects on the behaviour and actions of different intended audiences. The three phases within the Hierarchy of Effects model of advertising, the Cognitive, Affective and Behavioural Phases, are utilised to examine the terrorists' methods of entering the consciousness of the audience, affecting their feelings about the terroristic act, and ultimately modifying their behaviour in line with the terrorists' objectives. Representations of terrorism by both old and new mass media are introduced to analyse the differing effects of each on the terrorists' communication with the intended audience. The aim of this analysis is to identify the communicative processes underlying terrorism to further understand the objectives and intents of the perpetrators of terroristic acts.

Introduction

Brian Jenkins' oft-quoted statement that "terrorists want a lot of people watching, not a lot of people dead"¹ concisely captures the idea that terrorism is more fundamentally a communicative use of violence rather than an instrumental one. The use of terrorism to convey a message to a more expansive audience, whether that is to the group's actual or potential members, the international community, or to a wider population in the hope that their fear will affect political change and behaviour, is an enduring axiom within the discourse on terrorism. However, it is the distinguishing features of terrorism in relation to other modes of violence offered by Wilkinson that are of key interest to the thematic issues discussed in this paper. Wilkinson posits that terrorism is "designed to create a climate of extreme fear, it is directed at a wider target than the immediate victims...[and] is used primarily, though not exclusively, to influence the political behaviour of governments, communities or specific social groups."²

Terrorist groups sometimes benefit from the instrumental use of violence through assassinations such as those employed by the *Sicarii*³ and *Ismaili* or *Hashishin*,⁴ but it is always communicative and is "nothing without the audience."⁵ The rapid increase in the

1 Jenkins, B.M. (1975) 'Will Terrorists Go Nuclear?' [online], available: <http://www.rand.org/pubs/papers/P5541> [accessed 02 March 2014], p. 4.

2 Wilkinson, P. (2006) *Terrorism versus democracy: The liberal state response*, Second Edition, London: Frank Cass, p. 1.

3 Horsley, R.A. (1979) 'The Sicarii: Ancient Jewish "Terrorists"', *The Journal of Religion*, 59(4), pp. 435-458.

4 Lewis, B. (1967) 'The old man of the mountain', in *The Assassins: A radical sect in Islam*, London: Weidenfeld & Nicolson, pp. 97-124.

5 Hoffman, B. (2006) *Inside Terrorism*, New York: Colombia University Press, p. 5.

“privatisation of violence”⁶ witnessed after World War II, as sub and non-state groups turned to violence with increased frequency, resulted in fierce competition for media attention, public notice and notoriety. As Laqueur states “...the terrorist’s act by itself is nothing; publicity is all.”⁷

Jenkins subsequently reviewed his previous assertion, which he made as part of an attempt to anticipate the proclivities of 1970s terrorist groups and the likelihood of their use of nuclear weapons. While he still maintains that “terrorism is violence for effect,” that “terrorists choreograph violence to achieve maximum publicity,” and that “terrorism is theatre,”⁸ Jenkins has since stated that “Terrorists want a lot of people watching and a lot of people dead.”⁹ Whatever the viewership, this paper argues that the people watching are witnesses to what is essentially a form of aggressive advertising on the part of the terrorists.

Terrorism as Aggressive Advertising: The Hierarchy of Effects

The word ‘advertising’ comes from the latin *ad vertere*, “to turn toward,”¹⁰ and its objective defined as being “intended to inform or influence people” by the Advertising Association of the United Kingdom. It is mostly commercial but can also include political and ideological advertising. Advertising is always present, people may be unaware of it, and it uses every possible medium to get its message through.¹¹ How can terrorism be understood in these terms?

One of the more popular frameworks for explaining the process of advertising and its desired effects is that of the Hierarchy of Effects model developed by Lavidge and Steiner in 1961,¹² in which the process of advertising is divided into three phases. The first phase, the Cognitive Phase, is that which makes the audience think and results in awareness and knowledge. The second phase, the Affective Phase, makes the audience feel, and results in liking, preference or conviction. The third and final phase, the Behavioural Phase, makes the audience act, and results in purchase in the commercial sense of the process framework, but which, depending on the terrorists’ intended audience, can result in a number of intended behavioural changes when applied to terrorism.

Aggressive advertising is usually typified by advertisements that demand attention through shocking or controversial images, which concentrate on the flaws of the competitor,¹³ and are targeted at a specific audience in the commercial sense. Terrorism can be seen as a form of aggressive advertising not only due to the violent act that spawns the message, but also due its extremely visceral and specific message to each of its intended target audiences. The events of 11th September 2001 “...forced viewers

6 Jenkins, B.M. (1985) ‘Future Trends in International Terrorism’, [online], available: <http://www.rand.org/pubs/papers/P7176> [accessed 05 March 2014], p. 2.

7 Laqueur, W. (1976) ‘The Futility of Terrorism’, [online], available: <http://www.unz.org/Pub/Harpers-1976mar-00099> [accessed 06 March 2014], p. 104.

8 Jenkins (1975) op cit, p. 2.

9 Jenkins, M.J. (2006) ‘The New Age of Terrorism’, [online], available: http://www.prgs.edu/content/dam/rand/pubs/reprints/2006/RAND_RP1215.pdf [accessed 28 March 2014].

10 Latin Word Study Tool, [online], available: www.perseus.tufts.edu [accessed 14 March 2014].

11 The Economic Times, [online], available: <http://www.economicstimes.indiatimes.com> [accessed 18 May 2015].

12 Lavidge, R.J. & Steiner, G.A. (1961) ‘A Model for Predictive Measurements of Advertising Effectiveness’, [online], available: <http://uts.cc.utexas.edu> [accessed 06 March 2014]. Also used by Baack & Clow (2007), Gallup, (1974), Vakratsas & Ambler (1999).

13 An example of this form of advertising can be seen in the analysis of dissident Republican groups counter-narrative to mainstream discourse through their critique of the Provisionals. See Whiting, S.A. (2012) ‘The discourse of defence: “Dissident” Irish Republican Newspapers and the “Propaganda War”’, *Terrorism and Political Violence*, 24(3), pp. 483-503.

to think about the unthinkable – violent and painful death at the hands of terrorists.”¹⁴ Dimensions of the terrorist narrative which accompany the violent images are political, in which they highlight their own suffering and identify the culprits that caused it, and the socio-psychological glorification of their own violent acts and the grievances which caused the terrorists to enact them.¹⁵

There is nothing passive or subtle about the loss of life, destruction of property, or other terroristic acts. It is the violent aspect of the terroristic act that is depended upon to cause fear and anxiety in the wider population, ensuring that by its very nature and the accompanying propaganda, it seizes the audience’s attention and manipulates them in order to affect behavioural changes most beneficial to their organisation and cause.

The Cognitive Phase of Terrorism: Delivering the Message

Terrorism “can be seen as a violent act that is conceived specifically to attract attention and then, through the publicity it generates, to communicate a message.”¹⁶ When perceived as advertising through the execution of this violent act, aggressive by the very nature of the act itself and the images which it ensures, the Cognitive Phase of terrorism includes the generation of publicity and brand identity initiation through propaganda and narrative. However, the ultimate objective of the terroristic act in this phase is to enter the consciousness of the intended audience or audiences; “without being noticed, in fact, terrorism would not exist.”¹⁷

Recently, as Rothenberg¹⁸ highlights, there has been a change in advertising methods from “signalling” to “tailoring,” which is often considered part of aggressive advertising strategies. From the “signalling” and presentation of specific images and content dependant on the assumed audience of the television channel and programme at that time, advertising changed to vastly more sophisticated means of targeting a specific audience. “Tailoring”, through strategies such as selective binding which allows publishers to customise a magazine’s advertising for specific groups of subscribers and, more importantly, ‘push’ software which presents on an internet-users screen only the adverts that the software profile has decided will be effective for that particular target member of the audience, has increased the aggression and the effectiveness of advertising. Similarities can be seen in the use by different terrorist groups of their own internet sites ‘pushing’ or advertising their actions, objectives and ideology on fora or virtual chat-rooms for existing or potential members or sympathisers, or on mass media communication such as YouTube or via mainstream news networks.

Another method of ensuring immediate cognisance of the terrorists’ message can be seen in the current trend of religious terrorism against the secular state. The target selection immediately forces the underlying message into the public consciousness through the

14 Gillespie, M. (2006) ‘After September 11: TV News and Transnational Audiences Available’, Paper presented at the *Mapping the Al Jazeera phenomenon and its impact on audiences and international journalism practice* Conference, University of Westminster, London, July 2006 [online], available: <http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/911.pdf> [accessed 13 March 2014].

15 Ashour, O. (2010) ‘Online Deradicalisation? Countering Violent Extremist Narratives: Message, Messenger and Media Strategy’, *Perspectives on Terrorism*, 4(6), pp. 15-19.

16 Hoffman (2006) op cit, p. 173.

17 Juergensmeyer, M. (2003) *Terror in the mind of God: The global rise of religious violence*. CA: University of California Press, p. 141.

18 Rothenberg, R. (1997) ‘How Powerful is Advertising?’ *The Atlantic*, [online], available: www.theatlantic.com/past/docs/issues/97jun/advert.html [accessed 13 March 2014].

political and media discourse surrounding the act. Terrorism targeted at “modern secular life and its decadence promoted – or at least allowed – by the secular state”¹⁹ has been extremely effective in ensuring the Cognitive Phase of its advertising campaign through simply its choice of targets before any narrative is added, e.g. the World Trade Center in 1993 and 2001, the Tokyo subway system near the Japanese Parliament Buildings in 1995, and the Australian youth-filled Bali nightclub in 2002 to name but a few.²⁰

“Terrorism, like advertising, increases the effectiveness of its messages by focusing on spectacular events and by keeping particular issues alive through repetition.”²¹ Hoffman²² discusses in detail the “symbiotic relationship”²³ between the media, particularly what he calls “the old media,” and terrorism. This symbiosis ensures the repetition through the competition between rival media interests and networks to be the first to transmit the story to gain the audience’s attention, and then subsequently to hold that attention by finding increasingly distant information and relaying it as a “breathless revelation.”²⁴ Hoffman restricts his description to the television medium when he describes it as a “vacuum waiting to be filled; a void of rolling cameras and open mikes susceptible to terrorist exploitation and manipulation.”²⁵ However this can also be applied to the newer media of the internet, specifically YouTube, as terrorists use all available forms of delivery and the public’s insatiable appetite for information to ensure advertisement through repetition as the newsmakers become news-breakers themselves.

“Terrorism by its very nature is a psychological weapon which depends upon communicating a threat to a wider audience.”²⁶ In this first phase of its aggressive advertising, terrorism enters the threat, or promise depending on the allegiance of the wider audience, into the group consciousness as the act has now entered the audience’s awareness and knowledge, before entering the second phase where it will focus on the audience’s feelings about the act.

The Affective Phase of Terrorism: The Battle of the Narratives

While the Cognitive Phase of terrorism is focused on communicating the violent act to both wider and selected audiences, the Affective Phase is based upon affecting the target audience’s feelings or emotions about the violent act and the group themselves by the narrative that accompanies the information; the ‘spin’, the discourse, the propaganda of the deed. Meyer²⁷ emphasises the ability of the terrorist to affect or manipulate the audience’s mind once it has their eyes and ears through propaganda, and thus cause them to act in ways that they otherwise would not. In terms of characterising terrorism as a form of aggressive advertising, propaganda can be understood as terrorists’ attempts to manipulate the audiences’ emotions and cause feelings of terror, preference for their political or ultimate objectives, or conviction of their just cause, resulting in a number of intended behavioural changes which are discussed later in the paper.

19 Juergensmeyer, M. (2004) ‘Religious Terror and the Secular State’ *Harvard International Review*, Winter 2004, p.3.

20 *Ibid.*, p. 3.

21 Alexander, Y. (1978) ‘Terrorism, the Media, and the Police’, *Journal of International Affairs*, 32(1), Reprinted in Kupperman, R.H. & Trent, D.M. (Eds) (1979), *Terrorism: Threat, reality, response*, Stanford, CA: Hoover Institute Press, pp. 331-348, cited in Williams, J.D. (1998) ‘The Failure of Terrorism as Mass Communication’, *Turkish Journal of Police Studies*, 1(4), pp. 37-52.

22 Hoffman (2006) *op cit.*

23 Wilkinson (2006) *op cit.*, p. 145.

24 Hoffman (2006) *op cit.*, p. 179.

25 Hoffman (2006) *op cit.*, p. 179.

26 Wilkinson (2006) *op cit.*, p. 177.

27 Meyer, C. (1991) *Underground voices: Insurgent propaganda in El Salvador, Nicaragua, and Peru*, Santa Monica, Calif.: RAND Corporation N-3299-USDP.

Some authors use the categories of old media, modern media and post-modern media to describe media before radio and television such as the telegraph and newsreel, television and radio, and internet-based media respectively. For the purposes of this paper, the terms *old media* and *new media* as proposed by Hoffman²⁸ will be used. *Old media* is used to denote all forms of media and mass communication until the invention of the internet, while the term *new media* encompasses all those forms that are internet dependant for distribution and not controlled by anyone but the terrorist.

Old Media

Marighella²⁹ advocated the manipulation and utilisation of the media to create armed propaganda, in the same way that guerrilla tactics use violence. The proliferation of newspapers through improved printing capabilities at the end of the 19th Century and an increase in the literacy of the lower classes gave rise to a demand for the delivery of news that was not restricted to high societal issues, for information, education and entertainment, or what has been termed 'edutainment'.

In much the same way that the broadsheet was popularised by this phenomenon in print, in television we may observe a recent rise in "soft news" outlets such as entertainment programs and magazines and late-night talk shows³⁰ which Americans watch more than all cable news networks combined.³¹ Through these 'edutainment' shows, the terrorist now dictates not only the coverage of the event, but the discourse surrounding it, and therefore the emotional effect on the audience, as the old media increasingly look to the new media for both information and footage of the terrorist event. Simply by basing their content on what is 'trending' on the internet, old media outlets confirm what is newsworthy. The terrorist has now fashioned a cyclical advertisement platform through manipulation of the old and new media together.

New Media

The use by terrorist groups of those means of mass communication that have been termed "new media,"³² which are internet and world wide web (www) dependant, "disregards national borders, amplifying the potential impact on victims."³³ Such media include dedicated websites, fora, blogs, content farms, virtual chat rooms, social networking platforms such as Twitter and Facebook, and file-sharing websites such as YouTube and Rapidshare.

The surge in popularity of new media for use in mass communication, as evidenced by the twenty hours of video uploaded to YouTube every minute of every day,³⁴ and approximately seven million websites created every day,³⁵ has resulted in a significant

28 Hoffman (2006) op cit.

29 Marighella, C. (1970) 'Minimanual of the Urban Guerrilla', *Tricontinental Bimonthly (Havana, Cuba)*, pp. 16-56.

30 Walsh, J.I. (2010) 'Media Attention to Terrorist Attacks; Causes and Consequences', Research Brief to the Institute for Homeland Security Solutions, December 2010, [online], available: <http://www.sites.duke.edu> [accessed 29 March 2014].

31 Baum, M. (2003) *Soft news goes to war: Public opinion and American foreign policy in the new media age*. Princeton: Princeton University Press.

32 Hoffman (2006) op cit; Martin, G. (2013) *Understanding terrorism: challenges, perspectives, and issues* (4th Ed.), London: Sage Publications; Walsh (2010) op cit.

33 United Nations Office on Drugs and Crime (UNODC) in co-operation with the United Nations Counterterrorism Implementation Task Force (2012) *The Use of the Internet for Terrorist Purposes*, [online], available: www.unodc.org [accessed 29 March 2014], p. 3.

34 Sageman, M. on CNN - Terrorists Use YouTube, [online], available: <http://www.youtube.com/watch?v=W0OjF5WtFcSsns=em> [accessed 28 March 2014].

35 Ntoulas, A., Cho, J. & Olston, C. (2004) 'What's new on the web? The evolution of the web from a search engine perspective,' *WWW 2004*, cited in Asal, V. & Harwood, P. (2008) 'Search Engines: Terrorism's Killer App?' *Studies in Conflict and Terrorism*, 31(7), pp. 641-654.

decrease in the filter effect of the old media. New media both exponentially increases the terrorists' reach to audience and drastically reduces their reliance on the "old media," including news services, that took steps to evaluate the credibility of the information or that may have edited or omitted material deemed to be inappropriate, unreliable or simply propaganda.³⁶

Causation of Emotional Affect

It is not only the actual information that is shared, but the online 'chatter', the discourse that follows, deftly manipulated and shaped by the terrorist or group dependant on the audience and the emotional objective of their Affective Phase. If, as stated above, terrorism depends on communicating a threat to a wider audience, in terms of advertising and the Affective Phase, what 'feeling' do the terrorists wish to cause in their audiences? Through the threat of the violence of the terroristic act, the wider target audience is encouraged to feel both fear and insecurity through the demonstration of their government's inability to protect them from terrorism and threats to their state.³⁷

Walsh³⁸ highlights a number of studies which found that exposure to media coverage of terrorism increases fear and anxiety, including symptoms similar to post-traumatic stress disorder,³⁹ and specifically that the content of media coverage influences subjects' emotional responses.⁴⁰ In this phase of their aggressive advertisement campaign of terror, the inherently violent terroristic act itself, and the content of the coverage and discourse surrounding it both by traditional media and by the terrorists themselves if delivered directly via the internet, can result in increased emotional responses of fear, anxiety and stress.

Equally as important as the terror that is propagated, is the elicitation of feelings of pride, conviction and belief in existing and potential members, potential financiers and supporters in order to strengthen or engender commitment to the terrorist organisation⁴¹ and to encourage particular behaviours, which will be discussed in detail in the Behavioural Phase. Through communication of the terroristic act, and the propaganda that accompanies it, terrorists may also wish to elicit sympathy, or indeed empathy, thereby encouraging the masses and at times the international community to support their cause.⁴² These strands of propaganda underlying every aspect of the terrorism advertising campaign, attempt to affect feelings of terror, insecurity, sympathy, or conviction depending on the target audience and accompanying narrative.

36 UNODC (2012) op cit.

37 Wilkinson (2006) op cit; Williams, J.D. (1998) 'The Failure of Terrorism as Mass Communication', *Turkish Journal of Police Studies*, 1(4), pp. 37-52.

38 Walsh (2010) op cit.

39 Keinan, G., Sadeh, A. & Rosen, S. (2003) 'Attitudes and Reactions to Media Coverage of Terrorist Acts', *Journal of Community Psychology*, 31(2), pp. 149-165; Schuster et al (2001) 'A National Survey of Stress Reactions After the September 11, 2001, Terrorist Attacks', *The New England Journal of Medicine*, 345(20), pp. 1507-1512; Stone, M. (2000) 'Responses to Media Coverage of Terrorism', *Journal of Conflict Resolution*, 44(4), pp. 508-522.

40 Cho, J., Boyle, M.P., Keum, H., Shevy, M.D., McLeod, D.M., Shah, D.V. and Pan, Z. (2003) 'Media, Terrorism, and Emotionality: Emotional Differences in Media Content and Public Reactions to the September 11th Terrorist Attacks', *Journal of Broadcasting and Electronic Media*, 47(3), pp. 309-327.

41 Hoffman (2006) op cit, p. 192.

42 UNODC (2012) op cit.

Creation of the Brand

Successful advertising may result in the ultimate goal of brand identification – the feat of making a brand synonymous with a common noun e.g. Kleenex and tissue, Vaseline and petroleum jelly, Hoover and the vacuum cleaner. For a time Al-Qaeda became synonymous, in the West at least, with anti-Western Islamist terrorism, in the same way that the IRA, ETA and the Tamil Tigers became synonymous with the separatist terrorist group brand. The actual or intended target audience do not want to know about the distinguishing features, ideologies, or objectives between the groups, or even of affiliated or breakaway groups such as Islamic State in Iraq and Syria (ISIS) or Jabhat al-Nusra (JAN), despite the potentially different tactics, targets or objectives.⁴³

The audiences' need for a name synonymous with each type of terrorism or threat ensures that the groups most successful at advertising are the 'brand' of terrorism in that region or for that political purpose. Before examining the ultimate behavioural modifications achieved by their terrorism, it is in this aspect that their aggressive advertising campaign can be said to have been successful in notoriety and currency alone.

The Behavioural Phase of Terrorism

The intended recipients of the message or audience for the advertisement can vary widely from existing members to potential members to the international community or the wider population. The messages to existing and potential members are "pride, accomplishment and dedication to an extremist goal" and the aim is to achieve the behavioural results of "recruitment, radicalisation and incitement to terrorism." In relation to the international community, the terrorists attempt to "convey a desire to achieve noble ends" in order to affect the political change that is their ultimate goal. To the audience that is the wider population of the target of the terroristic act, the emotional effect is "to propagate a sense of heightened anxiety, fear or panic in a population or subset of a population,"⁴⁴ to result in their increasing pressure on the political powers, either nationally or internationally, to accede to the terrorists' demands. A secondary effect of the wider population's terror and resulting political pressure is the intended behavioural consequences for governments who react with militant and extreme counterterrorism policies and tactics. The terrorist group can then expose the opponent's repression and transgressions and garner more sympathy for their own cause.⁴⁵

When is Terrorism Not Aggressive Advertising?

The attempt to understand terrorism more fully within the parameters of the Hierarchy of Effects model of advertising has been focused on the terroristic act being claimed by a group or a person in the name of a terrorist group. Can terrorism still be understood as aggressive advertising if the act is not officially claimed? The Global Terrorism Database shows that only 12.4 per cent of terrorist attacks were claimed from 1998 to 2011, with the highest rate of attacks claimed in any year not exceeding 18.1 per cent.⁴⁶ Kearns et

43 Sly, L. (2014) 'Al-Qaeda disavows any ties with radical Islamist ISIS group in Syria, Iraq', *The Washington Post*, February 3, [online], available: <http://www.washingtonpost.com>, [accessed 18 April 2014].

44 All quotations included in this paragraph are from the United Nations Office on Drugs and Crime (UNODC) in co-operation with the United Nations Counterterrorism Implementation Task Force, 2012; *The Use of the Internet for Terrorist Purposes*, [online], available: www.unodc.org, [accessed 29 March 2014].

45 Marighella (1970) op cit; Williams (1998) op cit.

46 Kearns, E.M., Conlon, B. & Young J.K. (2014), 'Lying About Terrorism', *Studies in Conflict & Terrorism*, 37(5), pp. 422-439.

al⁴⁷ further posit that a large number of terrorist attacks may be either claimed by groups which are not actually responsible, or attributed to rival groups or the opposing government by the responsible parties. Frequently states, as perpetrators of terrorism, both directly and indirectly, rely on the secrecy of their acts to avoid negative consequences from the international community. Does this in essence change the essential nature of terrorism as aggressive advertising?

In order to communicate a message, terrorism does not rely exclusively on the global media, but may often rely on the inherent and implicit understanding of the immediate audience in which they hope to instil terror.⁴⁸ If terrorists, or states committing terrorism, do not rely on mass media and publicity, but potential victims still know the perpetrators and the objectives of the groups through more informal means, then the Cognitive, Affective and Behavioural Phases may nonetheless all still be achieved. There are no explicit or official claims to the murder and kidnapping of law enforcement personnel and those in judicial and political positions by Colombian terrorist groups. They simply ensure by word-of-mouth an implicit understanding that other personnel in this demographic may be targeted for murder or kidnapping if their behaviour is not modified to the required standard.⁴⁹

Conclusion

The manner in which the established media report on terrorism has been highlighted to have two important potential ramifications.⁵⁰ The trend of the media landscape to further decentralisation and competition not only from other established media interests but from the unfiltered internet could lead to increased media attention “to terrorist attacks that employ novel tactics or that are particularly violent.”⁵¹ As was highlighted in the Cognitive Phase, terrorists must ensure the entrance of their act, and subsequently their agenda, into the consciousness of the intended audience. Public fatigue at witnessing violence, media saturation, and an ever-increasing need to inspire their actual or potential members, could encourage a spiral of ascending terroristic violence, or acts that are “original,...a departure from past events”⁵² to be the next ‘big thing’, making it far more difficult to devise and employ an effective counter-terrorism strategy.⁵³

Secondly, the tone in which the media covers terrorism, often ensuring the terrorists’ Affective Phase is successful, can increase fear and anxiety. These emotional reactions tend to respond more positively to counter-terrorism policies and strategies that rely on force and military might, when other policies, such as those espoused by Wilkinson,⁵⁴ may be more successful. Such policies do not sate the public emotional appetite for forceful punishment, retribution, or retaliation however.

The perception, analysis and discussion of terrorism as an aggressive form of advertising is simply an analytical tool to better help us to understand one facet of the phenomenon

47 Ibid, p. 425.

48 Wilkinson (2006) op cit, p. 256.

49 Walsh (2010) op cit.

50 Ibid, p. 2.

51 Ibid, p. 2.

52 Scott, J.L. (2001) ‘Media Congestion Limits Media Terrorism’, *Defence and Peace Economics*, 12(2), p. 126.

53 Walsh (2010) op cit, p. 5.

54 Wilkinson (2006) op cit, p. 280.

that is terrorism, and does not attempt to address the complex and underlying fundamental nuances, issues and differences inherent in such a complex phenomenon. The psychology, the politics, the motivation, the optimal counter strategies⁵⁵ all remain unexplained by this analysis, but it is useful to investigate the symbiosis theory and analyse more fully the ubiquitous “oxygen of publicity” premise to fully understand the phases and means that terrorists use for mass communication.

The current debate over the lack of explicit validation of the Hierarchy of Effects model of advertising can also be applied to terrorism; as Barry states in relation to the debate in the advertising field, the most complex area is “the measurement process to understand how people process information, form attitudes, and behave as a direct result of that information processed and those attitudes formed.”⁵⁶ Qualitative and systematic research of the effectiveness of terrorists’ manipulation of the media to ensure the audience’s cognition, desired emotion, and behaviour is in its infancy, making it difficult to conclude any definitive correlation between the terrorists’ narrative and propaganda, and the audience’s support or inclination to ensure the required political change. If, as Wilkinson⁵⁷ posits, the words “terrorism” and “media” are inextricably linked in a democratic society, then analytical processes, such as the Hierarchy of Effects framework, which help us to better understand this linkage and the processes inherent within it, should be welcomed.

55 Horgan, J. (2005) *The psychology of terrorism*, New York: Routledge.

56 Barry, T.E. (2002) ‘In Defence of the Hierarchy of Effects; A Rejoinder to Weillbacher’, *Journal of Advertising Research*, 42(3), p. 45

57 Wilkinson (2006) op cit, p. 147.

Islamic State and its Ambition to Establish a World Caliphate

ABSTRACT

So-called Islamic State is currently regarded as the most dangerous of all declared Islamic terrorist groups. It controls territory in Iraq and Syria but also extends its influence to other countries such as Libya and Nigeria. In mid 2014 it declared itself to be a worldwide caliphate thereby claiming itself to have religious, political and military control over Muslims worldwide. As a result of these extremist aims and accomplishments thus far, the UN has designated it as a terrorist organisation and countries around the world are directly or otherwise assisting with kinetic action against the group. This article examines such kinetic action; namely Operation 'Inherent Resolve', while also analysing the advances in social media and propaganda which uniquely set Islamic State apart from other terrorist groups. The financial freedom under which Islamic State operates allows it to aggressively extend its influence and commit human rights abuses as reported by the findings of the UN Commission of Inquiry on Syria. These abuses, atrocities and levels of extremism are so great that even other Islamic groups have somewhat distanced themselves from Islamic State; notably Al Qaeda in the Arabian Peninsula.

Introduction

The emergence of Islamic State as an actor to be reckoned with in the geopolitical puzzle that is unfolding in the Middle East has resulted in a profound reappraisal of the means to pursue the War on Terror in an effective manner.¹ In addition to this, the configuration of Islamic State has given rise to the second stage of the War on Terror, characterised by the waging of war against organisations that could threaten the territorial integrity of states in the Middle East, as seen in the active participation of Islamic State in the internecine conflict that is taking place in Syria and Iraq.² This paper argues that Islamic State has constituted itself as an organisation willing to establish a world caliphate. In order to do so, several factors related to the extent of the organisation's power are evaluated. The manner in which Islamic State's identity has changed since its emergence as a recognised actor in the Middle East has led to different appellations given to the organisation and concurrently reflected an increase in the level of violence deployed by the militant group. The financial aspects involved in the pursuit of jihad by Islamic State have resulted in a portfolio of financial resources, including taxation, the sale of oil, and strategic subsidy by private donors with investment in its anti-Shi'ite ideology. In today's digital age Islamic State has deployed its social media arsenal for the purposes of bolstering its recruitment power, especially amongst Western Muslim youths eager to participate in such an undertaking. This aspect arguably sets Islamic State apart from other militant groups. Many violent acts have been and will continue to be committed by

¹ Sekulow, J. (2014) *Rise of ISIS: A Threat We Can't Ignore*, New York: Howard Books, p. 36.

² Cockburn, P. (2015) *The Rise of Islamic State: ISIS and the New Sunni Revolution*, London: Verso, p. 201.

the group, but for the purpose of this paper there will be an examination of the extent of the atrocities committed by the forces of Islamic State and the human rights abuses perpetrated in the context of the Syrian Civil War, placing an emphasis on the findings of the UN Commission of Inquiry on Syria. On foot of this report and others, prominent members of the international community have pooled resources in order to put together a global coalition capable of responding to the threat posed by the group both in the Middle East and their own countries, due to the radicalisation of Muslim youths.

The Evolution of the Identity of Islamic State

The evolution of the identity of Islamic State must be appraised in the context of the invasion of Iraq by the US-led coalition in 2003 which led to the toppling of Saddam Hussein.³ This episode gave rise to the active involvement of an organisation entitled *Jamat Al-Tawhid wal-Jihad* (founded in 1999 by Abu Musab Al-Zarqawi) in acts of terrorism against the Shi'ite population and the coalition forces.⁴ It is important to remark that one of the main ideological features of *Jamat Al-Tawhid wal-Jihad* was its adherence to Salafism, a branch of Islamic thinking that emphasises the literal reading of the Quranic legislation.⁵ After pledging its allegiance to Al-Qaeda, this organisation changed its name to *Organisation of Jihad's Base in Mesopotamia* (alternatively using the name *Al-Qaeda in Iraq*).⁶ This group was engaged in the perpetration of terrorist activities directed against Iraqi officials as well as its reconstituted armed forces.⁷ The ultimate aim of this organisation was to expand the jihadist fight into the secular Arab countries of the region, with the purpose of establishing a caliphate capable of eradicating the presence of western forces in the region, thereby bringing about the elimination of the State of Israel. The death of al-Zarqawi by a US airstrike led to a reconstitution of the organisation.⁸

Further organisational metamorphosis was affected by the formation of a democratic Iraq—albeit with the prominent participation of the Shi'ite political organisations in the political process. This then led to the amalgamation of several smaller forces under the banner of the *Mujahideen Shura Council*, which pledged to establish a Sunni caliphate in Iraq, under the leadership of Abu Abdullah Al-Rashid Al-Baghdadi.⁹ The configuration of the Islamic State of Iraq in 2006 led directly to a number of important victories by the organisation, extending its control over large swathes of Iraqi territory. Nevertheless, the resistance of many parts of the Iraqi population led to a period of political and military uncertainty for the organisation.¹⁰ However, it suffered a significant reversal of fortune in 2010 when Abu Bakr al-Baghdadi was appointed as its leader.¹¹ One of the most salient features in this reversal of fortune was the manner in which Al-Baghdadi succeeded in co-opting former Baathist elements into the top echelon of the organisation. This enabled it to perpetrate a number of successful assaults in various parts of the country, slowly but surely expanding their territorial grip on the country.¹²

3 Stern, J. and Berger, J. (2015) *ISIS: The State of Terror*, London: Ecco, p. 81.

4 Cockburn (2015) op cit, p.14.

5 Sekulow (2014) op cit, p. 30.

6 Cockburn (2015) op cit, p. 14.

7 Micallef, J. (2015) *Islamic State: Its History, Ideology and Challenge*, New York, Antioch Press, p. 66.

8 Cockburn (2015) op cit, p. 22.

9 Micallef (2015) op cit, p. 69.

10 Kirkland, J. (2014) *A Short Introduction to the Islamic State*, New York: Didactic Press, 2014, p. 110.

11 Micallef (2015) op cit, p. 73.

12 Cockburn (2015) op cit, p. 33.

The Syrian Civil War provided *Islamic State of Iraq and the Levant* (set up in 2013) with an opportunity to expand its influence throughout the region.¹³ Indeed, the outbreak of conflict in Syria reflected the geopolitical implications of the emergent conflict between the Sunni and Shi'ite communities in the Middle East and the interests of global powers in containing the rapid fragmentation of the region.¹⁴ Furthermore, the branding of the organisation led by Al-Baghdadi as *Islamic State* in June 2014 is also indicative of the influence of the Caliph in the ideological orientation of this organisation.¹⁵

The Sources of Finance of Islamic State

One of the most significant aspects of the ability of Islamic State to maintain a grip on power and expand its influence throughout the region is its capacity to generate the income needed in order to pursue its jihadist activities.¹⁶ According to the RAND Corporation¹⁷, documents seized by coalition forces during the 2000s show that this organisation is able to raise 95 per cent of the money needed in order to carry out its operations from Iraqi sources. This money is raised through extortion and kidnapping as well as an array of other criminal activities.¹⁸ These funds are distributed to the different cells operating across Iraq, especially those which find it difficult to raise funds in order to carry out their operations.¹⁹ Taxation has been another arena in which Islamic State has gathered funds, establishing a system of revenue collection in the areas it governs in Syria and Iraq, bolstering its financial capabilities considerably.²⁰

The most important source of income of Islamic State is the sale of oil, seized from the areas where the organisation has reinforced its presence.²¹ Some sources estimate that the sale of oil by Islamic State reaches anywhere between 1 to 3 million dollars per day.²² As a consequence, Islamic State is the richest jihadi group operating in the Middle East, capable of extending its activities across the region into Libya and Egypt.²³ Iraq and Iran²⁴ have repeatedly accused Saudi Arabia and Qatar of subsidising Islamic State.²⁵ The rationale employed by Baghdad and Tehran revolves around the idea that Saudi Arabia is emerging as an actor willing to establish itself as the leader of the Sunni world and as a bulwark against Shi'ite infiltration in the Middle East.²⁶ Although the connection between Saudi Arabia and Islamic State in matters related to the financing of the organisation has not been proven, it is known that private donors from the Gulf countries have offered

13 Micallef (2015) op cit, p. 75.

14 Sekulow (2014) op cit, p.112.

15 Ibid, p. 118.

16 Napoleoni, L. (2014) *The Islamist Phoenix: The Islamic State (ISIS) and the Redrawing of the Middle East*, New York: Seven Stories Press, p. 45.

17 Shatz (2014) 'How ISIS Funds Its Reign of Terror', *Rand.org* [online], available: <http://www.rand.org/blog/2014/09/how-isis-funds-its-reign-of-terror.html>, [accessed 25 May 2015].

18 Ibid.

19 Napoleoni (2014) op cit, p. 49.

20 Ibid.

21 Hawramy, F., Mohammed, S. and Harding, L. (2014) 'Inside Islamic State's oil empire: how captured oilfields fuel Isis insurgency', *The Guardian*, [online], available: <http://www.theguardian.com/world/2014/nov/19/sp-islamic-state-oil-empire-iraq-isis>, [accessed 25 May 2015].

22 Sanger, D. and Davis, J. (2014) 'Struggling to Starve ISIS of Oil Revenue, U.S. Seeks Assistance From Turkey', *The New York Times*, [online], available: <http://www.nytimes.com/2014/09/14/world/middleeast/struggling-to-starve-isis-of-oil-revenue-us-seeks-assistance-from-turkey.html>, [accessed 25 May 2015].

23 Napoleoni (2014) op cit, p. 54.

24 Henderson, S. (2014) 'The Battle for Iraq is a Saudi war in Iran: Why the ISIS invasion of Iraq is really a war between Shiites and Sunnis for control of the Middle East', *Foreign Policy*, [online], available: <http://foreignpolicy.com/2014/06/12/the-battle-for-iraq-is-a-saudi-war-on-iran/>, [accessed 25 May 2015].

25 Parker, N and Ireland, L. (2014) 'Iraqi PM Maliki says Saudi, Qatar openly funding violence in Anbar', [online], available: http://www.reuters.com/article/2014/03/09/us-iraq-saudi-qatar-idUSBREA2806S20140309_, [accessed 25 May].

26 Kirkland (2014) op cit, p. 45.

funds to the group.²⁷ An additional source of funds for Islamic State has been the sale of artefacts and works of art from the Assyrian period.²⁸

These factors combined render Islamic State a powerful entity capable of gathering the funds necessary to carry out its jihadist activities,²⁹ from a diverse portfolio of financial resources. This situation has set the organisation apart from Al-Qaeda to the extent that the vast amount of financial resources at its disposal has been influential in deploying the power of the organisation across territory in Iraq, Syria, Libya, and Egypt. This financial clout has led Former Secretary of State Hillary Clinton to regard Islamic State as more powerful than Al-Qaeda.³⁰ Moreover, the financial prowess of the organisation has been a determinant in launching a successful recruitment drive amongst Muslim militants across the world.³¹

The Social Media Propaganda Drive of Islamic State

Although groups like Al-Qaeda have also launched a media drive in order to promote the recruitment of militant elements across the globe, they have failed to attain the same global media exposure as Islamic State. A major contributing factor to this is that the would-be recruits of the organisation are younger Muslims raised in the Western world, with access to smart phones and competence at using the social media.³² Islamic State has established the *Al-Hayat* Media Centre, which produces material broadcast into more than twenty languages. It should be added that the main target of the efforts to disseminate jihadist propaganda remains the Muslim youths of the Western world.³³ In order to attract this audience, Islamic State has developed a slick campaign based on the same principles as any other modern organisation.³⁴ The need to establish an Islamic World Caliphate is at the forefront of this social media campaign.³⁵ This is done by infiltrating the social media networks and deploying a discourse that aims to reconcile two ostensibly opposed thrusts: the fight to establish the Islamic Caliphate, and the struggle to retain a foothold in Western culture.³⁶ For example, some of the fighters involved in Islamic State link themselves to heroic figures from Hollywood movies.³⁷ Some of them, through their interaction with the would-be recruits, depict the normality of life in Islamic State, portraying pictures of the meals that they have, many of them consisting of Western staples.³⁸

Documentary-type videos that depict the reasons justifying Islamic State's fight are a further output of its social media forces. This element sets Islamic State apart from other

27 Stern and Berger (2015) op cit, p. 60.

28 The Guardian (2014) 'Isis extremists bulldoze ancient Assyrian site near Mosul', *The Guardian*, [online], available: <http://www.theguardian.com/world/2015/mar/05/islamic-state-isis-extremists-bulldoze-ancient-nimrud-site-mosul-iraq> [accessed 25 May 2015]

29 Kirkland (2014) op cit, p. 67.

30 CBS (2014) 'Hillary Clinton: ISIS more powerful than al Qaeda ever was', [online], available: <http://www.cbsnews.com/news/hillary-clinton-isis-more-powerful-than-al-qaeda-ever-was/> [accessed 25 May 2015].

31 Kirkland (2014) op cit, p. 80.

32 Stern and Berger (2015) op cit, p. 109.

33 Wall Street Journal (2014) 'New ISIS Recruitment Video Aimed At Western Muslims', *Wall Street Journal*, [online], available: <http://www.wsj.com/video/new-isis-recruitment-video-aimed-at-western-muslims/749B2C6E-A554-4522-A1A4-CF5CAAADD984.html> [accessed 25 May 2015].

34 CNN (2015) 'How ISIS's \$2B budget helps it recruit Western teenagers to terrorism' available: <http://edition.cnn.com/2015/03/27/opinions/aamer-isis-recruiting-western-teenagers/> [accessed 25 May 2015].

35 Napoleoni (2014) op cit, 115.

36 Kirkland (2014) op cit, p. 54.

37 France 24 (2014) 'ISIS jihadists put out Hollywood-style propaganda film' [online], available: <http://observers.france24.com/content/20140613-hollywood-film-jihadist-propaganda-isis>, [accessed 25 May 2015].

38 Napoleoni (2014) op cit, p. 122.

jihadi groups.³⁹ Islamic State's heavy reliance on social media makes it less mystifying than Al-Qaeda. Presenting itself within the terms of a familiar media spectacle, the organisation is more likely to attract young recruits disaffected with mainstream society in the Western world. Islamic State also produces a magazine entitled *Dabiq*, in which the notions of jihad and martyrdom are portrayed with all the drama and iconography of a glossy publication.⁴⁰ Media practices such as these enable Islamic State to adjoin aspects of modernity to their cause. Portrayals of the barbaric use of violence further characterise the social media strategy deployed by the group. Curiously, this is not an element that has resulted, overall, in the rejection of Islamic State by the would-be recruits.⁴¹ This leads to the question of the impact of Islamic State's highly mediated use of violence on the international community at large, and it is to this area that the paper now turns.

The Allegations of Human Rights Abuses and War Crimes Perpetrated by Islamic State

Violence has characterised other jihadi groups, but none so pervasively and publicly as Islamic State.⁴² In November 2014 the UN Commission of Inquiry on Syria published a report containing information about the acts of violence perpetrated by Islamic State. *Rule of Terror: Living under ISIS in Syria*⁴³, collected the first evidence of the manner in which ISIS (as it was then known) treated Syrian civilians. The most crucial aspect of the rule of Islamic State in the parts of the country under its control is the widespread state of terror that prevails. The report reached the following conclusion:

Civilians, including men, women and children, ethnic and religious minorities who remain in ISIS-controlled areas live in fear. Victims and witnesses that fled consistently described being subjected to acts that terrorise and aim to silence the population. ISIS has systematically targeted sources of dissent, detaining and threatening activists, non-governmental organisation workers and journalists with death. Most have fled and ceased reporting from ISIS areas.⁴⁴

One of the ways in which Islamic State exerts political control over populations under its rule is by first controlling the distribution of humanitarian aid.⁴⁵ Victimisation of the most vulnerable, such as the Shi'ite population, has furthered the spread of terror.⁴⁶ There are also reports of the enslavement of women belonging to ethnic minorities, as seen in the case of Yazidi females.⁴⁷ Islamic State has also engaged in the systematic persecution of the Christian population of Syria, through the destruction of churches, and forced conversions—a practice also carried out on Shi'ite. Public executions have also taken place with a view to eradicating heresy. "ISIS has beheaded, shot and stoned men, women and children in public spaces in towns and villages across northeastern Syria,"

39 Stern and Berger (2015) op cit, p. 154.

40 Kirkland (2014) op cit, p. 101.

41 Stern and Berger (2015) op cit, p. 111.

42 Ibid, p.140.

43 UN (2014) 'Rule of Terror: Living under ISIS in Syria', *UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* [online], available: http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/HRC_CRP_ISIS_14Nov2014.pdf, [accessed 25 May 2015].

44 Ibid, p. 3.

45 Rosen, A. (2015) 'Here's how ISIS abuses humanitarian aid', *Business Insider*, [online], available: <http://uk.businessinsider.com/how-isis-abuses-humanitarian-aid-2015-2?r=US> [accessed 25 May 2015].

46 Stern and Berger (2015) op cit p. 144.

47 Napoleoni (2014) op cit, p. 102.

writes the UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic. ISIS also employs the practice of takfir to the extreme, declaring someone to be a heretic, in order to justify attacks on any individual or group it perceives to be a challenge to its dominance. Many of those executed were accused of being affiliated with other armed groups or collaborating with the Government. It also includes the treating of non-Sunni and non-Salafist Muslims as apostates deserving death.⁴⁸ In public declarations made before the executions, ISIS has designated such people as kufar or infidels.⁴⁹

Commentators have posited that the brutality exhibited by Islamic State has surpassed that exercised by other jihadi groups.⁵⁰ There is, in this context, a political element employed by the leadership of Islamic State. The level of violence exerted by the organisation is directed towards ensuring their position as the premiere terrorist group in the Middle East. Whilst terrorist organisations such as Al-Qaeda are primarily interested in utilising terror in order to fragment the Middle East, Islamic State uses the element of extreme violence for the purposes of reconstituting the region according to the tenets of the World Caliphate.

The Global Coalition Against Islamic State

The threats posed by Islamic State have prompted a response on the part of the international community, which sees the rise of this organisation as potentially dangerous to the internal security of sovereign states in the region.⁵¹ With retired Marine Corps four star General John R Allen as the Special US Presidential Envoy,⁵² the global coalition assembled for the purposes of intervening in the areas where Islamic State has established a political and military presence includes NATO members, Arab nations and, most notably, Iran, which is also interested in fighting the Sunni insurgency against the Shi'ite population in Iraq and Syria.⁵³ The military intervention of the global coalition was pivotal in reducing the operational capacity of Islamic State in Iraq and Syria. Since the summer of 2014, the coalition has been involved in efforts to repel the forces of Islamic State as well as provide the local law enforcement and security organisations with equipment and training for the purposes of averting the expansion of the group.⁵⁴ In this instance, the members of the coalition were able to establish a sound working relationship with the Kurdish military forces, which were influential in pushing the forces of Islamic State out of several towns in Iraq.⁵⁵ The small number of US military advisors⁵⁶ to Iraqi and Kurdish fighters, coupled with the series of airstrikes launched by the coalition forces, have been influential in initially dispersing Islamic State forces in Iraq, enabling the country to maintain a relatively high level of territorial integrity. However recent events have proven that once again Iraqi forces are lacking the tactical and military nous required.⁵⁷ Syrian Kurdish *Peshmergas*

48 Traub, J. (2015) 'The Demonic Wellspring', *The Wall Street Journal*, [online], available: <http://www.wsj.com/articles/book-review-isis-the-state-of-terror-by-jessica-stern-j-m-berger-isis-inside-the-army-of-terror-by-michael-weiss-hassan-hassan-the-rise-of-islamic-state-by-patrick-cockburn-1426280254> [accessed 25 May 2015].

49 UN (2015), op cit.

50 Napoleoni (2014) op cit, p. 180.

51 Stern and Berger (2015) op cit, p. 154.

52 US Dept of State (2015) 'Special Presidential Envoy for the Global Coalition to Counter ISIL', available: <http://www.state.gov/s/secs/>, [accessed 25 May 2015].

53 Kirkland (2014) op cit, p. 122.

54 Stern and Berger (2015) op cit, p. 165.

55 Napoleoni (2014) op cit, p. 119.

56 Thompson, M. (2014) 'What Are Those 1,600 (So Far) U.S. Military Advisers Doing In Iraq (So Far)', *Time Online*, [online], available: <http://time.com/3380424/what-are-those-1600-so-far-u-s-military-advisers-doing-in-iraq-so-far/> [accessed 25 May 2015].

57 Shaheen, K. (2015) 'Iraq: pro-government forces struggle to topple Isis in Tikrit', *The Guardian*, [online], available: <http://www.theguardian.com>.

have also received training by the Turkish special forces in order to fend off the threat posed by Islamic State.⁵⁸ The efforts deployed by the coalition forces must be appraised within the context of Operation *Inherent Resolve*.⁵⁹ The main purpose of that operation is as follows:

To reflect the unwavering resolve and deep commitment of the US and partner nations in the region and around the globe to eliminate the terrorist group Islamic State in Iraq and the Levant and the threat they pose to Iraq, the region and the wider international community. It also symbolises the willingness and dedication of coalition members to work closely with our friends in the region and apply all available dimensions of national power necessary...[to] destroy the Islamic State.⁶⁰

As well as the military airstrikes launched against Islamic State positions, Operation *Inherent Resolve* involved the granting of a substantial amount of arms and equipment to Kurdish forces operating in the region.⁶¹ The success of the operation must be evaluated in the context of the continuing efforts deployed by the global coalition in order to maintain the political and territorial integrity of Iraq and to avoid the takeover of a larger swathe of territory in Syria. In spite of these efforts, Operation *Inherent Resolve* has not succeeded in eliminating the presence of Islamic State in the region.

The Disputes Between Islamic State and Al-Qaeda for the Political Supremacy of the International Jihadi Effort

The emergence of Islamic State as an actor of preeminent importance on the international scene has prompted a schism in the jihadi movement. This situation arises from the growing importance of Islamic State as a player in the reconfiguration of the Middle East.⁶² Al-Qaeda was successful in carrying out acts of violence which compelled the international community to institute legal and military mechanisms to fight international terrorism in an effective manner. Islamic State, meanwhile, has managed to erode the territorial integrity of countries such as Iraq and Syria.⁶³ The group has been responsible for expanding its political grip on countries such as Libya, and securing the support of other militant groups including Boko Haram, which operates in Nigeria and neighbouring countries.

These developments are indicative of a transformation in the scope of jihadi activities. The aims of Islamic State revolve around the establishment of a political foothold in the Middle East for the purposes of setting up a caliphate of international reach.⁶⁴ The organisation has managed to entrench itself as a viable form of government in the areas under its control— though a control rooted in the intimidation of civilians by armed soldiers. Nevertheless, Islamic State has succeeded in establishing a modicum of law

com/world/2015/mar/05/iraq-pro-government-forces-struggle-topple-isis-tikrit [accessed 25 May 2015].
58 Pamuk, H. (2014) 'Turkey trains Kurdish peshmerga forces in fight against Islamic State', *Reuters* [online], available: <http://www.reuters.com/article/2014/11/22/us-mideast-crisis-turkey-iraq-idUSKCN0J60B720141122> [accessed 25 May 2015].
59 US Dept of State (2015) 'Operation Inherent Resolve: Targeted Operations against ISIL Terrorists', available: http://www.defense.gov/home/features/2014/0814_iraq/, [accessed 25 May 2015].
60 Stern and Berger (2015) op cit, p. 155.
61 *Ibid*, p. 157.
62 *Ibid*, p. 171.
63 *Ibid*, p. 175.
64 Kirkland (2014) op cit, p. 125.

and order in the areas under its jurisdiction. This is an unprecedented phenomenon in the history of the War on Terror.⁶⁵ The main aim of Al-Qaeda remains to destabilise the military and security structures of the areas where it operates, whereas the military and political intentions of Islamic State revolve around the establishment of a state structure (the caliphate), capable of becoming a beacon for Sunni Muslims around the world.⁶⁶ As we can see, the dispute between Al-Qaeda and Islamic State is centred around the political direction of the jihadi struggle. This may be utilised by the international community in order to dissolve the cohesion of the Islamist organisations that are targeted as part of the War on Terror.

Conclusion

The aim of the belligerent activities of Islamic State is the establishment of a world caliphate for Sunni Muslims. To that end, the group has undergone a process of transformation with regard to both its identity and its purpose. This process of metamorphosis has been crucial to the emergence of the organisation onto the stage of the Middle East as an actor to be seriously and urgently reckoned with by the international community.⁶⁷ It is also something which is central to the continuing evolution of the War on Terror.⁶⁸ At the same time, the evolution in the identity of Islamic State has reflected the increase in the level of violence used by the group for the purpose of accomplishing its political goals. The ability to raise funds from multiple sources in order to finance its operations was a further measure of Islamic State's success.⁶⁹ Access to the oil resources of the region, tax revenue collection, and the receipt of funds from private donors were all shown to bolster the group's finances.⁷⁰ Islamic State has also been successful in deploying its social media arsenal in order to increase its recruitment power, particularly amongst Western Muslim youths willing to collaborate with the establishment of a world caliphate.⁷¹ In the pursuit of its goals, Islamic State perpetrates the systematic abuse of human rights, as shown in the findings of the UN Commission of Inquiry on Syria. In order to contain the expansion of the group, the most prominent members of the international community have established a global coalition for the purposes of engaging it in the field of battle. Moreover, the fight against Islamic State also takes place in the Western world, combating the radicalisation of Muslim youths.⁷² Finally, the rise of the organisation has led to a schism in the jihad movement, as the political aims of Islamic State transcend those that are espoused by Al-Qaeda. For all the reasons cited above, it can be concluded that Islamic State has consolidated itself as an organisation capable of changing the political configuration of the Middle East en route to its avowed aim of establishing a world caliphate.

65 Sekulow (2014) op cit, p. 39.

66 Ibid, p. 41.

67 Amnesty International (2013) 'Rule of fear: ISIS abuses in detention in northern Syria' *Amnesty International Briefing* [online], available: <http://www.countercurrents.org/amnesty201213.pdf>, [accessed 25 May 2015].

68 Sekulow (2014) op cit, p. 49.

69 Kirkland (2014) op cit, p. 129.

70 Cockburn (2015) op cit, p. 101.

71 Ibid, p.108.

72 Napoleoni (2014) op cit, p. 119.

The Centrality of Duty to the Military Professional

ABSTRACT

Officers are the key leaders in the Defence Forces (DF) and, indeed, in all military forces. The leadership of the DF is a crucial element in the generation of the capabilities that are required in the service of the state at home and on Peace Support Operations, be it in conducting routine tasks or in hazardous situations. This paper explores the relationship between values, organisational culture and leadership and the implications of this for military leadership. It considers the importance of duty as a value and its importance in military leadership particularly in hazardous situations. The findings indicate the centrality of the concept of duty to everything the DF does.

Introduction

The DF is an organisation that relies on its members to complete a wide variety of sometimes hazardous tasks at home and on Peace Support Operations overseas. A major contributing factor in achieving optimal organisational performance within these environments must surely lie in providing the best possible quality of leadership. This paper considers the importance of duty as a military value, in particular its role as an element in attaining high quality leadership. It examines the linkages between espoused values and culture within large organisations; how such linkages might impact on leadership; and ultimately contributes to forming an answer to the question: is 'devotion to duty' an essential core value for the professional military officer?

Definition of Key Term

In order to develop this paper the definition of duty used by the United States (US) Army will be used - an abridged version is given below:¹

Duty extends beyond everything required by law, regulation, and orders. Professionals work not just to meet the minimum standard, but consistently strive to do their very best. Army leaders commit to excellence in all aspects of their professional responsibility.

Part of fulfilling duty is to exercise initiative....Army leaders exercise initiative when they fulfil the purpose, not merely the letter, of the tasks they have been assigned and the orders they have received.... conscientiousness is a human trait where duty is internalized. Conscientiousness means having a high sense of responsibility for personal contributions to the Army, demonstrated through dedicated effort, organisation, thoroughness, reliability, and practicality. Conscientiousness consistently alerts the leader to do what is right — even when tired or demoralized.

¹ United States Military (2006) *FM 6-22 Army Leadership*, Washington DC: Headquarters, Department of the Army, p. 4.

In summary, conscientiousness is an indicator of an individual's devotion to duty. Therefore, a person who espouses duty as a value must give of their very best in their work. To fully comprehend the benefits of duty as a value, a more thorough exploration is required.

Duty: Understanding the Most Sublime Military Value²

Dempsey's thesis on duty is perhaps one of the seminal sources contributing to the area of military duty. His analysis commences by acknowledging the difficulty surrounding the conceptualisation of duty but argues that gaining an understanding of its elements is essential for military professionals. He suggests that when considering the nature of duty, there is a need to link it to other related areas such as ethics, character and the relationship and importance of self and selflessness. He argues that duty for the professional military officer contains a number of imperatives including that of defence of one's country and support for one's government but also requires dedication to the military profession, expressed in the lifelong pursuit of knowledge and personal excellence.

Dempsey asserts that duty is what differentiates the soldier from the mercenary. He cites Bradford: "A sense of duty is a feeling of what one ought to do and must do in terms of one's values"³ and this implies taking the initiative to do the right thing. He concludes that duty is the essential value of the military profession.

Dempsey's work gives a clear appreciation of the importance of duty as a value by explaining its components, which include obligation, initiative and personal excellence.

The Relationship Between Values, Organisational Culture and Leadership

Schein explains how the concept of culture can be harnessed to aid appreciation of how organisations work and their leaders perform. He shows how leaders' comprehension of culture can be crucial in managing change thus facilitating improved performance and achievement of the organisation's goals. Culture influences the strategy, structures and procedures of a body and the way its members relate to each other. Schein differentiates between leaders and managers: leaders create, impose and modify culture as necessary, while managers and administrators act within a culture.⁴ He explains that espoused values are publicly announced principles that are central to guiding a group's behaviours; they are one of the levels of culture in an organisation in addition to artefacts and underlying assumptions. He explains how the leader's espoused values, if successful, can be transformed into an underlying assumption for the group.⁵ Schein further reflects on how leaders embed and transmit culture, emphasising that the leader's behaviour and the example they set is crucial to the successful development of the desired culture.⁶

Argyris and Schön propose that the combination of the values, action strategies and assumptions of a body form its theory-in-use and they suggest that this largely accounts for the identity of an organisation over time. They argue, using the US Army as a case-study, that while the personnel, equipment and procedures of a large organisation evolve

² Dempsey, M.E. (1988) *Duty: Understanding the Most Sublime Military Value*, Thesis presented to the US Army C&GS College in part fulfilment of an M.A. in Military Art and Science, Fort Leavenworth, Kansas. Dempsey has since advanced to the rank of General and to the appointment of Chairman of the US Joint Chiefs of Staff.

³ *Ibid*, p. 31.

⁴ Schein, E.H. (2004) *Organisational Culture and Leadership (Third Edition)* San Francisco: Jossey-Bass, p. 11.

⁵ *Ibid*, pp. 25-28.

⁶ *Ibid*, pp. 245-271.

over time, its theory-in-use remains the one relatively constant element in its identity.⁷ In summary, the aforementioned authors show the connection between espoused values and organisational culture, how leaders can establish and modify culture through their response to values, and also, how values and culture can influence leadership. Modification of espoused values by the leadership within an organisation can potentially change its culture; this then can influence the performance of leaders throughout the organisation.

Positive Leadership in Large Organisations and its Relationship to Values

Parry and Bryman describe the development of the New Leadership Approach of the 1980s, resulting in the emergence of the concept of Transformational Leadership.⁸ They cite research suggesting interconnectedness between leadership and organisational culture. They directly refer to Schein's assertion that the key function of leadership is to manipulate culture, and also Bass's contention that modifying organisational culture is an outcome of transformational leadership and that this has a direct impact on the behaviour of followers.⁹

Zaccaro, Kemp and Bader identify that research into the personality of leaders has coalesced around the assertion that certain personality traits can be indicative of leadership potential.¹⁰ The relevant traits can be broadly grouped into five major headings: neuroticism, extroversion, openness, agreeableness and conscientiousness.¹¹ They recognise that there is no consensus concerning the significance of leader trait effects but propose that leadership is best predicted by a number of attributes, including "cognitive capacities, personality orientation, motives and values."¹²

Northouse describes transformational leadership as a process that involves deep seated changes to followers' behaviour. It involves an exceptional form of influence that moves them to accomplish more than is usually expected of them.¹³

Bass and Steidlmeier propose that to be truly transformational, leadership must be built on moral foundations, which then elevates it to that of 'authentic transformational leadership.'¹⁴ Authentic transformational leaders are concerned with the good that can be achieved by their group or organisation; they seek to motivate their followers to go beyond self-interested behaviour towards those benefiting the group.¹⁵

7 Argyris, C. and Schön, D.A. (1996) *Organisational Learning II, Theory, Method and Practice*, Reading, Massachusetts: Addison-Wesley, pp. 13-15. They suggest that the theory-in-use of an organisation is the combination of its values, action strategies and assumptions, and that this can explain the identity of an organisation.

8 Parry, K. and Bryman, A. (2006) 'Leadership in Organisations', *The Handbook of Organisational Studies*, London: Sage Publishing, pp. 446-447.

9 *Ibid.*, p. 457.

10 Zaccaro, S.J., Kemp, C. and Bader, P. (2004) 'Leader Traits and Attributes' in Antonakis, J., Cianciolo, A.T. and Sternberg, R.J. (eds), *The Nature of Leadership*, California: Sage Publications, pp. 101-124.

11 *Ibid.*, p. 111. Efforts to understand the taxonomy of personality have evolved over time and appear to have settled on the five factors given. In addition to being used to understand personality, in the context of this literature they have been applied to the study of leadership. They have also been used when trying to predict people's capacity for and methods of work.

12 *Ibid.*, p. 120.

13 Northouse, P.G. (2010) *Leadership: Theory and Practice*, (5th ed), California: Sage Publications, p. 171.

14 Bass, B.M. and Steidlmeier, P. (2006) 'Ethics, Character, and Authentic Transformational Leadership', available: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.152.4873&rep=rep1&type=pdf>, [accessed 21 December 2010].

15 *Ibid.*, pp. 1-24.

Avolio and Gardner investigate the underlying origins of authentic leadership: their research shows that authentic leaders, while not necessarily always transformational, are nevertheless rooted in their authenticity, as this quality gives them a deep sense of self and a clear understanding of their perspective on significant issues, values and beliefs.¹⁶ Ilies, Morgeson and Nahrgang concur with this perspective and add that the reliable and trustworthy nature of authentic leaders and the desire they have to develop their followers' capabilities makes for very positive experiences for group members.¹⁷

Some consistent themes surface within the authentic leader domain which are of interest to this exploration. In particular, the link between values and behavioural example for authentic leaders, and conscientiousness as an indicator of authentic transformational leadership potential; this connects conscientiousness, a personality trait which internalises duty, to authentic transformational leadership.

Unit Performance: the Impact of Officer Leadership

Gabriel and Savage wrote in the wake of the United States military's misadventures in Vietnam. Their central theme is that the failings of the United States Army, particularly at unit level, were directly related to the performance of its officers. They compared US performance to a number of other military forces at war and demonstrated how the behaviour, values and leadership of officers in that conflict directly affected the performance of their subordinates and units. It could be argued that the cohesion of units and sub-units is of paramount importance to an effective and efficient military, especially on combat operations. Gabriel and Savage demonstrated how time and again the successful performances, or otherwise, of military units, particularly in a crisis, appeared to be directly related to the values and leadership of the officers in those military units. This appears to be true even when only a few or indeed lone officers were available to lead units and sub-units.¹⁸

Duty and its Relationship to Leadership: A Review of Military Literature

An examination of the articulated values of some prominent English speaking militaries gives an insight into weightings ascribed to 'duty'. The US Army's *FM 6-22 Army Leadership* is its keystone leadership manual.¹⁹ The document introduces and defines leadership and explains the foundations of army leadership.²⁰ It places a high degree of importance on the character and behaviour of the leader.²¹ The document initially outlines what the leader should be, and then defines what a leader should do or be capable of doing. A strong theme throughout is that the leader should set a good example and live by seven enunciated values, including amongst them: duty.²²

The philosophy and practice of the Canadian military emphasises the importance, as an ethos, of giving lawful service to Canada.²³ Within this ethos reside certain

16 Avolio, B.J. and Gardner, W.L. (2005) 'Authentic Leadership Development: Getting to the root of positive forms of leadership', *The Leadership Quarterly*, 16, p. 329.

17 Ilies, R., Morgeson, F.P., and Nahrgang, J.D. (2005) 'Authentic leadership and eudaemonic well-being: Understanding leader-follower outcomes', *The Leadership Quarterly*, 16, p. 374.

18 Gabriel, R., and Savage, P. (1978) *Crisis in Command: Mismanagement in the Army*, New York: Hill and Wang, p. 36.

19 United States Military (2006) op cit.

20 The foundations include command authority, leadership requirements and the core competencies of leadership.

21 United States Military (2006) op cit. *FM 6-22 Army Leadership*, Chapter Four deals specifically with leader character which is defined as a person's moral and ethical qualities, and explains that character will help "determine right from wrong and choose what is right" (2006: 4-2). The elements that make up a leader's core are given as: army values, empathy and warrior ethos.

22 Ibid, p. 2-2. The values of the United States Army are Loyalty, Duty, Respect, Selfless service, Honor, Integrity and Personal courage.

23 Canadian Forces Leadership Institute (2003) *Duty With Honour*, Ottawa: Government of Canada Publications.

fundamental beliefs and expectations, the first of which is: “The concept of unlimited liability [suffering death/serious injury as a possible result of doing your job] is integral to the military ethos and lies at the heart of the military professional’s understanding of duty.”²⁴

The British Army defines its moral perspective in *Values and Standards of the British Army*, within which it states that “Soldiering is about duty.”²⁵ Interestingly, while both the US Army and the Canadian Forces include duty in their espoused values, the British Army suggests that soldiering and duty are synonymous.

Closer to home, the DF values are listed as: Respect, Loyalty, Selflessness, Physical Courage, Moral Courage and Integrity.²⁶ Duty is not specifically identified. This poses the question as to whether it falls into the British categorisation, and is therefore synonymous with soldiering, or whether it is intentionally absent.

Overview of Literature

The literature reviewed indicates that leaders play a crucial role in developing and maintaining the culture of their organisations. Due to the importance of leaders in any organisation it is suggested that poor individual officers can have a disproportionately negative effect on unit performance through their behaviour, the example they set and their attitude to the values of the organisation.

A logical follow-on from this is that leaders who espouse duty as a value must fulfil their obligations to the organisation by being conscientious in the completion of their assignments and use their initiative to achieve more than just the minimum standard in their work. Leaders can change the culture of an organisation through the values they espouse; in turn, adherence to espoused values shapes leadership. The research indicates that leaders who demonstrate the value of duty have a greater chance of influencing their group or unit in a positive manner and will be more inclined to be authentic transformational leaders.

The Perception of Duty as a Value in the DF

In order to develop an understanding of perceptions about duty as a value, a variety of DF officers, both serving and retired, were interviewed. The interviewees were unanimous in believing that the notion of duty was understood and valued by the vast majority of officers; only a small minority behaved in a manner incompatible with the concept. However, although a small cohort, it was felt that this group is in a position to negatively affect performance levels in the organisation. The importance of the behaviour and example of officers is emphasised by the interviewees regardless of rank or experience. Officers who are dedicated to their profession and who set a positive example are enthused about, while officers who are seen as not performing or even aspiring to perform are identified as having a very damaging effect on their subordinates and units.

²⁴ Ibid, p. 26.

²⁵ Chief of the General Staff (2008) *Values and Standards of the British Army*, p. 12, available: <http://www.army.mod.uk/>, [accessed 29 May 15].

²⁶ O’glaigh na hEireann (2002) *Duty, Dignity, Respect*, Dublin: Defence Forces Printing Press.

'More than just a job': A Military View

An interesting finding that emerged throughout the interviews was that a career in the DF is perceived as being radically different to most other forms of employment. The expectation of total commitment and the understanding that military personnel face the possibility of death in the routine performance of their tasks are central to this difference.²⁷ When considering the dedication required, one platoon commander explains that due to the often long and irregular hours, the commitment expected and the responsibility accepted, “the military is not a job...it is a vocation.”

A retired Chief of Staff sums up the situation when he says: “I think that you have to accept that the army is not a job...it's more than a job, it's a way of life, a vocation, and I think that encapsulates the essence of duty...[he adds] [Y]our duty is whatever is required to be done to achieve the objective of the mission.”

Conscientiousness as a Contributor to Leadership Capability

Earlier conscientiousness was described as both the internalisation of duty as a value and also as a personality trait that can be an indication of leadership capability. A DF psychologist, commenting about the Occupational Personality Questionnaires (OPQ) used in the selection of cadets, explains that:

The profile is used to [assess] the preferred working style of the candidate... heavy weighting is given to conscientiousness. It would be accurate to say that of the 32 traits outlined in the OPQ that conscientiousness is viewed as the most important...In terms of performance in the Cadet School we have found that those personnel high in conscientiousness are amongst the top performers.

An officer must concern themselves with the attainment of unit objectives, and concurrently with the welfare of the personnel in their care. Officers interviewed comment that conscientiousness is important in the performance of the routine tasks that make a unit functional and efficient, and that if the officer does not demonstrate this consistently they cannot expect subordinates to uphold the desired standards of performance.

A former Cadet Master,²⁸ referring to mentoring, conscientiousness and the development of subordinates, key elements of authentic transformational leadership, opines, “the greatest mentoring you can give any subordinate is your example.” One former senior officer declares “a good leader...has a highly developed sense of duty, a poor leader [has] not,” while another general asserts “you will never be a successful leader without a sense of devotion to duty...[you need to be] conscientious about your job.”

This research supports the importance of conscientiousness as a key leadership trait in officers who demonstrate devotion to duty.

²⁷ Operational personnel are routinely armed, wear helmets and body armour and travel in armoured vehicles for protection. This is the situation both at home and particularly on Peace Support Operations. Military personnel are constantly briefed and their knowledge confirmed about the conditions under which they may open fire. They also receive regular training on how to deal with casualties.

²⁸ The Cadet Master is the officer who commands The Cadet School, the DF's officer training school.

Authentic Transformational Leadership within the DF

The data suggest that transactional leadership is the basis for routine leadership and management functions in the DF.²⁹ This is because the foundations of DF discipline are set in military law, which has a strong coercive element. Consequently, when people join the DF if they can't adjust to military discipline or the military way of life they simply leave. So it seems that transactional leadership is the foundation of DF management and leadership while authentic transformational leadership is something that should be aspired to, especially in extraordinary or hazardous situations.

Leadership in Hazardous Situations

Despite being a small, neutral country Ireland has consistently deployed its soldiers to trouble spots around the world in order to support UN-mandated Peace Support Operations. DF members and units have encountered combat situations from Congo to Lebanon and from Liberia to East Timor. As he reflects on what motivated him as a military observer in an extremely hazardous situation on the Golan Heights in the 1973 war between Israel and Syria, a former Irish Military Observer recalls "I felt a very strong sense of national duty, I wasn't going to let the side down, I was an Irishman...I think that's a great motivator." A young platoon commander on his first deployment to Kosovo in 2004 where widespread inter-ethnic rioting erupted, which resulted in a number of deaths, found himself and his platoon on the front line in the riots and isolated from the rest of his unit for up to 12 hours. It was a period of intense activity when his soldiers were put under great pressure and suffered a number of injuries. When questioned about what values kept him and his platoon going he explains: "completely honestly it was their devotion to duty, the NCOs, the troops [as well as] myself...I think that it was the devotion to duty that we all had [that] was the key."

The research indicates that devotion to duty plays a key role in motivating individuals when officers and soldiers are attempting to accomplish their mission in extremely hazardous situations.

Duty as a Normative Military Value

In the US Army³⁰ and the Canadian Forces³¹ not alone is the officer supposed to espouse the values of the respective organisations but they are also expected to live by them. When the question was posed to DF interviewees they answered unanimously that officers should be expected to live by values such as duty. The responses given clarify the importance of the link between the values espoused by the DF, its culture and identity, and how it is essential for officers to appreciate their role and responsibilities.

Conclusion

Having considered a variety of literature concerning organisational culture, values, leadership and the importance of the performance of officers, the research evolved to the performance of individual DF officers as leaders and how their perceptions of the importance of duty corresponds to their espousal of duty as a value. The linkages

²⁹ Transactional leadership refers to the bulk of leadership models and focuses on the transactional exchanges between leaders and followers (Northouse, 2010:172).

³⁰ United States Military (2006) op cit.

³¹ Canadian Forces Leadership Institute (2003) op cit.

between the creation of culture in organisations by leaders and the modification of that culture through the espousal of desired values were identified. This modified culture could, in turn, affect the newer leadership as it developed within the organisation.

Officers can have a strong influence on their peers and a disproportionate one on their subordinates. The demands of military service mean it is unlike most other forms of employment. Conscientiousness does contribute to leadership capabilities and links duty and authentic transformational leadership which is an appropriate style of leadership for officers in the DF. Devotion to duty plays a central role in leadership particularly in hazardous situations.

An officer may have many talents but without a sense of duty it is very unlikely that they will be successful as a leader in the DF. When officers espouse devotion to duty they express this through conscientiousness, which is the internalisation of the value of duty. They must also exercise their initiative in order to complete tasks to the best of their ability and for the benefit of the organisation. By behaving in such a manner they set an example which peers and subordinates can measure, appreciate and aspire to.

An officer's first posting is often where they're inculcated with DF organisational values; where values such as 'duty' are first observed. The kind of behaviour that they observe from other officers can have a crucial effect on their development. Unfortunately, in some cases this can be a negative influence. Serving with officers who possess and demonstrate high personal standards and values, particularly devotion to duty, and being mentored by such officers can have a profoundly positive effect on the development of young officers as leaders. Where they do not receive such positive example, and in the absence of affirmative mentoring, problems may occur and the inexperienced officer may not develop as desired.

Being an officer is more than just a job, it can be seen as vocational for the truly dedicated. Through this dedication individual officers can have a disproportionately positive effect on their peers and subordinates and ultimately on their units. Consequently, it is right to conclude that devotion to duty is an essential core value for the professional military officer.

Exploring Dissent in Civil Military Relations

ABSTRACT

Civil-Military Relations (CMR) is an environment that every officer will be required to operate in with increasing levels of engagement as they advance in the Defence Forces (DF), as a fundamental requirement of the strategic leader is the ability to relate military means and ways to political ends. This study explores dissent in CMR in order to understand how the military leader balances the requirement to adhere to the principle of civilian control while also executing the professional responsibility to provide military expertise. The findings indicate that the fundamental principle of democratic civilian control of the military underpins the civil-military discourse in Ireland and the legitimate statutory control of the Minister for Defence is clearly and absolutely accepted. There is less clarity regarding agreement of the position of the civil and military entities below this level however, and a lack of definition leads to differences in terminology and precise understanding of roles, ultimately leading to tension in the discourse. The research finds that CMR should become an integral aspect of the professional education of military officers in order to develop civil-military skills and competencies.

Introduction

Civil-Military Relations (CMR) is a field of study and an arena of participation in the political life of the state, linking the political and military components of strategy.¹ Within the broad interdisciplinary realm of CMR lies the concept of democratic civilian control of the military. This is a fundamental requirement in an established democracy² and is at the core of a system of democratic governance in European defence policy.³ The military profession is unique because of the distinct function that society entrusts to it: to direct, operate and control an organisation whose primary function is the employment of force in defence of the state.⁴ Positive CMR encompass military and civilian strategic leaders sharing responsibility for the conduct of proper discourse, such as respect for each other's opinions, experience and knowledge, and an emphasis on ethical decision making and professionalism.⁵ When there is disagreement however a very real predicament can arise. The military strategic leader must develop an understanding of CMR in order to preserve a balance between the unquestioned subordination of the military to constitutionally legitimate, democratic civilian leadership and the existence of disagreement, because

1 Ulrich, M.P. (2010) 'A Primer on Civil-Military Relations for Senior Leaders' in Bartholomees Jr, J. Boone., (ed.), *The US Army War College Guide to National Security Issues, Volume II: National Security Policy and Strategy, 4th Edition*, Strategic Studies Institute Publication.

2 Born, H., Caparini, M., Haltiner, K., Kuhlmann, J., (2006a) 'Civilians and the military in Europe' in Born, H., Caparini, M., Haltiner, K., Kuhlmann, J. (eds.), *Civil-Military Relations in Europe: Learning from crisis and institutional change*, London and New York: Routledge, pp. 3-16.

3 Volten, P. and Drent, M. (2008) 'Civil Direction of the Military: Redefining the Balance in France, Germany, Romania and the United Kingdom' in Aldis, A., Drent, M., (eds.), *Common Norms and Good Practices of Civil-Military Relations in the EU*, Harmonie Paper 21, The Centre of European Security Studies, pp. 15-38.

4 Ulrich, M.P. (2002) 'Infusing Civil-Military Relations Norms in the Officer Corps' in Mathews, L.J., (ed.), *The Future of the Army Profession*, McGraw-Hill Primis Publishing, pp. 245-270.

5 Snider, D. M., (2008) 'Dissent and Strategic Leadership of the Military Professions', *Strategic Studies Institute* February 2008, available: <http://www.StrategicStudiesInstitute.army.mil/> [accessed 22 March 2013].

in the context of CMR, disagreement can become dissent, depending on interpretation and perspective.⁶

Disagreement reflects a lack of consensus or approval. Dissent is defined as “the holding or expression of opinions at variance with those commonly or officially held.”⁷ In CMR, dissent is considered to issue only from the military, as the ultimate power over decision making in a democracy lies in the civilian sphere.⁸ A fundamental requirement of the strategic leader is the ability to relate military means and ways to political ends, to understand strategy, policy and politics without becoming partisan.⁹ Therefore, rather than dismissing dissent as a difficult or unlikely occurrence, critical thinking can develop understanding of the concept so that it strengthens the development of future military strategic leaders and their ability to operate effectively and appropriately at the civil-military interface.

This paper explores dissent in CMR in order to understand how the military leader balances the requirement to adhere to the principle of civilian control while also executing the professional responsibility to provide military expertise.

The National Context

A significant challenge to the study of this topic is the lack of available data specific to CMR in an Irish context, including a lack of formal DF doctrine on the matter. The White Paper¹⁰ states that the “principle of ensuring civil control of the military necessarily arises, i.e. control by the Minister on behalf of the Government.” It adds that this consideration is not a pressing concern in Ireland considering the “robustness of our democratic institutions and the long-standing tradition of acceptance of political authority by the Defence Forces,”¹¹ therefore the requirement for a framework governing defence is approached in a pragmatic and balanced manner. It can thus be argued that the extant DF understanding in relation to civilian control conforms to the normative position – “the military subordinates itself to civilians because, in a democracy, such subordination is seen to be right.”¹² Civilian control of the military is more complex than respect for democracy and traditions of acceptance however.

Civil-Military Relations Theory and Civilian Control of the Military

There is no single theory that can satisfactorily explain the widely divergent patterns of conduct that occur in CMR.¹³ Feaver summarises the fundamental challenge as *The Civil-Military Problematique* – “to reconcile a military strong enough to do anything the civilians ask them with a military subordinate enough to do only what civilians authorise them to do.”¹⁴ The response to this problem is essentially a bargain, an “unequal dialogue”¹⁵ which can be examined through two lenses. The first is the institutional lens

6 Cook, M. (2004) *The Moral Warrior: Ethics and Service in the US Military*, Albany: State University of New York Press.

7 Oxford Paperback Dictionary & Thesaurus (3rd Edn.) (2009), Oxford University Press.

8 Ulrich (2002) op cit.

9 Owens, M.T. (2011) *US Civil-Military Relations after 9/11: Renegotiating the Civil-Military Bargain*, New York: The Continuum International Publishing Group.

10 Government of Ireland (2000), *White Paper on Defence*, Dublin: An Roinn Cosanta, p. 79

11 Ibid

12 Feaver P.D. (2003) *Armed Servants, Agency, Oversight, and Civil- Military Relations*, Cambridge: Harvard University Press, p. 64

13 Burk, J. (2002) ‘Theories of Democratic Civil-Military Relations’, *Armed Forces and Society*, 29 (1), pp. 7-29.

14 Feaver, P.D. (1996) ‘The Civil-Military Problematique: Huntington, Janowitz and the Question of Civilian Control’, *Armed Forces and Society*, 23 (2), p. 149.

15 Owens (2011) op cit, p. 13.

which focuses on the interaction of the actors within the legal and institutional framework of government, and the second is the sociological or cultural lens which focuses on the broader question of military culture and society.¹⁶

Huntington is considered one of the seminal authors in the field and arguably developed the most influential institutional theory of CMR. Huntington posits “objective civilian control” as the ideal solution, achieving the societal imperative of control, without sacrificing military effectiveness, or the functional imperative.¹⁷ At the opposite end of the spectrum for Huntington lies “subjective control,” which violates the autonomy necessary for a professional military and is considered detrimental to military effectiveness.¹⁸ The challenge for the military professional is to balance the requirement to be as functionally competent as possible while protecting the democratic processes of the state. That is not to assume though that these imperatives are always in opposition and cannot be mutually reinforcing.¹⁹

Janowitz, an early critic of Huntington, favoured the sociological lens. He rejects Huntington’s concept of objective control and posits greater civilian oversight of the military at all levels.²⁰ Janowitz ultimately advocates professionalism, but rather than Huntington’s military professional that is politically neutral and sterile, he advocates a politically aware military with functions and expertise that overlap with those of their civilian counterparts. Finer believed that Huntington underestimated the problem of civilian control and that a professional military might actually be inclined to engage in politics, warning that the military may see themselves as servants of the state rather than of the government in power.²¹ Brooks states that a military behaving ‘politically’ can include any number of phenomena, from ‘partisanship’ of its officers, to the tactics employed in bureaucratic infighting.²²

While both Huntington and Janowitz are clearly concerned with civilian control of the military, there is little agreement about how best to achieve it.²³ The strength of both theories is such that later attempts to redefine CMR effectively refine the understanding of both rather than present theoretical alternatives.²⁴ Indeed, Burk contends that the CMR theories of Huntington and Janowitz actually represent two alternative theories of democracy: the former reflecting Liberal Democracy and the latter Civic Republican Theory.²⁵

16 Owens (2011) op cit.

17 Huntington, S.P. (1957) *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, Cambridge: The Belknap Press, p. 84.

18 Ibid, pp. 80-83.

19 Ulrich (2002) op cit.

20 Janowitz, M. (1960) *The Professional Soldier: A Social and Political Portrait*, New York: The Free Press.

21 Finer, S. E. (1988) *The Man on Horseback*, Colorado: Westview Press.

22 Brooks, R.A. (2013) ‘The Perils of Politics’, *Foreign Policy Research Institute*, Summer, pp. 369-379.

23 Croissant, A., Kuehn, D., Chambers, P., Wolf, S.O. (2010) ‘Beyond the Fallacy of Coup-ism: Conceptualising Civilian Control of the Military in Emerging Democracies’, *Democratization*, 17 (5), pp. 950-975.

24 Desch (1999) focuses on structural theory. Langston’s (2003) focus is on the “inevitable conflicts” of CMR based on Huntington’s societal and functional imperatives. Nielsen (2002) explores Huntington’s functional imperative by examining military effectiveness through the prism of CMR. Avant (1994) and Feaver (2003) employ principal-agent theory to examine CMR. Schiff (1995 and 2009) builds on the work of Janowitz in advocating concordance theory.

25 Burk, J. (2002) op cit pp 9-11. Liberal Theory derives from the philosophy of Hobbes and Locke and is based on the concept of the state’s primary responsibility being to protect the rights and liberties of individual citizens. Civic Republican Theory believed that the first priority of the state was not to protect individual rights and liberties but that priority should be placed on engaging citizens in the activity of public life.

According to Ulrich, acceptance of civilian supremacy and control by an obedient military is perhaps the most important principle of CMR in democracies.²⁶ This is supported by Sarkesian and Connor Jr., who believe civilian control is an established fact within political and military systems.²⁷ Despite this established acceptance however, friction in CMR still occurs.

Friction in Civil-Military Relations

“From a normative point of view...civilian authorities issue instructions that the military must obey.”²⁸ However, even in established and secure democratic states the balancing and managing of CMR is an ongoing challenge.²⁹ *Professional supremacists* advocate that the military have the right to a voice in making policy and have the right to insist that their advice be accepted.³⁰ Feaver refers to this position as “McMasterism^{31 32}” and posits that civilian authorities suppress the military’s opinion, that the military opinion is more right than the civilian opinion, and that the military should ensure that its voice is not just heard but heeded. *Civilian supremacists* argue that “civilians even have the authority to make decisions in what would seem to be the realm of purely military affairs.”³³ Civilian supremacists are not necessarily anti-military, but are however advocating that civilian leaders should question critically the basis of the military advice they are receiving.³⁴

Herspring,³⁵ building on the work of Bland, advocates a compromise of shared responsibility and believes that a more useful approach is to “focus on the process and not assume a battle between two dichotomous, potentially hostile entities.” In such a relationship the military provide honest advice without fear of career or personal reprisal and civilian authorities respect the military and are interested in hearing the opinion of senior officers. However, the fundamental understanding remains that “the civilian authorities make the final decisions.”

Van Ekelen³⁶ argues for a “balance of trust” - the military should accept political leadership and civilian control should refrain from micromanagement in the implementation of mandates once they have been given to the military. Herspring³⁷ contends however that conflict in CMR is normal, positive and healthy “provided there is mutual respect.” Ulrich³⁸ agrees and states simply that tension is inherent. The reality of CMR therefore is too complex and too varied to be explained by a simple paradigm such as order and obey and this complex reality leads to the concept of dissent.

26 Ulrich (2010) op cit.

27 Sarkesian, S.C. and Connor Jr, R.E. (1999) *The US Military Profession into the Twenty-First Century: War, Peace and Politics*, Frank Cass Publishers.

28 Born et al (2006a) op cit p. 3

29 Ulrich (2010) op cit.

30 Owens, M.T., (2012) ‘What Military Officers Need to Know About Civil-Military Relations’, *Naval War College Review*, 65 (2), pp. 67-87.

31 Feaver, P.D. (2011) ‘The Right to be Right: Civil-Military Relations and the Iraq Surge Decision’, *International Security*, 35 (4), pp. 87-125.

32 Those who initially advocated these arguments used H.R. McMaster’s (1998) influential book ‘*Dereliction of Duty: Johnson, McNamara, the Joint Chiefs of Staff and the Lies that led to Vietnam*’ as justification.

33 Owens (2012) op cit p. 75.

34 Feaver (2011) op cit.

35 Herspring, D. R. (2013) *Civil-Military Relations and Shared Responsibility: A Four Nation Study*, Baltimore: The John Hopkins University Press, p. 1.

36 Ekelen, Van, W. (2008) ‘Parliamentary Practice in Defence and Security’ in Aldis, A., Drent, M., (eds.), *Common Norms and Good Practices of Civil-Military Relations in the EU*, Harmonie Paper 21, The Centre of European Security Studies, pp. 39-60.

37 Herspring (2013) op cit.

38 Ulrich (2010) op cit.

Dissent in Civil-Military Relations

The traditional view of dissent reflects the position of Huntington³⁹ that on receipt of a legal order the military leader “obeys instantly.” Kohn⁴⁰ warns that the role of the military is to advise and then execute lawful orders, not “measure policies, decisions, orders, and operations against personal moral and ethical systems.” Owens⁴¹ argues as a principle of CMR that military officers have an obligation to make their case as strongly as possible but do not have a right to insist that this advice is accepted. Foster⁴² however states that “policy is simply a position” on an issue and asks why military leaders should not be permitted, or even encouraged, to express their policy views in public without fear of retribution. He also makes a critical argument by suggesting that dissent is not disobedience, rather an expression of sentiment questioning, disagreeing with, or opposing a policy or statement.

Milburn⁴³ attempts to address where the balance lies between the military officer's customary obligation to obey and his moral obligation to dissent; he argues this defies black and white specificity and is rather a question of balance, between military leaders and their civilian masters and between strategy and policy. This is also not a reference to the commonly understood obligation to disobey an illegal order – he is specifically referring to orders that present the officer with a moral dilemma where the decision cannot simply owe its justification to the “principle of obedience.”

Even the most ardent advocates of democratic civilian control of the military accept that there may be instances where dissent may not just be possible but required. Snider⁴⁴ refers to this prospect as the exercise of discretionary professional judgement and he elaborates that “on rare occasions, true professionals must retain the moral space to ‘profess!’” The question of who is dissenting is critical however. Owens⁴⁵ states that the person contemplating dissent must “be an authentic leader⁴⁶ of competence and moral integrity.” Snider⁴⁷ agrees, stating that when dissent begins to shade over into political activity “the dissenters incur the risk of being seen as little more than uniformed lobbyists advocating a cause on behalf of their uniformed interest group.”

Milburn⁴⁸ maintains that although he advocates for the moral obligation to dissent, his argument does not challenge the principle of civilian control of the military. According to Born et al,⁴⁹ this side of the equation of civilian control is often overlooked and civilian authorities must enable the military fulfil its functions adequately, provide professional autonomy free from excessive political interference and be responsive to military culture.⁵⁰

39 Huntington (1957) op cit p. 73.

40 Kohn, R. (2009) ‘Building Trust: Civil-Military Behaviors for Effective National Security’ in Nielsen, S.C. and Snider, M. Don, (eds.), *American Civil-Military Relations: The Soldier and the State in a New Era*, Baltimore: The Johns Hopkins University Press, pp. 282 -290.

41 Owens (2012) op cit p. 74.

42 Foster, G. D. (2011) ‘Growing Up: Towards a New Maturity in Civil-Military Relations’, *Armed Forces Journal*, September 2011, p. 1.

43 Milburn, A. R. (2010) ‘Breaking Ranks: Dissent and the Military Professional’, *Joint Force Quarterly*, 59 (4), pp. 101-107.

44 Snider (2008) op cit pp. 26-31.

45 Owens (2012) op cit p. 80.

46 Authentic Leadership is defined as a “pattern of leader behaviours that draws upon and promotes both positive psychological capacities and a positive ethical climate, to foster greater self-awareness, relational transparency, balanced processing of information and an internalised moral perspective on the part of leaders working with followers, fostering positive self-development” (Walumbwa et al 2008:84).

47 Snider (2008) op cit p. 23.

48 Milburn (2010) op cit

49 Born et al, (2006b) ‘Patterns of democratic governance of civil-military relations’ in Born, H., Caparini, M., Haltiner, K., Kuhlmann, J., (eds.), *Civil-Military Relations in Europe: Learning from crisis and institutional change*, London and New York: Routledge, pp. 235-254.

50 Military culture has been defined as the “prevailing values, philosophies, customs and traditions” that create shared individual expectations about appropriate attitudes, personal beliefs and behaviour (Dorn, Ulmer, Collins and Jacobs, 2000:3).

Brooks⁵¹ suggests modern military leaders may be disposed to dissent because they are more politically aware, believe they have much to offer the policy debate and that their act of dissent will have a beneficial effect. Ultimately, Brooks argues against acts of dissent as they result in the erosion of apolitical norms, send the wrong signals to junior officers about the appropriateness of engaging in political behaviour and, of course, the advice a military leader offers in public dissent could simply be wrong.

Disagreement between military and civilian or political leaders happens frequently and is to be seen as an integral, perhaps even healthy, part of the normal CMR discourse.⁵² However, when disagreement becomes dissent it will likely lead to significant personal and professional ramifications. Brooks⁵³ states that most dissent is altruistic and not motivated by personal advancement or a partisan agenda. This concept of altruistic dissent creates an impetus to examine all the options available to leaders when their level of disagreement cannot be morally overcome.⁵⁴ Owens⁵⁵ refers to these options as a “calculus of dissent.”

The Options Available

The traditional remedy, sometimes offered as an alternative to dissent, is resignation.⁵⁶ Myers and Kohn⁵⁷ however, believe that to threaten resignation is to take your disagreement public, which for a military leader is tantamount to abandoning the personnel under command. Essentially the act of resignation or retirement can be misinterpreted as implied dissent, which is not necessarily a deliberate act but may be just as damaging. Wong and Lovelace⁵⁸ argue that there are other options available which include resignation and retirement but are expanded further (Figure 1).

Snider⁵⁹ agrees with Wong and Lovelace but believes that the variables must also be expanded. According to Snider dissent in CMR has a serious impact on three critical trust relationships of the strategic military leader; the client (the people), the elected and appointed civilian leaders and subordinate leaders within the military profession. Prior to any act of dissent the military leader must consider these trust relationships in the context of a moral analysis addressing additional considerations such as the gravity of the issue, the relevance of the strategic leaders expertise and the degree of sacrifice to the dissenter. The fundamental point however remains that “the potential dissenter must still decide; they must still use discretionary professional judgement to arrive at a decision to dissent.”⁶⁰ This decision can only be made if a complete understanding exists concerning the nature, causes and consequences of dissent in civil-military relations.

51 Brooks (2013) op cit.

52 Herspring (2013) op cit.

53 Brooks (2013) op cit.

54 Hollister, E.A. (2011) 'The Professional Military Ethic and Political Dissent: Has the Line Moved?', *The Land Warfare Papers*, No. 83, August 2011.

55 Owens (2012) op cit p. 71.

56 Clifford III, G.M. (2007) 'Duty at All Costs', *Naval War College Review*, 60 (1), pp. 103-128.

57 Myers, R. B., Kohn, R. H., (2007) 'Salute and Disobey?', *Foreign Affairs*, 86 (5), pp. 147-156.

58 Wong, L. and Lovelace, D. (2008) 'Knowing when to salute', *Armed Forces Journal*, Spring, p. 278.

59 Snider (2008) op cit.

60 Ibid, p. 24.

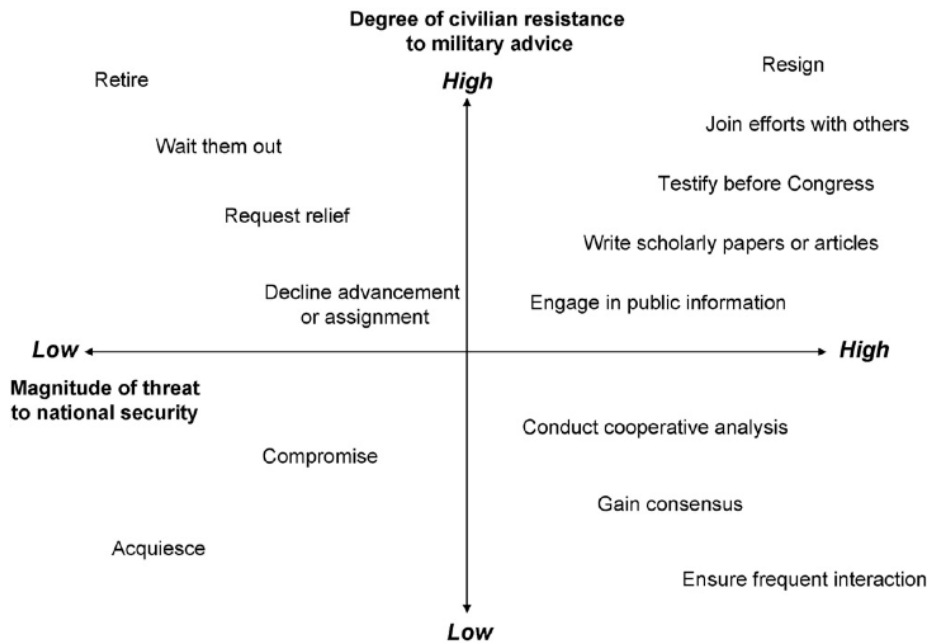


Figure 1: Options for Widening the Policy Debate.

Research Findings

It emerges clearly from the research that a thorough understanding of dissent is required in a complex CMR environment where it is argued tension and conflict are inherent. The research findings explore the realities and understandings of CMR and dissent and although the literature develops a logical thematic structure, the complex reality of the defence environment that exists in Ireland permeates the findings.

Civil or Civilian?

The fundamental norm of democratic civilian control of the military in a democracy and the legitimate statutory control of the Minister was accepted by all participants in the research. The findings indicate a clear understanding of Huntington’s⁶¹ concept of balancing the societal imperative of civilian control with the functional imperative of military effectiveness; the nature of CMR in an Irish context lies towards the subjective control end of Huntington’s spectrum. There is less clarity regarding agreement on the position of the civil and military entities below this level however, referred to as being “almost that debate about who is pre-eminent.”

Despite the common acceptance of the fundamental of control, there is less consensus regarding terminology and implicit meaning. An interesting national perspective that emerges is the different interpretation of the terms ‘civil’ control, as political control by society through its elected representatives and ultimately the Minister, and ‘civilian’

⁶¹ Huntington (1957) op cit.

control, referring to control by the DoD. Interestingly, one participant avoids the issue by referring to 'democratic control'. However, it was also suggested that 'civil' was used because referring to the DoD as 'civilian' was defining them in military terms. The perception of control by the DoD was also seen however as "unnecessary sensitivity" by the military and that they simply operate on behalf and through the Minister under the Carltona Principle.⁶²

The civil-military relationship in Ireland is not officially defined and there is disagreement on whether further clarity is required. In the absence of a clearly defined CMR, it is unsurprising that the importance of inter-personal relationships emerged, particularly the issue of respect, or perhaps more precisely the issue of mutual respect. It is also significant that while no research participant suggested that the nature of the civilian control negatively impacts on military effectiveness, the perception of intrusive control was identified by the military participants as a source of tension. While all participants acknowledged that tension exists in CMR, different perspectives clearly emerged.

Friction and Tension

Owens⁶³ description of CMR as an "unequal dialogue" was reflected in the research findings. Echoing Ulrich⁶⁴ it also emerged that tension in the relationship is inherent. However, closely reflecting the concept of a shared relationship,⁶⁵ there was acknowledgement that tension can also be healthy and the challenge is to keep it positive and constructive. It was suggested that when operating in an environment where common threats were faced in terms of the struggle for resources, it would be "foolish to dissipate our energies with unnecessary internal conflict."

Causes

The causes of friction and tension in the national context were many and diverse. It is interesting that what is seen by the military as a source of tension is seen by the civil side as simply being their responsibility, indicating the importance of perspective as described by Van Ekelon⁶⁶ in influencing interpretation in CMR. On the civil side, areas that caused tension were very clear. These included the suggestion that the military opinion was more correct than the civil position, the military "holding back data" that had been requested and deliberate slow progress by the military in delivering required information.

The first matter reflects the concept of professional supremacy⁶⁷ and is an interesting observation on the civilian perception of military behaviour in CMR in a national context. The second and third issues are perhaps more interesting however, as they appear to suggest the practice of "shirking,"⁶⁸ or deliberately delaying actions by a military as a response to the concept of subjective civilian control. It is notable that in previous MA (LMDS) research Feaver's theory was rejected as a practice in Irish CMR.⁶⁹

⁶² The Carltona doctrine, also referred to as the Carltona principle, expresses the idea that the acts of government department officials are synonymous with the actions of the minister in charge of that department (du Gay, 2009).

⁶³ Owens (2011) op cit.

⁶⁴ Ulrich (2010) op cit.

⁶⁵ Herspring (2013) op cit.

⁶⁶ Ekelon, Van (2008) op cit.

⁶⁷ Owens (2012) op cit.

⁶⁸ Feaver (2003) op cit.

⁶⁹ It was rejected both by DF and DoD interviewees as "the level of co-operation and co-ordination which militated against this shirking" was emphasised (McEvoy, 2010:25).

Overseas Experience

An interesting theme to emerge from the research, but not from the literature, is that participants referred to their experience of CMR in an overseas context and the comparison to their experience in the domestic environment. This was an unexpected source of tension that emerged on the military side, with all suggesting a very different, but fundamentally more positive, experience in the overseas context. Ironically, it was also suggested that experience of CMR in the domestic environment was very good preparation for operating at this level on overseas deployment but in an unusual way – “It comes because we are aware of the tensions that exist at home and of the fine line we are walking all the time.”

Control Relationship

The research indicates that the control relationship can be a source of tension in its own right. While there is a clear divide between policy and operational matters, interesting observations on responsibility and accountability to Government, including the duty and obligation of the DoD on one side and the perception of micromanagement on the other emerged. It was observed that on the military side there is a sense of “bloody interference” while on the civil side “there is a sense of significant challenge to our clear role.” These interesting observations, taken together, suggest that the “balance of trust” as advocated by Van Ekelén⁷⁰ is perhaps not entirely balanced in an Irish context.

There is awareness on both sides that friction exists and that each side is capable of both contributing to and mitigating the situation. It is also clear from all perspectives that tension and friction will always exist in the relationship, although the international experience of the participants suggests that this is not unique to CMR in the national context. It can be concluded from the research therefore that the complexity of the national CMR accurately reflects the available literature, and this complexity can lead to the concept of dissent.

Disagreement, Dissent and Public Expression

The research indicates that the military perspective on dissent recognises the traditional view expressed by Huntington⁷¹ and Owens,⁷² and there was broad agreement with the negative consequences described by Brooks⁷³ ultimate argument against dissent.

Alternative View

However one participant also expressed a slightly different view. While reinforcing the opinion that the fundamental of civil control by the Minister was absolutely accepted, it was stated that dissent “isn’t always totally negative” and that it could reflect moral courage, which coupled with loyalty and dissent are all “different articulations of the same show.” The existence of an alternative opinion on dissent is an interesting discovery from the research and suggests that alternative views such as those of Foster⁷⁴ are possible in Irish CMR, particularly where the dissent may be seen as being altruistic or on behalf of the institution. It also points to a wider issue – that of the difference between

⁷⁰ Ekelén (2008) op cit.

⁷¹ Huntington (1957) op cit.

⁷² Owens (2012) op cit.

⁷³ Brooks (2013) op cit.

⁷⁴ Foster (2011) op cit.

disagreement and dissent. One participant believed there was great scope to examine the issue of dissent in CMR for strategic or potential strategic leaders to “understand how far they can go in advocating positions.”

Public Communication

Although not extensively covered in the literature examined, it emerged strongly from the research that the issue of public communications by the military leader was very closely linked to the concept of dissent. “Public pronouncements” which could lead to a path of divergence were identified as a source of tension from the civil perspective, but the military perspective was clearly of the opinion that the senior military leader should have visibility and must be allowed public expression on his areas of expertise. However it was acknowledged that the military leader must weigh seriously what he is saying and it is unacceptable to “express any form of disagreement publically with clearly stated government policy.”

Political Awareness

All interviewees believed that political awareness was important for officers of the DF, but again had varying perspectives. The ability to interpret political situations in international relations, particularly in regions where overseas deployments were concerned, was identified as positive political awareness. It was also argued on the military side however that there is no ambiguity about political neutrality; that it is possible to “be very politically aware while being politically neutral” and the strategic military leader in particular must understand the environment in which the political masters operate. While the different interpretations of political behaviour in the military as described by Brooks⁷⁵ were evidenced in the research, her suggestion that increased political awareness can lead to dissent is not supported by the research.

While disagreement in CMR is always possible, the resort to dissent is not countenanced, indicating a keen awareness of the negative consequences of dissent in CMR. However, if dissent is not the preferred option, and its negative consequences are the prevailing opinion, the question arises - what alternatives exist?

Alternative Options

It is an interesting exercise to examine the options suggested by Wong and Lovelace⁷⁶ and relate them in an Irish context to the findings of the research. The traditional remedies or alternatives to dissent of resignation and retirement were discussed but not considered very likely. Significantly, resignation was also seen as the ultimate form of dissent as the association between “the matter that’s at issue and the resignation will always be clear.” Going to wider government can be interpreted as the equivalent of going to Congress in the model and this emerged as the preferred alternative of the military interviewees. The Strategic Management Committee (SMC) and facilitating debate can be interpreted as the equivalent of conducting cooperative analysis and is probably the best forum to achieve consensus and compromise. Public communications and writing articles, both suggested by Wong and Lovelace were not considered viable alternatives to dissent.

⁷⁵ Brooks (2013) op cit.

⁷⁶ Wong and Lovelace (2008) op cit.

Interestingly, it was also stated that public expression included communication within the DF outside a tight circle of advisors. Waiting them out, as suggested in the model, is probably not possible considering that the military leader is unlikely to be in appointment for as long a period as the civil side, although this might be possible at lower levels in the relationship. Most interesting, although also least surprising, is that the option to acquiesce was not mentioned by either side of the relationship.

Development of CMR Competencies

A particular area of interest that emerged from the research is how the participants developed CMR competencies considering the lack of formal doctrine. While all referred to specific incidents in their careers where they developed knowledge and exposure to CMR, it is interesting that they were not common or shared experiences – they were specific to the participant. There was unanimous agreement that CMR should become part of professional military education (PME), with one participant observing “we have spent almost one hundred years not having it – perhaps it is about time.”

Conclusions

Dissent was not a comfortable topic for discussion and a clear understanding of its negative consequences was in evidence from all interviewees. It is clearly not a preferred or desired course of action or outcome for any of the participants, which is undoubtedly a positive and important finding. The research indicates that an understanding of dissent is critical to ensure the interests of the DF can be represented as strongly as possible without crossing the boundary of acceptable behaviour. This can only be achieved if there is clarity on where that boundary between disagreement and dissent lies. It is also important that members of the DF understand the complex environment that the strategic leaders of the organisation and their counterparts in DoD must operate in. This is crucial to managing expectations as the military and civil strategic leaders represent defence issues, particularly in times of competition for scarce resources. There are constraints and restrictions that the CMR imposes on our strategic leaders when dealing with areas that are clearly unpopular or controversial. Silence does not indicate assent, but dissent is a reality and a complexity that must be understood.

Dissent is an extreme, and yet rather than being simple to dismiss, it presents a complex and ambiguous lens through which to view CMR and its associated control relationships, friction and tension, and alternatives in a national context. Fundamentally, the potential dissenter must make a decision based on professional military judgement at a given time. This provides the impetus to understand the concept, particularly the limits or bounds of dissent and the alternative courses of action available. Without clarity in what defines the relationship it is difficult to determine what behaviour is appropriate, what will cause tension and what will cause disagreement.

Ulrich⁷⁷ identifies that the range of civil-military competencies to be developed is great and the first step is to recognise the imperative to do so and the scope of the task at hand. Developing the competencies required to operate in this environment requires

⁷⁷ Ulrich (2010) op cit.

exploration, discussion, critical thought and understanding. This research indicates that CMR is integral to the realities of service with the DF and should become part of the continuous professional development of the military officer. A fundamental requirement of the strategic leader is the ability to relate military means and ways to political ends. There is a fundamental requirement to fully understand civil-military relations in order to achieve this and operate effectively at the civil-military interface.

An Irishwoman Abroad? The Truth of Kit Cavenaugh

ABSTRACT

In 2013, Anne Holland's 'The Secret of Kit Cavenaugh' was published by Collins Press. Based on the 18th century memoir 'The Life and Adventures of Christian Davies', the book tells the extraordinary story of Kit Cavenaugh, or Christian Davies, and her military exploits during the period. However, the numerous inconsistencies and falsifications in the original publication, which serve to undermine its credibility as a historical text, become increasingly obvious to the modern historian. In this article, the original source is examined alongside other sources, and placed in its historical context. From this examination, it is evident that the source document is far from reliable. Indeed, 'The Secret of Kit Cavenaugh' is closer to a novel than a historical text and neither it, nor the 18th century memoir, can be relied upon for use in historical research.

"She and her four friends had been somersaulting down the lush green hill, giggling and as skittish as wild colts at play."¹ The opening line of Anne Holland's book, *The Secret of Kit Cavenaugh*, reads more like a work of fiction than a historical biography. It is based on *The Life and Adventures of Mrs Christian Davies*; an 18th century piece describing the amazing and unimaginable feats of one ordinary Irishwoman during both the War of the Spanish Succession and the Thirty Years War. Interest in female warriors peaked in the 17th century, with historian John A. Lynn labelling it as a "phenomenon."² Is 'The Life and Adventures of Mrs. Christian Davies' a true account of a life lived, or merely a product of this phenomenon?

The memoir contains various unusual features that make it an interesting source to examine, however it features a number of problematic irregularities throughout. Individually, these cannot be proven to be true or false, but when examined together they seem quite suspect. As it begins, Kit describes her home life and family; that they belong to the Church of Ireland, but that they are loyal to King James II, the Catholic monarch. This in itself is quite unusual, as the Protestant population on the whole supported the Glorious Revolution of 1688 and looked to William of Orange to protect their religious rights. However, perhaps her family was one of the exceptions.

The reader goes on to learn of Kit's father's untimely death at the Battle of Aughrim in 1691.³ She then moves to Dublin, inherits and establishes a business, marries Richard Welsh and gives birth to three children before her husband goes missing. She receives a

1 Holland, A. (2013) *The Secret of Kit Cavenaugh: A Remarkable Irishwoman and Soldier*, Cork: Collins, p. 1.

2 Lynn, J. (2008) *Women, Armies, and Warfare in Early Modern Europe*, Cambridge: Cambridge UP, p. 164.

3 Anonymous (1740) *The life and adventures of Mrs. Christian Davies, commonly call'd Mother Ross; who, in several campaigns under King William and the late Duke of Marlborough, in the quality of a foot-soldier and dragoon, gave many signal proofs of an unparallel'd courage and personal bravery. Taken from her own mouth when a pensioner of Chelsea-Hospital, And known to be true by Many who were engaged in those great Scenes of Action*, London: R. Montagu.

letter a year after his disappearance, and then organises her affairs and enlists in the army in the hope of finding him. She was supposedly present at the Battle of Landen in 1693, where she received a wound to her ankle.⁴ Obviously this is impossible, as around eleven years have passed since the death of her father, yet she claims to be on the continent and wounded at the Battle of Landen only two years after his death. This is quite possibly the biggest inconsistency of the text, and one which is immediately evident to anyone familiar with Irish history, as the author cleverly omits the exact date of the Battle of Aughrim from the memoir. Other inconsistencies become obvious through a close reading of the text, or after critical examination of the historiography of the period.

The Culture of the Camp

The document deals with Christian's time as a 'male' soldier, as well as the time when she became a camp follower and her actual sex was discovered. The culture of the camp follower began to decline in the first half of the 17th century because, according to Lynn, pillaging (a camp follower's most essential function) fell from favour and became obsolete.⁵ State commissioned armies were larger than the previous contract armies, and because governments provided food and clothing for their soldiers, women were an unwanted expense to the army. This transition was not complete by the close of the 17th century, but on the whole it was largely finished. Thus, the livelihood Kit describes after the discovery of her sex has been largely eradicated by the turn of the 18th century.

Another questionable feature of the account is that after major battles, Kit lists all of the fallen generals and captains, but fails to name any of her peers.⁶ While this would not be strange if the soldier in question had a particularly good relationship with any of their superiors, the listing of each one after a battle and the complete omission of comrades, roommates, and possible friends seems suspicious. Surgeons discovered her sex after she was wounded at the Battle of Schellenberg in 1704, when a bullet lodged in her hip. She describes this wound as grievous, and declares that "to this Day the Wound is open, and has almost deprived me of the use of my Leg and Thigh."⁷ Yet she never again mentions the wound, and continues to march with the army for a further ten years. In the memoir, Kit claims that she fell pregnant by her third husband, Davies. At this stage in her life, Christian was approaching fifty years of age, a feat not altogether impossible, but one that would be highly unlikely even in modern society. Another unevenness in the account emerges as the memoir draws to a close. The author, "Kit", has devoted over two hundred pages to describing her life and accomplishments in detail, she summarises her last years in a handful of lines: "I lived three Years in Chester, and then returned to Chelsea, where I have remained ever since"[sic].⁸ This is an unusual end to a work, which up to that point had been so detailed and descriptive. Kit's function as a vessel through which to describe King William's and the Duke of Marlborough's wars has concluded.

While none of these discrepancies can be proven as definitively true or false, together they create a series of mistakes and incredible claims that would make any reader question the credibility of the narrator. A historian viewing the piece critically could not

⁴ Ibid.

⁵ Lynn, J. (2008) op cit.

⁶ Anon. (1740) *The Life and Adventures of Mrs. Christian Davies*, op cit.

⁷ Ibid, p. 61.

⁸ Ibid, p. 204.

observe all these facts and take this as a genuine first-hand account.

Throughout the text there are names, places, dates, and incidents, which it is assumed, only someone who was actually present at the time would know, thereby appearing to enhance the authenticity of the account. As Kit leaves for the wars on the Continent, the account becomes extremely detailed. She mentions her meeting with Musefa the Elector of Hanover; which, if she were present at Landen, would presumably have been circa 1692. Considering the detail in which the author describes Kit's life in the army in Europe, this is a considerable slip up, as Ernest Augustus had been appointed Elector of Hanover in 1692, and ruled until his death in 1698.⁹ He was not, as Kit describes the Elector, a Turk. This careless fabrication of a person, especially such a well-documented figure of his day, doesn't bode well for the existence of the minor characters named in Kit's narrative.

While she, again quite unusually, neglects to name her peers and comrades in the army, she feels comfortable enough to name those in Ireland. Although Irish historical documents are, for the most part, incomplete or destroyed, there are still avenues to explore when trying to verify the facts of Kit's account. First and foremost, Kit's father was allegedly a Jacobite who commanded his company of horse called 'Cavenaugh.' There is no record of any Cavanagh, Cavenaugh, Kavanagh, or Cavenagh in Simm's *List of Irish Jacobites* from Kildare or Dublin.¹⁰ Additionally, in John D'Alton's *King James' Irish Army List*, the only Cavenaugh listed is a Lieutenant Thomas Cavenaugh in Lord Dongan, the Earl of Limerick's Regiment of Dragoons. Furthermore, D'Alton lists no company of horse called 'Cavenaugh', and in fact states that "All the foregoing Regiments of Horse were engaged at Aughrim."¹¹ Thus, it can be assumed that her father did not command a company of horse consisting of his workers and tenants. This suggests that either her father was not a supporter of King James, did not own a farm in Kildare with tenants, or that he did not exist.

Life in Ireland - Fact or Fiction?

There is also a lack of evidence for many of the 'facts' Kit presents during her life in Ireland. In the Depositions of 1641, there is no record of any Cavenaugh family in Kildare,¹² and there is no evidence of any Cavenaugh, or variation, in the Abstracts of Wills from the *Registry of Deeds, Dublin*.¹³ Again, 'Cavenaugh' fails to make an appearance in Pender's Census, or in the Irish family surname list for Leixlip or Dublin.¹⁴ Additionally, there is no mention of their alleged neighbour, the farmer Mr Ascham. In the entire *Statute Staple Books* of 1596-1687 there is no listing for any debtor or creditor in the city of Dublin with the surname of Cavenaugh, or any variation.¹⁵ Any of these absences from documents would not, on their own, be sufficient to draw conclusions, but grouped together they strongly imply that there was no family of Cavenaugh in Dublin or Leixlip, who supported King James II, during this period.

9 Encyclopaedia Britannica, Ernest Augustus [online], available: <http://www.britannica.com/>, [accessed 25 June 2015].

10 Simms, J.G. (1960) 'Irish Jacobites', *Analecta Hibernia*, [online], 22, 11, 13-19, 21-135, 137, 139-185, 187, 189-230, available: www.jstor.org/stable/30005144, [Accessed 12 March 2014].

11 D'Alton, J. (1860) *Illustrations, Historical and Genealogical, of King James's Irish Army List (1689)*. Dublin: Author, p. 254.

12 Trinity College Dublin, *1641 Depositions*, [online], available at: <http://www.1641.tcd.ie>, [accessed 6 August 2014].

13 Eustace, P.B. (1956) *Registry of Deeds Dublin: Abstracts of Wills ... 1708-1745*, Dublin: Stationery Office.

14 Pender, S. (1939) *A Census of Ireland, circa 1659, with Supplementary Material from the Poll Money Ordinances (1660-1661)*, Dublin: Stationary Office.

15 Ohlmeyer, J.H. and Ó Ciardha, E. (1998) *The Irish Statute Staple Books, 1596-1687*, Dublin: Four Courts Press.

While Irish records can be quite unreliable when endeavouring to locate 'ordinary' individuals, English Churches were required by law to keep records. In Church records, there is no account of Bryan Bembrick, or any Bembrick at all, in all of the county of Durham in the whole of the 17th century.¹⁶ Furthermore, the only record of any variation of 'Howell' in Shropshire from 1700 to 1739 is the marriage of a Thomas Howells in 1717. However this cannot be Kit's Thomas Howell, as she claims she met him circa 1716-18 in Ireland, when he was already married with eleven children, and subsequently committed suicide a few months later.^{17,18} As both men mentioned were allegedly Reverends in the counties of Durham and Shropshire, and subsequently the men who kept the parish records, the notion that neither of them recorded any baptisms, burials, or marriages in their families throughout their lives would appear to be rather far-fetched.

Moreover, Kit mentions that her suitor and cousin, Thomas Howell, was a student at the University when he was courting her. Trinity College's records show that there was no Thomas Howell studying there in the early 1690s, but that in 1695, a sixteen year old young man of that name was admitted.¹⁹ Is this Kit's Thomas Howell? If so, why don't the dates match up? The overwhelming lack of evidence to support the details that Kit provides about her life and acquaintances in Ireland and England discredit the memoir as a convincing primary document.

Taking into consideration the apparent exaggeration associated with Kit's life and family in Ireland, some of her alleged feats and actions on the continent are also open to question. There are many instances in which her account of events is problematic, such as the occasions when she repeatedly came face to face with her first cousin while in the guise of a soldier, and yet he did not recognise her; and the time when she claims to have taken a match from a hesitating soldier and lit the cannon (after the discovery of her sex) thus initiating the fire on a town they were besieging; or the time when she happened upon a tent of Officers in England and they got her drunk on expensive wine before paying her a shilling each for the gift of a kiss (keeping in mind Kit was around fifty years old and, by her own admission, was missing many teeth and had gotten fat).²⁰ Such allegations are curious and, while they cannot be proven to be false, they hint that the narrator is exaggerating her adventures for ulterior motives. Some claims, such as the Prince of Orange himself becoming concerned for Kit in her intense grief for Richard, can obviously be attributed to propaganda, while others, such as Kit's mother who "tho' upwards of a hundred Years of Age, travelled ten Miles on Foot" to meet her may be included to serve plot purposes.²¹ The idea that the Prince of Orange's tent was so close to Kit, the pillager's tent, is unthinkable. Amid the noise and bustle of camp life, the Prince's tent would have had to have been almost beside Kit's to hear her cries, and with the rigorous class system in Early Modern armies, this is highly unlikely.

Kit's exaggerations and questionable claims always emphasise that she was stronger and bolder than any man - a woman who went to war and excelled in it. It doesn't state

¹⁶ 'England Births and Christenings 1538-1975, England Marriages 1538-1973', available: <http://www.dustydocs.com/linkSpecial/-/1/134782/england-baptisms-1538-1975.html>, [Accessed 24 August 2014].

¹⁷ Full Text of 'Shropshire Parish Registers' available at: <https://www.shropshire.gov.uk/archives/> [Accessed 10 August 2014].

¹⁸ Anon. (1740) *The Life and Adventures of Mrs. Christian Davies*, op cit, pp. 196-8.

¹⁹ Trinity College Dublin Archive, accessed 04 January 2014 via correspondence with the Provost's Office.

²⁰ Anon. (1740) *The Life and Adventures of Mrs. Christian Davies*, op cit, pp. 32, 134, 190.

²¹ *Ibid*, pp. 146,184.

exactly what year the author is purported to have recorded Kit's memoirs, but from the language she uses towards the end of the piece it was between 1727 and 1739, which makes Kit between sixty and seventy-two years of age. Although elderly, Kit supposedly still remembers every battle, general, commander, conference, date, and place. Her descriptions and facts of battles and monarchs can all be verified, so how does a woman of her age remember every detail of events that happened up to half a century before? Again, this is something that on its own would not seem extraordinary, but when viewed in the light of all the allegations discussed previously, seems incredible. Her claims of meeting the famous leaders of the day and interacting with them, of finding glory on the battlefield, and of enforcing the ideal that in the face of war one may be reunited with their true love, all serve to encourage young men to enlist in their search for adventure. Nowhere in Kit's memoirs does it detail the starvation and fatigue experienced by many in the army. In one instance, she mentions two soldiers who froze because of harsh weather conditions, but they are given barely one line in the story. Yet again, while none of these assertions can be disproved, together with the false details given earlier, and viewed as a whole, these allegations seem too far-fetched to be true.

If Not Kit, Then Who?

While *The Life and Adventures of Mrs. Christian Davies* is claimed to have been taken "from her own mouth", the authorship of the piece has never been proven.²² A century after the memoir was published it was included in a compilation of works accredited to Daniel Defoe.²³ The assumption of his authorship was not questioned until recently, when academics began to critically examine the text against some of Defoe's other works. Defoe, who was devoted to the Williamite cause, was a known intelligence gatherer, writer, and master of propaganda to the King.²⁴ The account of Christian Davies' life is peppered with praise for the King of Orange, from relaying words of praise from the mouths of his enemies to personal acts of kindness he bestowed on Kit.²⁵ In *The Life and Adventures of Mrs. Christian Davies*, it is mentioned that the Prince of Conti writes in one of his letters that William deserves the Crown of England because of his bravery on the battlefield. Kit, as an ordinary foot soldier, could not have known the contents of the private letters of the monarchy, and so this is likely to be a blatant embellishment - one serving the purposes of propaganda.²⁶

However, just because Defoe fulfils most of the criteria for the author of this piece, this does not mean that he was necessarily so. Lynn and Scarlet Bowen both dismiss the idea that Defoe was the author of the memoir.²⁷ Anti-Jacobite feeling was rife among the majority of the people of England who sought to protect their religious beliefs through the Protestant sovereigns William and Mary. Defoe was known to have had a traditionally myopic view of Ireland.²⁸ For a man with little or no interest in the country or its people, a good portion of the story gives extraordinary details, though these have been found to be inaccurate.

22 Anon. (1740) *The Life and Adventures of Mrs. Christian Davies*, op cit, p. 1.

23 Defoe, D. (1840) *The Novels and Miscellaneous Works of Daniel De Foe. Comp. George Chalmers*, Oxford: D.A. Talboys, for Y. Tegg, London.

24 Moore, J.R. (1971) 'Daniel Defoe: King William's Pamphleteer and Intelligence Agent,' *Huntingdon Library Quarterly*, 34(3).

25 Anon. (1740) *The Life and Adventures of Mrs. Christian Davies*, op cit.

26 *Ibid*, p. 24.

27 Lynn, J. (2008) *Women, Armies, and Warfare in Early Modern Europe*, Cambridge: Cambridge UP, p. 173.

28 Macaree, D. (1982) 'Daniel Defoe, "The True-Born Englishman", and Irish Affairs', *The Canadian Journal of Irish Studies*, (8)1, p. 17.

Why the Emerald Isle?

Why bother make Christian Davies an Irishwoman at all, if her nationality need not be specified? One argument is that some authors disassociate their characters from their society to allow them to go to certain places and act in ways that members of their society could not. Rudyard Kipling uses this device in his novel *Kim*, where the eponymous hero is not of English descent, but Irish. This makes it acceptable for him to mingle with Indian natives and act barbarically. Another reason could be because Christian Davies, or Kit Cavanagh, was in fact Irish. An entry in Sir Sidney Lee's *Dictionary of National Biography* references Abel Boyer's *Political State of Great Britain* which records a "Mrs. Christiana Davies" who fought with the Inniskilling Dragoons at the battle of Aughrim.²⁹ Perhaps she was the model on which the main character was based, but it is obvious from the anomalies present in the text that the author was definitely not Christian Davies, or Kit Cavanagh, or Mother Ross, but rather a third party using her story as a medium to praise King William and discourage Jacobite sentiments.

Literature vs. Historical Document

When examining the validity of any document, one cannot just take the anomalies, inaccuracies, or exaggerated claims as the only evidence. The style of the piece and the way in which the narration is written have a huge part to play in determining the legitimacy of the work. *The Life and Adventures of Mrs. Christian Davies* has very distinct styles of narration. There are two easily identified types; the personal narrator and the reporter. The account begins in the style of the personal narrator, and it continues in that vein describing Christian's life up to when she joins the army. As soon as battle commences, the narrative immediately switches to a more journalistic style. It soon becomes clear to the reader that rather than give an honest account of Kit's life, this memoir serves to give an honest and extremely detailed account of William of Orange and the Duke of Marlborough's wars. At one point, Kit actually makes an outright reference to her audience as she makes the transition from one narrative style to the next; "I believe I shall not displease my readers, by taking a step into Italy, and giving a short account of the situation of affairs in Savoy."³⁰ Unusually, when describing the Battle of Wenedal, Kit begins with the usual, detached narrative style, but then suddenly changes to personal narration when describing what booty she acquired after the battle, and what it was sold for. The variation in narrative style shows that this is most unlikely to be a first-hand account of the war, and also illustrates that the author was not very experienced, as the transitions are obvious and clumsy.

As well as the contrasting narrative styles, there are various literary devices in the memoir that suggest that it is not a first-hand account. The piece begins by describing Kit and her friends at their play. She constantly mentions grey horses in her childhood (a nod to her later position in the Regiment of the Scot's Greys) and that she injured one of the horses, and so had to bring a cup of ale to a local labourer who had seen the incident every night for "a considerable time." This echoes her later duties as a camp follower when she brings ale to Richard and his comrades.³¹ Additionally, when Richard disappears and writes her twelve letters, one a month for a year, and he then resolves to cease writing

²⁹ Smith, G. and Lee, S. (1953) 'Christian Davies', *The Dictionary of National Biography*, London: Oxford UP, pp. 138-9.

³⁰ Anon. (1740) *The Life and Adventures of Mrs. Christian Davies*, op cit, p. 96.

³¹ *Ibid*, p. 6.

after the twelfth letter, it adds to the dramatic effect that she should finally receive the last letter, thus marking the beginning of her adventures. One final dramatic embellishment found in the account is the echo of an incident from her childhood when Kit is on the front line. When she takes a match and lights the cannon, and then falls over and is rewarded twice what she was promised, it is an exact replica of an incident at the beginning of the story when she and her friends are dared to show their underclothes to a gentleman. Yet again, she reinforces the notion that he (or she) who is the boldest and the bravest will receive rewards and glory, encouraging men to sign up and emanate these virtues. Lynn reminds us that “their [women soldiers’] stories were usually a long way from the pursuit of love and glory presented in the songs of the day,”³² yet the young men of the period did not have any knowledge of the realities of camp life. Examining the evidence here, it is not outlandish to label *The Life and Adventures of Mrs. Christian Davies* as literature, rather than as a historical document.

Is She Merely a Character?

The overwhelming evidence that points to the memoirs of Kit Cavanaugh belonging to literature rather than history leads to us the question whether or not Kit really did exist. Was there a Christian Davies who served in the army? One indisputable fact remains, that there is no evidence of any grave for any Christian Davies in the cemetery of the Royal Hospital in Chelsea, even though the memoir states that she was buried there with full military honours in 1739. As the memoir was first published in 1741, it seems farfetched to assert something as specific as that in the hope that readers would not deem it worth their while to check. However, “recent scholarship establishes that she was quite real and lived to receive a pension”, and contemporary sources reinforce this statement.^{33,34} With records of her becoming a Chelsea pensioner in 1717, Christian Davies certainly existed, but did Kit Cavanaugh?

None of the facts given by the author relating to Ireland or Kit's time here have given historians any reason to believe their authenticity. Her surname insinuates one version of herself, an Old English Jacobite, while she projects another. Perhaps, when writing, the author had no knowledge of Irish politics or the divide in the country between the Irish and Old English, and New English. Another curiosity is when she mentions her nationality, which she does a handful of times throughout the memoir, initially she seems proud to be Irish, asserting that “had not the courage of my countrymen...much despised [sic.] in England...” been present, Prince Eugene's possession of Cremona, Italy, might have failed.³⁵ Why would the author make Kit an Irishwoman? Perhaps, as discussed earlier, it is a form of disassociation. They want to incite men to join up, as even women are winning glory and having adventures on the Continent, while at the same time not condoning this sort of behaviour for Englishwomen. Irishwomen were viewed as ‘Other’ and could participate in cross-dressing and battle without causing too much of a shock to polite English society. Evidently, from the lack of research put into Kit's background and Irish affairs, Irish people were not the intended audience for this piece of literary propaganda. The author clearly does not expect any Irish man or woman in 1741 to read

³² Lynn, J. (2008) *Women, Armies, and Warfare in Early Modern Europe*, Cambridge: Cambridge UP, p. 165.

³³ *Ibid.*, p. 173.

³⁴ Letter from the Secretary of War to the Commissioners of Chelsea Hospital, 19th July 1717, PRO WO 4/20, fol. 182 in Easton, Past & Present, 180 (2003) *Gender's Two Bodies: Women Warriors, Female Husbands and Plebeian Life*, Oxford: OUP, p. 144.

³⁵ Anon. (1740) *The Life and Adventures of Mrs. Christian Davies*, op cit, p. 54.

this, as they would undoubtedly know the year of the Battles of the Boyne and Aughrim, they would be able to ascertain whether there was a family of Cavenaugh in Leixlip or Dublin, and they would see through the absurdity of a Jacobite Protestant with the surname of Cavenaugh living in Co. Kildare.

However, the entry found in Boyer's *The Political State of Great Britain* does record that Christian Davies was an Irishwoman, albeit one who fought for William at Aughrim.³⁶ Another twist is that Davies would not have received a pension for fighting at Aughrim, and so the true identity of Kit Cavenaugh eludes us once more. Whether she was an Irishwoman through her author's choice or by birth, or whether she was not, does not distract from her tale. Indisputably a work of literature rather than a valid historical document, the work still has much to tell historians about different aspects of camp life. The author may have been writing from first-hand experience, or he may have interviewed the veterans who returned, but either way Kit's anecdotes of a soldier committing bestiality and his sentence, the details of the dangers and realities of pillaging, and the intricate description of the ritual of a camp marriage and the codes they lived by can be of great value to any historian wishing to explore camp life, and particularly a woman's role in the camp. It is certainly not a valid stand-alone source, but examined in conjunction with other contemporary sources and academic research on the topic, it can be used as one of many keys to unlock the past.

Absence of evidence is not evidence of absence. But there is too much evidence against the validity of Kit Cavanagh's account to take it as factual. As stated, it does give us insight into ordinary camp life, but the absence of any proof for her statements, and the multiple inconsistencies and fanciful tales discredit the work, and thus it is evident that it can only be used as a companion or in comparison with other sources, and that it carries no weight as a first-hand account of Kit's life. While most academics already regard the work as literature rather than fact, publications such as Holland's *The Secret of Kit Cavenaugh* prove that an examination of the source is vital to define the status of the work once and for all. How could a modern historian take this work as accurate, given all of the evidence? Lynn suggests that "the authority of the printed page gave these accounts more weight, which could be misleading to the naïve", and it certainly served to give *The Life and Adventures of Mrs. Christian Davies* more weight than it deserved.³⁷ Hence, the holes in the piece must be acknowledged and the memoir stripped of having any semblance of authority. As the only facts we can accept as truth from the memoir are the ones reinforced by other documents, how can anyone argue that this is a valid historical document?

³⁶ Smith and Lee, (1953) *op cit*, pp. 138-9.

³⁷ Lynn, J. (2008) *Women, Armies, and Warfare in Early Modern Europe*, Cambridge: Cambridge UP, p. 169.

Abstracts

71 Senior Command and Staff Course

**MA in Leadership, Management
and Defence Studies**

Air Corps Pilot Officer Retention: A Study of the Separation Decision-Making Process of Pilot Officers

ABSTRACT

The ability of a military organisation to retain key skills in the form of trained personnel is vital to its future success and its ability to deliver defence capabilities. The focus of this study is Irish Air Corps (IAC) pilots, who have been exiting the organisation in large numbers; currently the organisation is operating 25 percent below its establishment of pilot officers. This could have implications for the future operational output and executive function of the IAC. This thesis sets out to understand the journey these officers undertook while making their exit decisions; what factors influenced their decisions and what, if any, remedial action could be implemented to stem the flow.

The research utilised a hermeneutical phenomenological approach as part of a qualitative investigation of the motivations and factors influencing the exit decision of IAC pilot officers. A web-based survey, with 26 respondents, explored the factors behind the separation decision and allowed the researcher to focus the questions used during the in-depth interview section of the research. In-depth interviews were conducted with two Lieutenant Colonels, one Commandant, and three Captains in order to gain a deeper understanding of the factors driving their individual separation decisions. The use of a mixed-method approach, combining both a survey and interviews, enabled the researcher to gain a deeper insight into the phenomenon being researched. As the IAC conducts no exit interviews, there was a lacuna of primary data relating to individual separation decisions.

The findings indicate that a combination of camaraderie, service to the State and the ability to conduct a wide variety of complex flying tasks were the primary sources of job satisfaction, while a disconnected relationship with senior officers and the loss of high-profile missions significantly increase job dissatisfaction. Promotion procedures and a perception of a lack of career planning were also significant contributory factors in the generation of job dissatisfaction. Finally, the prospect of increased remuneration influenced approximately half of the research participants' decisions.

The decision-making process was found to be elongated, spanning many years; therefore the IAC has an opportunity if it addresses identified sources of dissatisfaction to reduce the current outflow of qualified personnel. Financial resources alone will not solve this issue; however a greater understanding of the principal factors motivating the exit decision, will allow for a coherent, comprehensive approach to stem the tide.

Does the Lessons Learned Process Work for the Irish Defence Forces or Are We Still Afraid to Learn From Our Mistakes?

ABSTRACT

Today, the Defence Forces exists in an ever changing military environment, with daily developments in tactics, techniques and procedures (TTP). The Defence Forces has to review change on a continuous basis if it is to keep pace with other military nations, but until recently, there was no official mechanism within the Defence Forces to formally capture and implement change. The establishment of a dedicated lesson learned cell within the Directorate of Defence Forces Training (DDFT) in 2009 was seen as the first step in addressing this issue, by now having a dedicated cell to oversee a new Defence Forces lessons learned process to implement lesson learned, capture best practice and help the Defence Forces become a true learning organisation. A successful lessons learned process is a huge enabler for any military organisation, to the extent that it has the potential to even save lives in an ever changing and uncertain security environment.

This thesis critically evaluates the Defence Forces lessons learned process and considers if the Defence Forces has achieved its aim of becoming a learning organisation. It involved an examination of the relevant literature, reviewing the progression of the Defence Forces lessons learned process during its first five (5) years in existence. My motivation behind this subject stems from my previous experience as the first Officer assigned to the Defence Forces lesson learned cell in Nov 2009.

The literature review highlighted four (4) main themes associated with the Defence Forces lessons learned process; firstly, engagement by those within the organisation. Secondly, the lessons learned must be driven and led by the organisations leaders. Thirdly, the lessons learned process must be seen as a means of positive change for the organisation. Finally, there must be an effective means of sharing the lessons learned within the organisation and ensuring its retention on an archival system.

A post-positivist qualitative research methodology was employed in order to provide the right personal insight that my research question required. To progress the research, semi structured interviews were conducted with three (3) groups of individuals; those who established or currently operate the lessons learned process in the Defence Forces, commanders who currently use the lessons learned process and finally an external civilian subject matter expert (SME) who specialist field is in learning organisation.

The findings suggest that the Defence Forces has not yet become a true learning organisation. There is an effective lessons learned process and solid doctrine to implement

positive change/learning within the organisation but a number of issues exist within the Defence Force which hinder the process. The location of the lessons learned cell within a directorate rather than at a higher level was identified as an issue. The reaction of leadership at the strategic level to the lessons learned process has been quite positive but this has failed to fully filter down to the operational and tactical leadership levels of the Defence Forces. Culture needs to change within the Defence Forces to the lessons learned process and it must be seen as a means to positively change issues rather than being seen to focus in on the negative aspects all the time. There must be greater education and training in the areas of lessons learned, particularly on career courses. Finally, there must be an effective means of knowledge management to disseminate and archive lessons learned within the Defence Forces so that the corporate knowledge is retained within the organisation even when personnel rotate appointments.

Military Command and Police Independence: Redressing the Imbalance?

ABSTRACT

The Military Police Corps plays a vital role in the Defence Forces military judicial system. They operate in a dual role, both as an organic element in the conventional military structure and also as a law enforcement entity, delivering a policing capability. A dichotomous relationship exists between the accepted requirement for military command of the Military Police and the necessary independence from that command when operating in their law enforcement role. The aim of this thesis is to critically examine the issue of police independence in the context of the Defence Forces Military Police and the traditional concept of military command. It is an accepted and fundamental principle that in a democratic society, a state's law enforcement agencies must operate in an independent, transparent and accountable way. The current legislation governing the Military Police is over 60 years old and in comparison to international best practice and other common law jurisdictions, is not fit for purpose. This thesis is significant because of an identified literature gap in this area. It will provide research and analysis into the Irish Military Police and their independence in the conduct of law enforcement operations. The phenomena of Military Police independence is relatively new and has developed as a result of other common law countries' experiences with this issue. The thesis was conducted using a phenomenological methodology and the author concluded that this research would be most effective by employing a post-positivist and inductive qualitative approach.

The author concludes that there is an urgent requirement to provide effective legislative underpinning of the Military Police function. The key recommendations include the development of legislation to provide for the independence of the Military Police and there is also a necessity to legislate for the qualifications and criteria necessary to be appointed Provost Marshal of the Defence Forces.

Defining a Business Process Improvement Method for Logistics and Training in the Irish Defence Forces

ABSTRACT

The implementation of an organisational improvement method for the logistics and training branches or functions of the Irish Defence Forces (DF) is something from which the organisation stands to benefit greatly. One might say that the success of the DF depends greatly on the supports provided through logistics, and the standards achieved through training; although the continuing functionality of these cross organisational enablers depends on the adoption of relevant policies and business processes to protect ever dwindling resources. In acknowledgement of that scenario, this paper submits a process improvement method hypothesis for DF logistics and training.

A wide range of business process improvement methods have been developed and applied in the commercial environment, despite this non-profit organisations have embraced process improvement methods and customised them for their own process optimisation. Therefore the author of this thesis undertook to examine specific improvement methods and consider their utilisation for use in the Irish DF.

Although examples of process improvement are generally well published in private enterprise circles, only limited information on military organisations was available to the author for critical analysis. The US military process improvement models and experience provided the author with the most current and relevant data.

Business process improvement (BPI) is not entirely new to the DF, but has been engaged with by specific organisational branches and corps, in niche contexts. DF senior management added substantial value to this thesis by engaging with semi structured questions which both directly and indirectly contributed to a study of process improvement for the organisation as a whole.

Ultimately the findings arising from the primary and secondary research in this paper enabled the author to build an informed case both for an overarching process improvement methodology (the concept), and for a process improvement method (the specific model), which demonstrate considerable potential for process improvement in the Irish DF.

Is the Socialisation Process Used in Cadet Training Effective?

ABSTRACT

The Cadet School is designated as the centre of excellence for cadet training in the Irish Defence Forces. The core objective of the Standard Cadet Course is to develop leaders of character and competence in order to qualify them to hold commissioned rank in the Defence Forces. A key part of this training and development is the inculcation of the culture, ethos and values of the Irish Defence Forces into the cadets through the process of socialisation.

This thesis will explore whether the socialisation process as practiced by the Cadet School is effective and fit for purpose to provide a foundation for the development of leaders of character and competence during cadet training.

The research utilised a post-positivist, qualitative research methodology, utilising semi-structured interviews and focus groups. The use of a case study approach best suited the research where the aim was to explore the effectiveness of the socialisation process in cadet training using the Cadet School as a case study.

The significance of this thesis emerges from the findings which indicate that the aims of the socialisation process as laid out in the cadet syllabus of training are achieved. The literature indicates that the role of the agents of socialisation has a direct bearing on the success of the process. The socialisation challenges faced by cadets were a significant finding in this study. The research indicates that the duration of the current cadetship should be reviewed in order to fully exploit the benefits available from successful cadet socialisation.

This research has thrown up several questions, which may need further investigation. A future study investigating the benefits to the Defence Forces of implementing a formal written policy on lifelong socialisation for the officer corps would be very interesting.

Is Unity of Effort the Achilles Heel of the Comprehensive Approach? – Afghanistan a Case Study

ABSTRACT

Through the lens of NATO's experience in Afghanistan this thesis will examine the viability of the Comprehensive Approach both in theory and in practice. It is as much a culture and a mindset as it is a formal structured approach to crisis management operations. NATO first launched this new concept in 2006 as a response to the challenges it faced in both Afghanistan and Kosovo and since then it has evolved into a prescribed official doctrine which is now generally accepted as a current best practice approach. The implementation, however, of such a perceived simple theory has, in practice, proven extremely complex and problematic.

In order to fully understand the question posed one must first critically assess the strategy as pertained to its recent application in Afghanistan, the extreme nature of which has been seen to test the limits of all actions undertaken there. This study examines the main influences on the strategy and looks at how these have affected the successful development of a truly unified approach to crisis management.

From a review of literature and through the collection of primary research data two main themes have come to the fore throughout this study. Firstly, an absence of political unity has impacted the strategy and prevented it from emulating fully the core principle of coordination contained within its theory. This political divergence prevents implementation of a unified top down approach and creates a significantly more difficult environment for the component elements within which to operate. Secondly, and perhaps specific to Afghanistan, was the theme of military dominance. Here one can see, that, due to the extreme nature of the security environment the military effort dominated the majority of the country and consequently shifted ever increasingly into the areas of the provision of development aid and humanitarian assistance. It is this encroachment which took place within the strategy that has perhaps left the greatest legacy on the landscape and indeed the people of Afghanistan.

The purpose of this study has been twofold. Firstly, to create a greater understanding of the Comprehensive Approach from a Defence Forces perspective, not only has Ireland participated in the NATO lead mission to Afghanistan, but Defence Force personnel continue to be deployed throughout the world in EU and UN missions where similar versions of the strategy are in now in place. Secondly, to constructively add to the ever growing discourse around the topic of the Comprehensive Approach and to present some observations as to what the future may hold at a strategic level.

Social Media Use in the Irish Military: Is Twitter Mightier Than the Sword?

ABSTRACT

The Irish Defence Forces have enjoyed significant success in their use of social media since they became 'early adopters' in 2008. There has been much research internationally and here in Ireland on the military use of social media with many authors concentrating on the threats as opposed to the benefits of the new media. However, this thesis was guided by a desire to see why the military use social media or new media so enthusiastically and secondly if they are using it correctly or are they still using it in an old media way.

This question was approached from a post-positivist stance with a comparative case study made between the Irish Defence Forces and another military considered to be expert in the use of social media. Semi-structured interviews with military social media practitioners and figures in the media and public relations world were carried out and compared to a content analysis of the social media outputs of the two studied militaries.

The research found that military use of social media is dominated by the concepts of presence in the digital space and also the requirement to engage the audience both with content and through the unique feedback mechanisms that social media facilitates. In order to turn old media practices into new media, active engagement with the audience is crucial but can be difficult to achieve.

In light of the prevalence of social media as a communications tool both in the civil and military worlds; it is important that the Irish Defence Forces maintain their preeminent position in its employment. For the Defence Forces, now and into the future, content will be king and engagement will be queen.

Implementing Strategy Within the Institutions of Collapsed States. Afghanistan National C-IED Strategy: A Case Study

ABSTRACT

More than ten years of intervention in Afghanistan by the International Community has demonstrated the complexity and challenges of implementing strategy in the institutions of collapsed states.

This thesis considers the complexity and challenges of implementing strategy in the institutions of collapsed states using the National C-IED Strategy of Afghanistan as a case study. This strategy was envisaged by ISAF to be a national, unified, Whole-of-Government approach, to defeat the causes and effects of IEDs on the Afghan people. This thesis is an opportunity to examine an attempt to implement grand strategy within the government institutions of a collapsed state in a conflict environment.

The review of the literature assists in the development of a conceptual framework by examining key concepts that describe failed states, institutions and nation building. It reviews strategic theory and its application to nation building, while considering the contribution of theorists and academics pre-eminent in the disciplines of state-building and creating institutions within failed states. It further considers the cultural context of informal institutions, legitimacy and the complexities of implementing strategy in the Afghan environment.

A qualitative methodological design founded on a post positivist approach is employed that draws upon the reflections and experiences of a select group of leaders and practitioners of nation building, who directly contributed to the implementation of the GIRoA National C-IED Strategy.

Key themes identified in the literature review; the appropriateness of creating democratic governments in the likeness of western states; creating formal institutions rather than developing existing informal constructs; the appropriateness of the military as practitioners of nation building and the viability of encouraging GIRoA to implement a Whole-of -Government strategy are further explored through research. These themes provide findings that further contribute to the understanding of implementing strategy in the complex environment of collapsed states.

Recommendations emanating from the research include: the capturing of lessons identified by practitioners through an organisational lessons learnt process; the establishment of a DF C-IED centre of excellence to promote the exchange of training and awareness at all levels of operations to support EU and UN deployments; greater clarity on the role of the military in nation building; the creation of more comprehensive doctrine and training to support the military in this field and greater coordination and cooperation with DFA to develop joint interagency comprehensive approaches to nation building.

Are There Cultural Obstacles, Which Prevent Service Personnel From Availing of the Personnel Support Services?

ABSTRACT

The nature of the Defence Forces environment is unique within the state. DF personnel operate in an inherently dangerous working environment both at home and aboard. The stresses experienced by DF personnel and their families are unlike those experienced by their civilian counterparts. The need for a proactive personnel support service, one which both DF personnel and their families are willing to avail of and have confidence in, is an essential Human Resource tool for a modern military organisation. The DF has changed fundamentally in recent times, due to a reorganisation, a shift from an internal security role to a focus on Peacekeeping and Peace-enforcing. This has instigated changes in the way the organisation operates and consequently has created more demands on service personnel. The importance of DF personnel having support services, which they can avail of to help deal with work or family related stresses are essential to ensure the DF, maintains its capability to fulfil its role now and into the future.

This thesis investigates if there are cultural obstacles, which prevent DF personnel from availing of the Personnel Support Services. In doing so, it attempts to explore what these obstacles are, the opinion of service providers concerning any cultural obstacles, and what interventions can be introduced in overcoming them.

The literature drawn upon to assist in the development of a conceptual framework highlights the importance of support services and how other armed forces have identified these obstacles and what measures were introduced to overcome them.

A qualitative methodological study is employed drawing on senior DF management/ service providers' views, as well as the views from service providers to the US military. A survey of users of the PSS is employed to gauge their perspective of the service and confirm if there are cultural obstacles that prevent their use of the service. Finally, a focus group comprising of senior commissioned officers is used to confirm the research findings.

The findings unearth that cultural obstacles do exist that prevent DF personnel from availing of the PSS. It also demonstrates a lack of confidence in the PSS concerning the area of confidentiality. These obstacles are consistent with the literature based on the experiences of the UK Armed Forces. These findings provide insight into the

thought-processes of users of the PSS and shed light on a weakness within a key HR management tool.

Recommendations emanating from the research include the implementation of mindfulness/resilience training for all DF personnel, enacting of formalised education of all personnel in the aims and benefits of the PSS, a requirement for an external audit of the service to measure its effectiveness and the implementation of a process to ascertain the needs of service personnel and their families. Finally, a requirement to increase the PR of the PSS and introduce a separate website which DF personnel can avail of from home or abroad.

What Factors Determine the Implementation of Safety Management Systems in the Irish Air Corps

ABSTRACT

The aim of this thesis is to explore the factors that determine the implementation of Safety Management Systems (SMS) in the Irish Air Corps (IAC). Since the establishment of a full time flight safety office in 2000 the IAC has made every effort to ensure the full implementation of industry best practice in flight safety. Industry best practice dictates that while you should have a SMS system in place you must also have regulatory oversight to ensure the compliance of that SMS and its full integration. Currently the IAC is operating in regulatory void.

One of the cornerstones of an effective SMS is the development of a reporting culture and ultimately a safety culture. Military organisations by definition are not blame free working environments as personnel are held accountable for their actions and punished accordingly. This points to an obvious clash of cultural ideals and how they may be a hindrance to the success of a fully integrated SMS and how it is implemented.

In order to address the objectives of the study literature was drawn upon which focused on the cultures that may be influencing culture within the IAC. What regulatory frameworks are required and how to successfully implement a fully integrated SMS. The research strategy employed a qualitative methodological study using semi-structured interviews and document analysis.

The research confirmed that a reporting and safety culture is being nurtured and embraced by the IAC and is beginning to take hold. The regulatory void in which the IAC is currently operating is being addressed since the publication of the recommendations of the Safety Review Report on the IAC in 2013. Implementation of the required frameworks is being discussed at the strategic level which bodes well for safety and regulation of military aviation.

Recommendations emanating from the research include: continued pursuit of legal expertise and advice to assess regulatory obligations of implementing SMS and insistence on the creation of Air Safety Assurance Section in Defence Forces Headquarters (DFHQ); continued to enhancement the SMS programme within the IAC and ensuring a common and standardised ISMS Program; Adequate resources are needed if the wider defence organisation is going to successfully implement the proposed structures for SMS at the operational level [within the IAC] and at the strategic level [DFHQ]. It is

important to emphasise that the new proposed structure is a requirement if the IAC, the DF and the DOD are going to ensure compliance with civilian requirements under IACO.

Pain and Gain

What Can We Learn From One Soldier's Story of Dealing With Adversity?

ABSTRACT

Pain and Gain – What can we learn from one soldier's story of dealing with adversity? This thesis examines how CQMS Seán Baldwin of the Irish Defence Forces has dealt with significant physical disability in a successful way. The aim of this thesis is to tell Seán's story in a way that will shed light on the meaning of his journey so far, and to inform us on the types of issues a person facing serious setbacks can face and how they might deal with them. The narrative inquiry methodology is used to convey his story in the most authentic way possible. The subsequent thematic analysis connects the theory explored in the Literature Review with reality. Key findings and recommendations are presented. Of particular note is the role that the self-image has played in Seán's ongoing progress towards his desired end-state of optimal health and living a happy, fulfilled, balanced life with no regrets. This thesis should provide those dealing with adversity, or those charged with assisting them, with some useful information to help them understand, plan and direct their recovery. Within the Defence Forces we can ensure that the challenges faced by some of our personnel are better understood and that they are optimally supported. We can do this through training and education and through the provision of the appropriate support services whilst maintaining an awareness of international best practice. In this way we can continue to meet our responsibilities as Commanders. We cannot and must not abrogate this duty.

United Nations Post the Brahimi Report; Changed or Not? Case Study: The Department of Peacekeeping Operations

ABSTRACT

Since its creation on 24th of October 1945, the United Nations has deployed to fifty-five missions worldwide. It has had to continually adapt to emerging economic, political, social and technological developments and changes. It was a decision in 2000 by the Secretary General, Mr Kofi Annan, to put the UN through a process of self-reflection, critical analysis of its underlying problems, and in doing so make changes to improve the process of peacekeeping into the new millennium and beyond.

This study attempts to generate a better understanding of the process of change that the UN as a large, complex and extremely diverse organisation undertook. It focuses on how an organisation firstly assesses a need for change, what theoretical model is best suited, the nature of the intended change and the impact of management during the change process.

The research adopted a post-positivist, qualitative research methodology from the beginning, utilising semi-structured interviews with the addition of both participant experience and archival/contemporary material for source information. The case study was the research approach where the objective was to understand why, how and what things happen during an organisational change process. This understanding, coupled with the vast experience base inherent to the interviewee group, generated an understanding of what change means to a large organisation.

The findings highlighted that for organisations to remain effective they must continuously improve themselves in response to external challenges and effective change achieves this. There is no 'one model fits all' solution to successful change and so management must be aware of and utilise their 'toolbox of options' to choose the best fit during the course of change. The research showed that in order for an organisation as vast as the UN to promote successful and perpetual change, the nature of that change must be incremental and reactive but at times some radical measures will be needed. This study found that resistance to change is a human condition that must be harnessed in a positive manner rather than ignoring or fighting against it. Finally, the importance of strong, experienced and focussed management is key to change being established and if a change recommendation is not tracked and followed from a beginning to a desired end state then some elements of it will inevitably break down somewhere along the way. From the findings, a number of recommendations are suggested that may assist managers and leaders in large organisations such as the Irish Defence Forces in the planning

and implementation of future change; including the recognition that the employee is paramount to the success of an organisation and must be treated as its greatest asset throughout.

Adult Education in the Defence Forces: Are the Instructors Who Deliver Professional Military Education in the Defence Forces Able to Facilitate the Adult Learner Needs of Their Students?

ABSTRACT

The Defence Forces is a modern, dynamic organisation. It prides itself on its ability to adapt to changing situations and remain abreast of modern developments while most importantly, caring for the needs of its personnel. In this, education is recognised as our most important tool, maximising the efficiency of our most important asset, our personnel. To be an effective leader and manager it is imperative that instructors recognise the instructional needs of adult learner students. They must attend to this unique relationship between the instructor and his/her student. Rogers (1988:33) sums this up perfectly saying that “If I can discover a certain type of relationship, the other person [adult learner] will discover within himself the capacity for growth.” Adult Learner is the accepted term used to describe any person socially classed as an adult, who is in a learning environment, either formally while attending a specific educational facility or in corporate sponsored learning, through Work Based Learning (WBL) programmes.

The aim of this research is to force a critical review of the current relationship between the specific adult learner needs of Defence Forces personnel during their Professional Military Education (PME) and the teaching needs and instructional methodologies of their Instructors.

A post-positivist, qualitative research methodology supported by semi-structured interviews was adopted during the research phase. Case study was identified as the methodology to collect primary source data, where the focus was on exploring the ability of instructors to facilitate the adult learner needs of Defence Forces personnel undertaking PME courses.

The research reveals that instructors are fully focused on facilitating the adult learner needs of their students. However this research did highlight the challenges faced by instructors in terms of balancing the needs of the Defence Forces, in terms of adhering to syllabi and achieving professional and educational standards, with the adult learner needs of the students in terms of facilitating individual learning styles, self-directed learning, feedback and mentoring.

Recommendations are made for further research in terms of facilitating individual learning styles and the use of peer evaluations. Changes are also suggested, where appropriate, to the selection, education and training of instructors.

Learning From Experience and its Role in Leadership Development in the Defence Forces

ABSTRACT

Leadership and the military have been inseparable throughout history. However for this relationship to survive into the future the development of that leadership remains a cornerstone for any military organisation. The Defence Forces, as a profession of leadership, recognise this necessity. New doctrine, currently being finalised, will define leadership and its development specific to the Defence Forces context.

The aim of this research is to determine the prevalence of learning from experience and its role in leadership development within the organisation. The role of experience, and how it translates into developmental events which build towards leadership capability, has yet to be investigated within the context of the Defence Forces. This research will determine whether learning from experience is an underutilised resource for leadership development and worthy of inclusion in future organisational initiatives.

A case study was chosen as the methodology to best address the research aim through engagement with senior officers of the organisation. These officers represent the three components of the Defence Forces; land, sea and air. Using interviews as the research instrument, the participants' vast and diverse experiences were captured and analysed. The research reveals that leadership is moulded in the fire of experience. The primacy of experience in learning leadership emerges throughout the careers of all participating officers. The research further highlights the vast developmental opportunities that exist within the organisation. In terms of leadership lessons, the overriding message emerging is that every appointment presents experiential potential: the key is to be open to, and learn from them.

The study recommends that the utility of experiential learning within the organisation be recognised as an enabler for leadership development, in order for the Defence Forces to keep pace in what is now an experience economy.

A Modern Study of the Military Leadership of General Owen Roe O'Neill

ABSTRACT

This thesis is a modern study of the military leadership of General Owen Roe O'Neill.

Owen Roe O'Neill was appointed the General of the Ulster forces of the Confederation of Kilkenny in 1642. He raised and maintained a field army from scarce resources, relying greatly on his natural abilities and the reputation he had earned as a soldier in the Spanish service. He died on campaign against Oliver Cromwell on 06 November 1649.

The thesis posits that studying Owen Roe O'Neill's military leadership can benefit the Defence Forces Command and Staff Course (C&S), and in particular the Command, Leadership and Human Resource Management (CLHRM) module. It also proposes that the modern leadership theory taught on that course can be applied to the historical sources as a technique to interrogate those sources for insight relating to historical military leaders.

The literature review includes primary source materials from contemporary authors (including O'Neill's own correspondence), major biographies of O'Neill and a selection of historical studies relating to Ireland and to warfare in the seventeenth century. It also includes a review of modern leadership theory guided by the requirements of the CLHRM module of the C&S Course.

The findings place O'Neill within a modern leadership framework as a charismatic leader at the strategic level with mixed charismatic/ ideological tendencies at the operational level and a tendency to pragmatic leadership at the tactical level. In leadership terms, the findings identify Owen Roe O'Neill as the first discernibly modern Irish general and suggest that it would be beneficial for the Defence Forces to make a more concerted claim for his legacy.

Finally, application of this methodology is suggested for the study of other historical figures both from this period and later.

The Psychological Preparation of the Irish Soldier for the Conflict Environment

ABSTRACT

The DF recent deployment to UNDOF in Syria highlights the importance of deploying a psychologically prepared soldier. This thesis explores the current trends in the domain of stress management and psychological preparation, with a view to ascertaining if there are resources available with potential benefit for both the DF and the Irish soldier to enable the correct mindset in preparing for and operating in a high stress conflict environment.

The literature concerning stress in the military setting and preparing for a high stress environment is consulted to assist in the development of a conceptual framework and an integrated stress training approach towards preparing for such an environment. The applications of practical stress coping mechanisms are examined and the contribution of the positive psychology movement to this field is evaluated. The current DF approach and the procedures of other militaries are considered in relation to the establishment of resilience building programs.

A qualitative methodological approach is taken, using an instrumental case study drawing on the recent DF deployment to UNDOF Syria as the backdrop to the research. The shared-understanding model of data collection was used to extract data from DF personnel based on their experiences of preparing for and operating in a high stress environment. DF experts were consulted to provide organisational context and psychology experts from outside the organisation contributed in order to develop an objective triangulation of data.

The research highlights the substantial stressors to which DF soldiers may be subjected. The key findings were that despite the overall training being fit for purpose the DF does not place special emphasis on psychological aspects of training. The research also points out that the DF approach is based more on information provision than the acquisition and training of specific skills in this area. Lastly the research shows an opportunity to integrate the psychological aspects into the training cycle.

Recommendations on the basis of the study include: the DF need to progress beyond the information provision phase of psychological preparation and develop an integrated approach; consideration should be given to rebranding the DF stress management efforts; ongoing assessment is required to monitor effectiveness and engender engagement.

What are the Consequences for the Defence Forces as a Result of Recruiting Older Graduate Cadets?

ABSTRACT

The introduction of *The Integrated Officer Induction Scheme* in 2005 incentivised graduate entry into the Cadet School. A decade on, this scheme has resulted in creating separate cohorts of graduate and non-graduate officers within Cadet Classes. This thesis examines the consequences for the DF as a result of recruiting older graduate Cadets in the past ten years.

The research question, explored through a conceptual framework examined four main themes namely: Cadet Induction policy, retention of older junior officers in the DF, the significance of the psychological contract of junior officers to the DF and finally the impact of generational change within the DF. The research adopted a post-positivist, qualitative research methodology, utilising semi-structured interviews with document analysis employed as additional sources of information and triangulation of data. The use of both a phenomenological and case study approach best suited the research where the object was to understand the impact for the DF as a consequence of this induction policy and what it means to the junior officers belonging to this cohort.

The significance of this thesis emerges from the findings which indicate that there has been an increase in the age profile of junior officers. Findings reveal that turnover within this cohort is low, however turnover intentions were widely expressed with the perception that career expectations were not being met by the DF. Many of these junior officers have concerns about their future service in the DF based on their age profile and projected career progression. Findings also indicated that a breach of the psychological contract has a significant effect on job satisfaction and intention to remain in the DF.

On the basis of the findings, a number of recommendations are suggested that will assist the DF hierarchy in planning the career management of junior officers into the future.

Retention of Officers in the Naval Service: Is the Service Doing Enough to Retain Officers?

ABSTRACT

Retention of qualified military personnel is a major, if not number one, priority of most militaries. Retaining personnel requires an understanding of the factors affecting individuals and how such decisions are made.

The challenge of retaining qualified and experienced officers is an issue that has risen in prominence over the past number of years in the Naval Service. An understanding of these diverse factors must feed into key HRM policies if the Naval Service is to be effective in retaining the right personnel.

The more I progressed through this subject, the more I became convinced that this is a major HR challenge to the Naval Service. The recommendations within are intended to provide a framework on how to retain such key knowledge workers.

Changing Perspective: Approaching the United States Military's Operational Readiness Concerns Through Employee Engagement Principles

ABSTRACT

The United States Department of Defense is currently involved in its most recent reduction of forces, following the completion of its latest two major conflicts. History has proven the United States military has failed before at properly drawing down forces, while maintaining necessary readiness levels, from examples following World War II and the Vietnam war. The challenge is, how can the United States military maintain operational readiness levels while in a resource-constrained environment.

A possible solution to this problem can be found by looking at examples of corporations who are bound by resource-constraints daily and are continually searching for more efficient ways to maximise profits and minimise expenses. Many corporations, as well as government institutions, employ what is known as employee engagement principles. These principles are aimed at leveraging employee performance through stimulating their employees intellectually, emotionally and physically within the company. The aim is to motivate the employee to want the company to succeed and be willing to holistically invest themselves day in and day out.

The United States military can take these corporate models of employee engagement and apply them to their force in efforts to maintain critical operational readiness levels. The complex issue that surfaces is, does a mechanism already exist that the military can use to employ engagement techniques. Qualitative research showed that the United States military has a mechanism already in place, the unit Family Readiness Group program, which can be leveraged toward employing many of the successful employee engagement principles.

The Family Readiness Group program proved to be a valuable link between the service-member and their family to the military organisation. United States Army policy dictates that every unit have a Family Readiness Group program and that commanders must maintain it to ensure the families, as well as the service-member, are prepared to handle the burdens of military life. This research has demonstrated that the United States military can begin to address its necessary operational readiness requirements through

employing proven employee engagement principles using the unit Family Readiness Group program. After all, it is the service-member and their family that will bear the burden of wars, so every measure should be taken to ensure their sacrifices are not in vain.

The Application of the Military Decision Making Process to Non-Combat Problem Solving in the Irish Defence Forces

ABSTRACT

The utility of Decision Making Processes (DMP) for non-combat executive decision making at the operational and strategic levels in the military setting has attracted considerable attention in the research literature to date. The applicability of the Military Decision Making Process (MDMP) for non-combat problem solving at middle management level in the Irish Defence Forces (DF) has received comparatively little attention. This thesis adopts a conceptual framework informed by Problem Solving Theory, Decision Making Theory and Game Theory in an effort to address this desideratum. The objective is to explore whether MDMP, as a doctrinal tool for combat operations, can be retrofitted to assist with the resolution of non-combat problems encountered in the installations and units throughout the Irish Defence Forces, beyond the realm of military operations. The research findings expose the ways in which behavioural idiosyncrasies that characterise complex organisations like the DF play a significant part in decision-making. The findings reveal a tendency among serving personnel to circumvent formal decision-making processes in favour of utilising intuition and experience. Whilst this may be considered an adequate approach to problem solving where the issue at hand is a recurrent one and where officers are less restricted in terms of time constraints, it is questionable as to whether problems of a more complex nature lend themselves to such an approach.

DF Officers' experience and technical expertise are broad and, more often than not, the skills acquired in academic settings or within experiential learning environments are sufficient to cope with the majority of problems that arise. However, Officers are also confronted with scenarios in the peace-time environment which present significant challenges. The research findings suggest that in such settings, Officers frequently draw on assistance from external experts and/or processes instead of leveraging relevant elements of the existing, institutionally recommended MDMP, the efficacy of which has been proven in complex combat circumstances. This evasion is due in large part to a perception of the MDMP as a cumbersome decision-making prism devoid of the personal inputs of individual personnel. This thesis advocates a more judicious and imaginative application of the MDMP in non-combat problem-solving settings. It advocates the introduction of key elements of the MDMP at Junior Officer level within the existing career development programmes with the objective of demystifying the concept and establishing its relevance.

Training Security Forces in Islamic States: Are We Ignoring the Impact of Religion? An Exploration of the ISAF Training and Mentoring Efforts with the Afghan National Police

ABSTRACT

This thesis posits that the failure in training and mentoring an effective police force in Afghanistan is due to the absence of culturally appropriate considerations in the planning and implementation of the training and mentoring structure for the Afghan National Police by Western states. Specifically, the overall impact of Islam on almost every aspect of life was underestimated and ignored throughout all training and mentoring efforts by the International Security Assistance Forces in Afghanistan.

The research explores the impact of religion on the training and mentoring efforts within the Security Sector Reform process in Islamic countries, specifically in Afghanistan, by utilising a qualitative approach and the application of e-mail interviews. Experts from both an Islamic environment and training and mentoring experts with a secular perspective contribute to the research findings.

It became most apparent that respondents who work in the field of training and mentoring security forces in Afghanistan tend to react very cautiously, when asked to participate in research. To discuss the role or impact of Islam for Western training and mentoring efforts is obviously a sensitive issue.

A most significant finding seems to be the importance of religious considerations for gaining operational legitimacy; thus maximising local actor consent and preventing the opposition of regional leadership while conducting training and mentoring.

Furthermore, understanding the rule of law and developing a professional understanding of how a good police officer should be in an Islamic environment seems almost impossible without a sound religious education of the local police. Particularly in Afghanistan, where the Sharia is the foundation of law, knowledge about the religious fundamentals is crucial for a proper understanding and application of the law.

Further research should aim at the integration of religion into the Security Sector Reform process on a strategic level. On the operational and tactical level it seems beneficial to

conduct research that contributes to an awareness of the operational legitimacy concept, by means of a deeper integration and involvement of religious leaders into the planning process.

Following this, research should be conducted to establish how far Islam, through a particular code of conduct, can contribute to the development of a professional job attitude of police officers in Islamic states.

SHORT BIOGRAPHICAL DETAILS – CONTRIBUTING AUTHORS

- 1. Kevin Myers** was born in Leicester to an Irish family. He studied history at University College Dublin. He covered the Northern troubles in the 1970s, and in 1981, became a columnist with 'The Irish Times', writing 'An Irishman's Diary' for over 25 years. In this capacity, he began to write about the forgotten Irish of the Great War. He regards the general acknowledgement of the injustice done to these men as his life's greatest achievement. He has also reported on the wars in Lebanon and in Bosnia. He has had five books published – one novel, one memoir, two selections of newspaper columns, and one anthology of essays on the Irish in the Great War. He is now a columnist with the Irish edition of 'The Sunday Times.' He is married to Rachel, a musician, horsewoman and paramedic, and they live in Kildare with their (last count) nine dogs.
- 2. Cdt Paul Fleming** is 25 years old and from Moate in Co. Westmeath. He attended University College Dublin from 2007 to 2011, earning a Bachelor of Arts in History and Politics before completing a Master of Arts in the History of International Relations. His Masters thesis dealt with General Henry Rawlinson and British Army Command during the First World War. Following graduation from UCD in 2011, he worked in Sales and Customer Service in the Abbey Theatre until September 2014. He joined the Defence Forces as a recruit in 104 Recruit Troop, 1st Armoured Cavalry Squadron before being offered a Cadetship and joining the 91st Cadet Class. He has represented the Cadet School as a semi-finalist in this year's Irish Times Debating Competition.
- 3. Lt Col Stephen Ryan** is the Commanding Officer of the 3 Infantry Battalion, based in James Stephens Barracks, Kilkenny. He was commissioned into the Infantry Corps in May 1986 and has served in many and varied command, staff and instructional appointments in the former Curragh Command, 2 Bde and the DFTC. Lt Col Ryan has seven operational tours of overseas duty, serving in Lebanon with UNIFIL on three occasions; the Balkans twice (Kosovo and BiH), and Africa twice (Chad and Mali). He is a graduate of the DF Command and Staff School and the UK Defence Academy. He holds a BA from UCG, an MA (LMDS) from NUI Maynooth and an MA (Defence Studies) from King's College, London.
- 4. Gnr Terence O'Reilly** joined the Defence Forces in 1988 and served most of his career with the Artillery Corps, including six tours of duty with UNIFIL. Other foreign adventures have included skydiving in Florida, scuba diving on the Great Barrier Reef and seeing the aurora borealis in Arctic Norway. Currently on the staff of the Defence Forces Library, he is the author of three books including *Hitler's Irishmen*, an account of the only two Irishmen known to have served with the Waffen-SS during the Second World War. He has also written for numerous journals including *History Ireland* and *An Cosantóir*.

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5. **Patrick Keatinge** is an Emeritus Fellow at Trinity College Dublin, where he was a member of the Department of Political Science from 1963 to 1999. He taught mainly in the then untitled field of International Relations, and his research interests and published work included three books on Irish foreign policy and several articles on European integration. He was Jean Monnet Professor of European Integration at TCD, and has been closely associated with the Institute of European Affairs (now the Institute of International and European Affairs) since its foundation in 1991. As Senior Research Fellow at the IIEA in the mid-nineties, he wrote a study on the new context of European security. Since his retirement he has encouraged the analysis of these issues, as a co-chair of the working group on security and occasional contributor to its publications.
 6. **Comdt (Retd) John J. Ryan** was commissioned in the Defence Forces in 1968 where he served in the Supply and Transport Corps. He also served abroad with the United Nations in both UNIFIL and UNTSO. He retired as a Commandant in 1990. He graduated with a Bachelor of Arts (Hons.) in Law and European Studies from the University of Limerick and he holds a post graduate degree as a Solicitor from the Law School of the Incorporated Law Society of Ireland. He was employed, inter alia, as a lawyer for a cumulative six year period with Stephen Mac Kenzie and Co. Solicitors in Dublin. He took up civilian employment with the United Nations in UNTAC (Cambodia) in 1992. He served thereafter in political affairs, rule of law, legal affairs and human rights posts in various United Nations peacekeeping missions until his resignation in 2009. He is currently serving as the Senior Legal Adviser with the European Union Human Rights Review Panel, European Union Rule of Law Mission, Kosovo.
 7. **Lt Col Jan Zöller** was a student of the 71st Irish Senior Command and Staff Course and serves in the German Bundeswehr as executive coach for military leaders. He has more than 20 years of service with experience in both the Military Police and Human Resources Branches. He was deployed several times to Afghanistan and Kosovo and gained relevant experience in training and mentoring operations, especially with the Afghan National Police. He holds a Masters in Sports Science from the University of the Bundeswehr in Munich, a Masters in Organisational Psychology from the University of Hagen and an MA in Leadership, Management and Defence Studies from Maynooth University as part of the Defence Forces' Senior Command and Staff Course.
 8. **Cdr (NS) Pat Burke** is a legal officer with 29 years of service in the Defence Forces. He holds honours BCL and LL.M Degrees in Law from UCC, a Barrister-at-Law degree from the Honourable Society of the Kings Inns and a first class honours MA(LMDS) degree from NUIM. He has completed professional military and legal courses with the Royal Navy, US Navy War College, International Institute of Humanitarian Law, UK Army Land Warfare Centre and the University of Liverpool. He has lectured on the law of armed conflict, human rights law and maritime law both at home and abroad. He was awarded the Lt Gen Tadhg O'Neill award for best military student on the 63rd Senior Command and Staff Course. He has acted as

Legal Advisor (Legad) to Irish Contingent Commanders overseas and deployed as Legad to the Force Commander of Operation Althea in BiH and with Irish Battalion Commanders in Chad and Lebanon. He was legal adviser to Operations *Seabight* and *Unity* during the interdiction of cocaine at sea by the Naval Service. He provided the necessary maritime legal advice to support LE Eithne's deployment to the Mediterranean on a humanitarian mission. He is currently posted to 1 Brigade.

- 9. Comdt Conor Gorey** is an Infantry Officer with 16 years experience. He has served in a range of appointments at home and overseas. He has served in the 3rd Infantry Battalion, as 2I/C of the ISTAR Company, Nordic Battle Group (NBG) 2011 and as an Instructor in the Infantry School, the Military College. There, he served primarily in the Infantry Weapons Wing (IWW), completing the Advanced Sniper Course with the Canadian Defence Forces in 2012. Overseas Comdt Gorey has served two tours in UNIFIL (Lebanon) and one with EUFOR TCHAD/RCA. Comdt Gorey was promoted to the 12th Infantry Battalion having successfully completed the 25th Junior Command and Staff Course (JCSC). This was the first course to be awarded the Higher Diploma in Leadership, Defence and Contemporary Security (LDCS) by the National University of Ireland, Maynooth. He also holds a BSc in Physical Education from the University of Limerick. Comdt Gorey is currently serving as B Coy Commander, 49th Infantry Group, UNIFIL as part of the 115 FINIRISHBATT
- 10. Capt Ken Sheehan** is a Communications and Information Services (CIS) Officer who was commissioned in 2004 as a member of the 79th Cadet Class. He holds a MA in International Relations from DCU, a HDip in Leadership, Management and Contemporary Security from NUIM and a BSc in Computer Science from UCC. He has deployed to UNMIL (Liberia) and EUFOR Chad as a CIS PI Commander and KFOR as a Staff Officer. He has served in a number of different appointments in 1 and 2 Bde CIS Coy, 1 BTC and is currently Officer In Charge of Records & Data Management, 1 Bde HQ.
- 11. Lt Col Jerry Lane** is the assigned Legal Advisor (LEGAD) to the GOC, DFTC with additional responsibility for instruction in law, military ethics and ethical decision making. An experienced Courts Martial Prosecutor, he is the Deputy Director of Military Prosecutions and also the assigned LEGAD to the Provost Marshal and MP Corps. A graduate of the 62nd Senior Command and Staff (C&S) Course, a presentation based on his thesis topic on the legal and ethical implications of Command Responsibility was added to the C&S Course syllabus in 2007. He was awarded best overall student of the 62nd C&S Course. Called to the Irish Bar in 2001, he has a Masters LLM from UCC and an MA from the NUIM. He has also completed various postgraduate diplomas at the Kings Inns. He has lectured extensively on IHL, Human Rights and Military Ethics at home (UCC, UCD, TCD, DCU and NUIM) and abroad, most recently at the Indonesian Army PSO Training Centre, and at the EUROCORPS in Strasbourg. He has served abroad with UNIFIL, KFOR, and EUFOR tCHAD.

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- 12. Lt Donncha Lenihan** joined the Defence Forces in 2007 and was commissioned in 2009 as a member of the 84th Cadet Class. He served in the 4th Cavalry Squadron, Custume Barracks, Athlone, until the Unit's disestablishment in 2012. He is currently based in 1 Armoured Cavalry Squadron, Plunkett Barracks, DFTC, on attachment to DFTC HQ (Personnel Section). He studied Mechanical Engineering in the National University of Ireland, Galway, graduating in 2014 with first class honours. He is currently studying part-time in NUI Galway as a research-based PhD student.
- 13. Comdt Laura Fitzpatrick** was commissioned as a member of the 76th Cadet Class in 2001. Since that time she has served in a variety of Command and Staff appointments throughout the Defence Forces, including service with 2 Infantry Battalion, 5 Infantry Battalion, the Infantry School, the Military College HQ, and the Transport Group of the Defence Forces Training Centre. She has completed three operational tours of duty overseas, deploying to Kosovo in 2006; CHAD in 2009 and Lebanon in 2012. This paper was written as part of the MLitt in Terrorism and Political Violence in the University of St. Andrews, Edinburgh which Comdt Fitzpatrick is currently completing.
- 14. Capt Desmond O'Reilly** was commissioned in 2005 and posted to An Chéad Cathlín Coisithe, Dún Uí Mhaoilíosa, Galway. Currently he is posted to the 6th Infantry Battalion, Custume Barracks, Athlone. He served overseas as a Platoon Commander with the 35th Infantry Group KFOR, Kosovo in 2007 and as a Training Team Leader with 2 IRCON EUTM Somalia in 2011. He holds a BA from UCD and the University of Würzburg, an LLM from the Irish Centre for Human Rights, NUIG and is a graduate of the International Institute of Humanitarian Law, San Remo. This is his first contribution to the Defence Forces Review.
- 15. Lt Col Seán Murphy** is an Infantry Officer with over 28 years of service in the Defence Forces. He was commissioned into the Curragh Command in 1988. Lt Col Murphy has held a wide variety of appointments at unit, formation and DFHQ level and has served overseas in the Middle East, Africa and the Balkans. He holds a BA from UCG, an MA (LMDS) and an MA (Military History & Strategic Studies) from Maynooth University. Lt Col Murphy is currently the Defence Forces Registrar.
- 16. Comdt Declan Crummey** is an Infantry Officer with over twenty two years service in the Defence Forces. He holds a BA in History, Sociology and Politics from NUIG and an MA (LMDS) from NUIM. He has served in a variety of command and staff appointments at home and overseas, and is currently Officer Commanding 1 Mechanised Infantry Company. His paper for this edition is drawn from his MA Thesis research on the Senior Command and Staff Course, where the topic is covered in more depth.

17. Caitlin White graduated from the National University of Ireland, Galway, in 2014 where she studied English, history, and theatre. From Nenagh, Co. Tipperary, she has always had a keen interest in military history and women's history. She is currently working in the Abbey Theatre in Dublin, and has applied to carry out a PhD on the relationship between theatre and politics in Ireland in the 17th century. Her article in this edition of the Review was the winning submission for the 2014 *Military Heritage Annual Award*.¹

¹ For further information on the Military Heritage Annual Award, see www.militaryheritage.ie.

