To Define & Control:

The Utility of Military Ethics in the New Zealand Army's Contemporary Operational Environment

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A thesis submitted in fulfilment of the requirements for the

Degree of Master of Arts in Political Science

in the University of Canterbury

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2009

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Acronyms and Abbreviations

ADF: Australian Defence Force

AVF: All-Volunteer Force

AO: Area of operations

Brig.: Brigadier

CMA: Civil Military Affairs.

CMF: Commonwealth Monitoring Force

CO: Combat operation

COE: Contemporary operational environment

Col.: Colonel

Cpl. Corporal

FLOC: Future Land Operating Concept

IGO: Intergovernmental organisation

INTERFET: International Force East Timor

Gen.: General

LFCR: Land Force Capabilities Review

LOAC: Law of armed conflict

Lt.: Lieutenant

Lt. Col.: Lieutenant Colonel

Lt. Gen.: Lieutenant General

Maj. Gen.: Major General

MRLA: Malayan Races Liberation Army

NGO: Non-governmental organisation

NZ: New Zealand

NZA: New Zealand Army

NZ BATT: New Zealand Battalion

NZBC: New Zealand Broadcasting Corporation

NZDF: New Zealand Defence Force

NZSAS: New Zealand Special Air Service

OE: Operational environment

PKF: Peacekeeping force

PKO: Peacekeeping operation

PNG: Papua New Guinea

PSO: Peace Support Operation

Pte.: Private

RAMSI: Regional Assistance Mission to Solomon Islands

RMA: Revolution in military affairs

RNZAF: Royal New Zealand Air Force

RNZN: Royal New Zealand Navy

ROE: Rules of engagement

SASO: Stability and support operations

SNO: Senior national officer

SOP: Standard operating procedure

TBW: Three block war

TNI: Indonesian National Army

UN: United Nations

UNAMET: United Nations Assistance Mission in East Timor

UNMOGIP: United Nations Military Observer Group in India and Pakistan

UNPROFOR: United Nations Protection Force

UNTAET: United Nations Transitional Administration in East Timor

UNTAC: United Nations Transitional Authority in Cambodia

US: United States

VC: Victor Company

WW2: World War Two

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Acknowledgements

This thesis is dedicated to my late father, whose dry wit, sharp intellect and genuine humility I can only hope to emulate. My mother deserves fulsome praise for putting up with my endless japes and for providing the vital emotional, editorial and financial support over the years. I would like to thank my son, Indy, who, though not especially thrilled by the particulars of military ethics, is my motivation. Further thanks to my girlfriend, Kat, my sister, Josephine, and my friends.

I would like to thank my supervisors, John Henderson and Jim Ockey. In particular, I want to thank Jim for his tireless guidance and incisive humour throughout this project. Thanks also go to the indomitable Jill Dolby for all of her help. Finally, thanks to everyone in the department, especially Tom Lamb for his editorial work.

Abstract

Military ethics serve as a normative code of behaviour for the armed forces of a state, acting as a mechanism of definition and control within the force, between the force and its client, and between the force, its adversaries and the wider public. They have two, intrinsically linked, functions: a preventative function, which defines the moral and legal parameters of conduct, and a constructive function, which creates and maintains an effective and controllable force. Preceded by the code of chivalry, they were largely a creation of the era of conventional interstate warfare that was waged across the European continent from the Treaty of Westphalia through to the desolate end of the Second World War; yet, the operations upon which armed forces, and in particular, the New Zealand Army are deployed have changed, dramatically. Wars no longer, current operations are generally justified on moral principles and involve a multinational, joint and interagency deployment sent to intervene in an irregular, intrastate conflict occurring in an underdeveloped region and conducted under the intense glare of the media.

This disjuncture between the changing nature of operations and the context in which military ethics were formulated provides the fundamental question for the thesis: if the milieu in which military ethics developed has changed significantly, what is their current utility? Using the New Zealand Army as the frame of reference, first the contemporary operational environment and then the specific operational environment in Timor-Leste were examined to assess the current utility of military ethics. It was found that the preventative function has an increasing utility because it ensures conduct is within expected norms in an era where the perception of the adversary, the local populace and the domestic and international audience is key to operational success. Despite the reduction in conflict intensity, the constructive function has a remaining utility through its mediation and amelioration of the stressors engendered by the growing complexity of the operational environment. The retention of utility for the constructive function appears to have been facilitated by an adaptation of the warrior ethos, from a narrow traditional outlook to a broad and comprehensive modern interpretation.

Introduction

Conflict, Militaries and Control

"The art of war is of vital importance to the State. It is a matter of life and death, a road either to safety or to ruin. Hence it is a subject of inquiry which can on no account be neglected." Sun Tsu.[1]

"Justice being taken away, then, what are kingdoms but great robberies?"
St Augustine.[2]

War, conflict and confrontation; insurgency, revolution and rebellion, and the numerous other permutations of organised violence, are a seemingly inescapable part of the human condition. As Michael Howard puts it: "[w]ar … is not a condition of generalized and random violence … It is on the contrary a highly social activity – an activity indeed which demands from the groups which engage in it a unique intensity of societal organization and control"; a proposition which engenders the converse: that the societal organisation and control required shape the conflict itself.[3] These various permutations of organised violence, from here on referred to as conflict, reflect their protagonists' history, culture and political-economic systems and take place on both a physical and mental plane.[4] As such they are generally bound and limited by the overall contexts in which they occur; a position argued by Martin van Creveld:

> "War, far from being the province of unbridled force, is a cultural activity and has always been the subject to limitations pertaining to prisoners, non-combatants, and weapons, *inter alia*… The paradox is that war, the most confused and

[1] Sun Tsu, *The Art of War* (London: Oxford University Press, 1971), 1.
[2] Saint Augustine, *The City of God* (New York: Fathers of the Church Inc., 1950), 4.4.
[3] Michael Howard, "Temperamenta Belli: Can War be Controlled," in *Restraints on War: Studies in the Limitation of Armed Conflict*, Michael Howard, ed. (Oxford: Oxford University Press, 1979), 1-3.
[4] The terms war, conflict, confrontation, insurgency, revolution and rebellion all refer to different types of violence, all organised to differing degrees. The reason the thesis will use the term conflict will become clear later on, suffice to say here that the contemporary operational environment is chaotic and complex and rather than spend reams searching for a near unobtainable categorisation the thesis will launch into the main body of work with the understanding that as this progresses both a definition of sorts and a reason for the modifier 'of sorts' will become obvious.

> confusing of all human activities, is also one of the most organised. If armed conflict is to be successfully waged, then many trained individuals must co-operate. People cannot co-operate, nor organizations exist, unless they obey a common code of behaviour. This code should match the prevailing cultural climate".[5]

Peters also emphasises the same relationship:

> "That which is considered ethical alters with time and varies between civilizations and even families. At some impalpable level, the impulse to ethics does appear to arise from within and may be a collective survival strategy conditioned by biological and cultural evolution. Yet the specific content of a civilization's or a society's ethics is generally determined by accumulative tradition, epochal convenience, and local habit. The ethics of war and conflict are especially fluid."[6]

Taken together, Howard, van Creveld and Peters provide a concise summary of conflicts, militaries and control: conflict is a highly social and culturally contextualised activity that is limited by these very traits. Conflicts, and the societies and militaries that wage them, shape and reflect each other. This process creates the forms of internal and external controls that act upon militaries. To be successful a military must be highly organised and controlled, and it must have a common code of behaviour that matches the prevailing cultural climate, accumulated tradition, convenience and habit.

At its core this thesis is focussed on the change and continuity that such a relationship reflects. Conflicts have changed, whether by evolution or revolution; yet military ethics, the force that binds, defines, controls and limits militaries, retains a certain historical continuity. In a sense, there is a lag between the change in conflicts and the change in military ethics as they realign with the new operational environment. This paper will

[5] Martin van Creveld, "The Clausewitzian Universe and the Law of War," *Journal of Contemporary History* 26.3/4 (Sep. 1991): 404, 422.
[6] Ralph Peters, "A Revolution in Military Ethics?" *Parameters* (Summer 1996): accessed on 30 July 2008, available from http://www.carlisle.army.mil/usawc/Parameters/96summer/peters.htm.

explore the relationship between the transformed contemporary operational environment (COE) and military ethics from a Western, and specifically New Zealand (NZ), perspective.

This introduction will now provide both a short and necessarily simplified historical context and a brief theoretical exposition. The main thrust will attempt to show the interconnected and reciprocal relationship between conflict and the forms of control and definition that bind and limit the militaries that wage them. To do this there also has to be reference to the larger societal trends, mores and drivers, though these are not central to the thesis. These ideas will be expanded upon in the following chapters, particularly the chapter on military ethics and the chapter on the New Zealand Army's (NZA) COE. The aim and content of each chapter will be given following the historical and theoretical synopsis.

The period between the signing of the Treaty of Westphalia and the recovery and re-evaluation that followed the Napoleonic Wars stands out as one of the more critical historical periods and serves as a convenient starting point for this brief historical exposition. This period was one of massive transition for conflict, militaries and the forms of limitation and control that bind them. The state and the professionally-officered mass standing military evolved in unison, each enabling and aggrandising the other, and in the process defining the particular type of organised violence upon which they embarked: war.[7] As Tilly wrote, "war made states, and *vice versa.*"[8] The inception of the modern state following 1648 saw the re-codification of the rules of war so that by the 18th Century, warfare had become "something of a well-regulated stately dance between organised forces, by-and-large disciplined and well ordered and, again by-and-large, avoiding to a great extent any impact on the civilian population."[9] Though this stately

[7] Jan Glete, *War and the State in Early Modern Europe: Spain, the Dutch Republic and Sweden as Fiscal-Military States* (London: Routledge, 2001), 13.
[8] Charles Tilly, *Coercion, Capital and European States AD 990-1900* (Oxford: Basil Blackwell, 1990), 67- emphasis in original.
[9] Daren G. Bowyer, "Challenges to the Military Code of Ethics: How New Wars and New Protagonists Challenge the Concept of Warrior Honour," (International Society for Military Ethics Paper, 2007), accessed on 24 July 2008, available from http://www.usafa.edu/isme/ISME07/Bowyer07.html.

dance descended into the industrialised hell of total war in the 20th Century, the normative position of the rules of war have remained essentially the same.

During the period between the 17th and 19th Century four specific factors, "technological specialisation, competitive nationalism, the conflict between democracy and aristocracy, and the presence of stable and legitimate authority", led to Western European militaries becoming highly professional, bureaucratic and hierarchical organisations, set apart from society with their own codes and value systems.[10] The major catalyst for the consolidation of military professionalism was the Napoleonic Wars, where the power of nationalism and the resultant *levee en mass* and citizen soldier gave the French such a decisive advantage, both numerically and in morale, that Napoleon could shift strategies from the force preserving "wars of manoeuvre" that dominated the previous century to the strategy of total annihilation of the opposing force.[11] This new strategy, *inter alia*, gave the French a near insurmountable advantage and upon post-conflict reflection the losers, and in particular Prussia, realised the need for a professional officer class and set in place innovations that have since been copied by most of the militaries around the world.

Thus, as the modern nation-state monopolised the legitimate use of physical force, codifying war and creating the professionally-officered mass standing military, military ethics emerged as a cohesive concept.[12] Before military ethics proper, conflicts in Europe, and the forces that fought them, were governed by the code of chivalry. This code, like the conflicts and militaries it shaped, was a reflection of the feudal society in which it originated.[13] As Western Europe transformed from the feudal-agrarian to the capitalist industrial-urban and warfare changed, the code was replaced by military ethics,

[10] Samuel P. Huntington, *The Soldier and the State: the Theory and Politics of Civil-Military Relations* (Cambridge: Belknap Press of Harvard University Press, 1957), 32; Russell F. Weigley, *The Age of Battles: The Quest for Decisive Warfare from Breitenfeld to Waterloo* (Indiana: Indiana University Press, 2004), 5. It should be noted that characteristics of professionalism had been coalescing for centuries, but it was during the 19th Century that it became a cohesive and widespread concept.
[11] Rupert Smith, *The Utility of Force: The Art of War in the Modern World* (New York: Alfred A. Knopf, 2007), 36.
[12] Mary Kaldor, "Old Wars, Cold Wars, New Wars, and the War on Terror," *International Politics* 42 (2005): 492.
[13] Lloyd Matthews, "The Evolution of American Military Ideals," *Military Review* 78.1 (Jan/Feb 1998): 52.

which, like the code of chivalry before them, reflected the context in which they were created. Thus, the class-based, nepotistic military made way, eventually, for the meritocratic, professional armed force, reflecting changes occurring in wider society. Similarly, the informal, ad hoc rules pertaining to the conduct of warfare became legislated and formal, again reflecting wider trends in society. This critical relationship will be explored further in the first chapter on military ethics.

Society, particularly Western society, is no longer the same as it was throughout the formative years of military ethics. The world has moved on. The forces that shaped and defined Western society have largely disappeared or altered significantly. Consequently, warfare has changed, dramatically. Attempting to pinpoint the actual time of change is troublesome as most change is evolutionary rather than revolutionary and, as such, is incremental. However, one moment is often cited as one of, if not the most, important in this transformation: the end of the Cold War. Many of the changes now associated with the post-Cold War milieu can be found in either nascent or mature form before the fall of the Soviet Union but the end of the bipolar world, and the holistic definition that superpower rivalry gave the entire international system, marks the moment when these changes came into full effect *in concert* and this is the reason that 1991 is given as the significant date *sine pari.*

The question then is that if military ethics were developed during a certain period and that both society in general, and warfare in particular, have moved on since then what utility do military ethics have remaining?

Chapter Summary

The first chapter is focussed on examining the origin and function of military ethics. It initially defines military ethics as a whole before examining the two main functions separately. The chapter is intended to provide both an understanding of military ethics' contextual underpinnings as well as an overview of the two specific functions, which are termed the preventative and the constructive. Following that, Chapter Two is interested in further examining the dramatic shift that occurred at the end of the Cold War. Once this

is complete the chapter will pose the main question of the thesis. Then the two hypotheses of the thesis are given after which the concept of utility is examined. After this, the third chapter provides a full examination of the NZA's COE, looking at the most germane characteristics and assessing the implications for military ethics. This chapter provides the tools for analysis in the case study and covers both the context of the deployment and the response of the NZA. The chapter utilises both NZA-specific texts and works from numerous theorists to build up an accurate picture of the COE and then extrapolates the possible issues and effects these will have on both functions of military ethics. To provide a background against which the COE, and thus the utility of military ethics, can be measured, the fourth chapter provides a brief synopsis of the NZA's operational history from the Second World War up to operations in the former Yugoslavia, coving both wars and traditional peacekeeping. The fifth chapter is the case study, which is Timor-Leste, where the findings from the third chapter are applied and the hypotheses assessed. This chapter covers both the Australian-led operation and the following United Nations-led (UN) mission. Finally, the conclusion will summarise the findings and assess the implications for both the NZA and internationally.

Chapter One

Military Ethics

"Effective fighters are also ethical fighters, good soldiers in the one sense are also good soldiers in the other sense…"[1]

Military ethics lie at the turbulent nexus between internal and external moral and practical control of military force, mediating a raft of demands and pressures. Though often derided as an oxymoron or an atavistic throwback they are a crucial element in the creation and maintenance of a functional armed force that acts in a moral and legal manner.

Before launching into military ethics proper, a working definition of ethics must be given. The difficulty in this is that, as Toner writes, "*ethics* is too large to be disposed of with a simple definition"; however, complexity, ambiguity and relativity acknowledged, the demand still stands, although it should be stated that this chapter is concerned largely with *normative* rather than *meta* ethics.[2] One definition states that ethics is "a systematic attempt to make sense of our individual and social moral experience, in such a way as to determine the rules that ought to govern human conduct, the values worth pursuing, and the character traits worth pursuing in life".[3] Whilst the definition Toner gives is that "[e]thics is the critical study of standards for judging the rightness or wrongness of conduct", he adds that ethics is as much about *doing* what is right as it is about *knowing* what is right.[4] There is congruence enough between these two definitions for this paper: *ethics can be seen as a critical and systematic effort to clarify, delineate and apply the principles, standards and norms relating to the morality of human conduct.*

[1] H. Aronovich, quoted in Paul Robinson, "Ethics Training and Education." *Parameters.* (Spring 2007): 25
[2] James H. Toner, *True Faith and Allegiance: The Burden of Military Ethics* (Kentucky: The University Press of Kentucky, 1995) 9- emphasis in original; H.J. Gensler, *Ethics: A Contemporary Introduction* (London and New York: Routledge, 1998), 8.
[3] Richard T. De George, *Business Ethics* (New Jersey: Prentice Hall, 1999), 19.
[4] Toner, *True Faith and Allegiance*, 9.

Military ethics then would seem to be the specific application of this critical and systematic effort to the martial realm. In some sense it is just that, one definition is that: "military ethics refers to the moral considerations that apply to activities and institutions involved in employing the resources of a nation to secure policy objectives through the use or threat of force."[5] However, it is not as simple as this, Kasher has two issues with this direct transference of moral theory to military affairs.[6] The first is that the "philosophical development of moral theory has not converged into a single, commonly accepted moral conception" and the second is that any "attempt to apply a given moral theory to certain circumstances of military activity can and often does overlook normative ingredients of military activity that are neither moral nor technical, but rather ethical (where ethical here refers to the ethic internal to the military profession)".[7] Essentially, the first of Kasher's problems is focussed on the moral foundation of military ethics, an answer to which is beyond the scope of this paper, and possibly beyond the human ken altogether. Walzer takes this position also, abrogating the examination of such foundations as such an attempt, if not entirely futile, would require inordinate effort.[8] However, the second issue can be resolved, for the purpose of this study at least, by analysing military ethics with regard to their function.

This separation will define the structure and focus for the rest of the chapter; therefore, it must be explained and examined holistically before each aspect is analysed individually. As eruditely explained by Groll-Ya-ari, military ethics have two distinct and specific functions.[9] These functions provide a useful definition of military ethics, one that is separate from any meta-philosophical inquiry. The first function serves a *preventative* purpose, with a moral/legal primacy, focussing on delineating the acceptable moral and legal actions and conduct for an armed force.[10] The second has a *constructive* role, and is

[5] Anthony E. Hartle, "Military Ethics: Guidelines for Peace and War," (Review) *Philosophy* 62.241 (Jul. 1987): 401.
[6] Asa Kasher, *Problems in Military Ethics of Fighting Terrorism* (2006), 6, draft paper accessed on 15 January 2008, available from http://www.cda.forces.gc.ca.
[7] Ibid.
[8] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), xv.
[9] Yedidiah Groll-Ya'ari, "Towards a Normative Code for the Military." *Armed Forces and Society.* 20.3 (Spring 1994).
[10] Ibid., 457.

concerned with group definition and control; it provides the state with an effective and manageable force.[11] As discussed in the introduction, these two functions find their origins, respectively, in the codification of warfare that occurred after the Treaty of Westphalia and the reorganisation of Western European militaries that followed the Napoleonic Wars. The functional definition of military ethics then is that they are *a form of influence on behaviour that creates and maintains an efficient and controllable military (and individual) that acts within established moral and legal parameters.* This functionality can be seen in Kasher's definition:

> "Military ethics is a conception of proper behavior in military activity. Such a conception of proper behavior rests on three sub-conceptions of proper behavior: First, a sub-conception that specifies proper behavior of a person as a professional within an organization. Knowing how to accomplish a typical mission and understanding the methods used in doing it are examples of what is required simply because a person is a professional [constructive function]. Secondly, a sub-conception that specified proper behavior of a person as a member of the particular profession of, say, combatants and commanders. Manifestation of courage and perseverance is an example of what is involved in the professional self-identity of combatants. Manifestation of comradeship is an example of what is considered as proper behavior within a unit of combatants [constructive function]. Thirdly, a sub-conception that specifies proper behavior of a person as a citizen of a democratic state, such as Canada or Israel. Proper behavior as a member of a democratic society manifests respect for human dignity, for example. Here is where morality enters the picture of ethics. Adherence to principles of respecting human dignity, including protection of human rights, is adherence to moral principles that are embodied within the practices of a democratic society [preventative function]."[12]

[11] Ibid.

[12] Kasher, 7. It should be noted that there is a similar division, that between ordinary and role morality. Ordinary morality is that which would make an ordinary citizen 'morally good' whilst role morality refers to the ethics required of a soldier in his or her role. With respect to Kasher, the first two sub-conceptions relate to role morality whilst the third corresponds with the third sub-conception. See Paul Robinson,

However, whilst military ethics do have two separate functions, the separation is a purely analytical construct, as in practice the two are indivisible: any attempt to separate one from the other outside the abstract will only create a false dichotomy.[13] The reason for this indivisibility will become clear as the examination progresses. Nonetheless, it is a particularly useful construct, and one that most theorists employ either implicitly or explicitly as it allows for the full scope of military ethics to be assessed.[14] Therefore, each function will now be analysed separately before their relationship is examined.

"Ethics Training and Development in the Military," *Parameters* (Spring 2007): 24, for the role versus general division.

[13] James H. Toner, "Military OR Ethics," *Air & Space Power Journal* (Summer 2003): electronic version.

[14] Groll-Ya'ari.

The Preventative Function

"Lose moral legitimacy, lose the war"[15]

"The moral is to the physical as three to one" Napoleon.

The preventative function of military ethics is concerned with drawing lines of permissibility and legitimacy in, debatably, the most morally complex and ambiguous field of human endeavour: warfare.[16] Its seminal contemporary proponent, Michael Walzer, whose work will be the keystone of this section, asserts the moral reality of war; as he writes, war is hell, but it is a hell born of man.[17] The origins of this moral cognition lie in the gradual evolution of what Walzer terms the war convention, particularly that facet of Just War theory that deals with justice in war or *jus in bello*, as opposed to that which deals with the justice of war or *jus ad bellum*, the principles of which have since been codified into the laws of armed conflict.[18] Although this distinction between *jus in bello* and *jus ad bellum* may be contentious, the reason for its existence here is that whilst justice in war, in other words the adherence, or not, to "customary and positive rules of engagement", is directly under military control, the decision to enter a conflict is, in Western democracies, largely beyond military control.[19] Therefore, with regard to this paper, the relevant aspects of Just War theory can be found in *jus in bello*, the core principles of which are discrimination and proportionality.[20] However, before analysing

[15] Conrad C. Crane and David Petraeus, *Field Manual 3-24: Counterinsurgency* (Washington: Department of Army, 2006), 7-8.
[16] Groll-Ya'ari, 457.
[17] Walzer, 3-20, 22.
[18] Walzer, 21, 44-47; Robert L. Holmes, *On War and Morality* (Princeton: Princeton University Press, 1989), 147.
[19] Walzer, 21; Brian Orend, "Just and Lawful Conduct in War: Reflections on Michael Walzer," *Law and Philosophy* 20.1 (Jan 2001): 3. There is another aspect to this issue, which is that Waltzer insists that *jus ad bellum* and *jus in bello* are logically separate, in other words a just war can be fought unjustly and vice versa; others, like Orend, contend that the two are not so hermetic, claiming that soldiers who knew about the injustice of the war they were fighting should have refused to fight. This is beyond the scope of the paper, but is worth noting.
[20] Orend, "Just and Lawful Conduct in War: Reflections on Michael Walzer," 3, 15, 18; James Turner Johnson, *Can Modern War Be Justified?* (New Haven and London: Yale University Press, 1984), 4; Nicholas Fotion, "Two Theories of Just War," *Philosophia* 34.1 (2006): 57.

each of these separately, the war convention must be explained, for this is what grounds and empowers these two principles.[21]

War Convention

In short, Walzer sees the war convention as the "set of articulated norms, customs, professional codes, legal precepts, religious and philosophical principles and reciprocal arrangements that shape our judgements of military conduct".[22] The war convention is the collective result of centuries of debate, revision and criticism; it stands as the current zenith in attempts to set limits on warfare, and as such, Walzer sees it as carrying, and therefore made obligatory by, the general consent of humanity.[23] The war convention is the contextual paradigm. It provides a contemporary, though historically substantiated, framework on which decisions on warfare are founded. One area in which the war convention can be seen to be historically fluid is that of victory; van Creveld writes that the "last function of the war convention is to influence the outcome by telling the vanquished when to surrender. If the vast majority of conflicts are not fought to the end-if not every enemy person has to be slaughtered- this is because the rules define what does, and does not, constitute 'victory'."[24] He goes on to provide numerous historical examples of what constituted victory, from that of Grecian victory, where either one side fled from the battlefield or sued for peace, to a chivalrous custom whereby a victorious army was required to occupy a battlefield for three consecutive days to seal victory.[25] He concludes that, "in any particular war, the meaning of 'victory' is decided as much by convention- tacit or explicit- as by physical results."[26] Clearly, the war convention is not as all encompassing as would be considered necessary for something with such critical consequences. Aside from its historic fluidity, it has a decidedly Western bias. The social contract-like consent of humanity it is premised on, whilst hypothetically applicable to

[21] Orend, "Just and Lawful Conduct in War: Reflections on Michael Walzer," 2.
[22] Walzer, 44.
[23] Ibid., 44-47.
[24] van Creveld, "The Clausewitzian Universe and the Law of War," 423.
[25] Ibid.
[26] Ibid.

everyone, would be- to stretch the contract metaphor- more easily read and understood by those of us in the West than Hazara Afghanis from the Bamiyan Province.[27]

Jus in bello is one of the most persuasive manifestations of the war convention, providing the foundation for many of the rules that have "since been codified into contemporary international laws governing armed conflict."[28] The core international laws of which are "provided by the Hague Conventions…. Geneva Conventions…. and the…. Protocols to those Geneva Conventions."[29] The remainder of this section then will first cover the two most relevant and critical principles of *jus in bello*, following which there will be an examination of the law of armed conflict and the rules of engagement.[30]

Discrimination

Soldiers are, according to Walzer, moral equals; furthermore, they "have an equal right to kill."[31] But attached to that equal right is a crucial set of prohibitions surrounding *who* they can kill.[32] This is the issue of discrimination, which sets "certain classes of people outside the permissible range of warfare" and draws the line between war and murder.[33] Walzer believes that there is congruence despite temporal and geographical variants: the pervasive fundamental conception is that war is *"combat between combatants"*.[34] Thus, legitimate targets are those who are involved in combat. This is, despite Walzer's belief, a relatively modern and particularly Western conception, for "our modern ideas concerning the difference between combatants and non-combatants only date back to the second half of the seventeenth century. It was this period that war began to be looked on

[27] Nicholas Rennger, "On the Just War Tradition in the Twenty-First Century," *International Affairs* 78.2 (April 2002): 362- discusses the Western bias of the Just War Tradition and the issues of implementation in the 21st Century.
[28] Brian Orend, "Michael Walzer on Resorting to Force," *Canadian Journal of Political Science* 33.3 (Sep 2000): 524.
[29] William L Nash, "The Laws of War: A Military View," *Ethics & International Affairs* 16.1 (2002): 14.
[30] The other principles are generally given as: 1.) Obey all international laws on weapons prohibition; 2.) Benevolent quarantine for prisoners of war; 3.) No Means *Mala in Se*; 4.) No reprisals. Though these are valid principles, they are not felt to be as relevant to the NZ Army situation and in the interests of parsimony will be omitted.
[31] Walzer, 34, 41.
[32] Ibid., 41 – there are two sets of prohibitions, but the second set does not have the moral weight of the first.
[33] Ibid., 42.
[34] Ibid.– emphasis in original

as the business of states acting through their chosen instruments, i.e. armies."[35] Before this the treatment of non-combatants varied widely from case to case. Though often charitable to fellow Christians, during the Thirty Years War, which precipitated the Treaty of Westphalia, Western European armies pillaged, tortured and ransomed Christian non-combatants.[36] Likewise, the historic treatment of non-Christians, combatant or otherwise, was unrestrained and differed greatly each time, though was far more brutal than that metered out to fellow Christians.[37] Finally, although widely followed in the West for several centuries, non-combatant immunity was violently discarded during the Second World War as strategic bombers killed populations indiscriminately.[38] The change in non-combatant immunity mirroring the nature of the conflict itself and the nature of the societies fighting: total, industrial war, fought on both absolutist ideological and national grounds, in effect, a zero sum game where surrender was not an option.

How is a soldier to distinguish between a legitimate and illegitimate target? According to Walzer, a legitimate target is anyone or anything engaged in harm; consequently, taken to the logical end point a worker manufacturing guns is a legitimate target, whilst one manufacturing boots is not.[39] The question is, where is the line regarding harm drawn? What if the boots were combat boots? The more complex and diffuse society and conflict becomes, the harder this discrimination is to make. The second part of this is that non-combatants cannot be the direct and intentional targets of military attack.[40] Thus, the principle of discrimination demarcates who is a legitimate target. Clearly though, this principle is historically constructed and has different applications. Furthermore, non-combatant immunity is not an absolute; due to the pressures of military necessity it is contingent for Walzer in what he terms his revised doctrine of double effect, which allows for the deferment of immunity if:

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[35] van Creveld, "The Clausewitzian Universe and the Law of War," 412.
[36] Ibid., 408, 411.
[37] Lewis and Stephens.
[38] van Creveld, "The Clausewitzian Universe and the Law of War," 412. This change was, *inter alia*, premised on the idea that every citizen was a combatant as WW2 was total war. It is an unconvincing argument.
[39] Walzer, 144-146: Orend, "Just and Lawful Conduct in War: Reflections on Michael Walzer ," 4.
[40] Walzer, 146-151.

1) The act is good in itself; i.e. that it is a legitimate act of war.

2) The direct effect is morally acceptable.

3) The intention of the actor is good, that is, he aims narrowly at the acceptable effect; the evil effect is not one of his ends, nor is it a means to his ends, and, aware of the evil involved, he seeks to minimise it, accepting costs to himself.

4) The good effect is sufficiently good to compensate for allowing the evil effect.[41]

These criteria are contextually substantiated; each one is dependent on a wealth of historical, cultural and personal standards and judgements.

Proportionality

The second principle is that of proportionality. The essence of this principle is the "matter of adjusting means to ends" so long as the ends are not altered to suit the means in some form of sophistic or *a posteriori* justification of disproportionate action.[42] The result of this adjustment is that while belligerent armies "are entitled to try to win wars…. they are not entitled to do anything that is or seems necessary to win."[43] They are restricted by both the war convention and the underlying moral principle; they must balance the military necessity against the harm done "not only to the immediate individuals but also any injury to the permanent interests of mankind."[44] Even Walzer claims that "proportionality turns out to be a hard criterion to apply" for as Schmitt writes, the balance between military necessity and harm done involves "quantifying and comparing dissimilar values."[45]

The very idea of proportionality is culturally and historically loaded. One example van Creveld gives is the use of many forms of gas, which is a comparatively humane weapon

[41] Ibid.,153, 155.
[42] Ibid., 120.
[43] Ibid., 131.
[44] Ibid., 129, 131.
[45] Ibid., 129, 131-132; Michael N. Schmitt, "Ethics and Military Force: The Jus in Bello," Carnegie Council, accessed on 1 September 2008, available from http://www.cceia.org/resources/transcripts/98.html

as "a much lower proportion of those who became casualties" die, yet has been factored as disproportionate compared to harm done due to the opprobrium with which it is viewed in the West.[46] He goes on to write that it is hard to find a logical reason for the reluctance to use gas and concludes that the best explanation is probably cultural: while tearing people apart with artillery or burning them with napalm is acceptable, choking people to death is not.[47] Finally, he writes, "the distinction between chemical weapons and other weapons exists solely in our minds. It is a convention like any other, neither more logical nor less. Like other such conventions…. it is a historical phenomenon with a clear beginning and, most probably, a clear end."[48]

The *jus in bello* principles can be seen as the moral foundations upon which the legal superstructure of the laws of armed conflict are built, although the relationship is not quite so clear-cut or simple.[49] Their abstract and subjective nature is part of the reason that the philosophic principles have been codified into explicit laws. The narrative will now turn to the law of armed conflict.

Law of Armed Conflict

The laws of armed conflict (LOAC) themselves have a noble lineage going back to, at least, 1625, when Grotius published his *De Jure Belli ac Pacis*.[50] However, it was from the mid-nineteenth century onward that international codification took place. This was a direct reflection of the Metternichean 'balance of power' in Europe at the time, when states, fearful after Napoleon's unlimited rampage across the continent, fought 'civilised' conflicts with limited aims and sought to codify the means of conflict.[51]

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[46] van Creveld, "The Clausewitzian Universe and the Law of War," 418-419. It is acknowledge that this is also, maybe more, relevant to the *jus in bello* principle *No Means Mala in Se;* it is seen as an interesting and pertinent example of the relative nature of the *jus in bello* principles.
[47] Ibid, 418.
[48] Ibid.
[49] Michael L. Lewis, and Dale Stephens, "The Law of Armed Conflict: A Contemporary Critique," *Melbourne of International Law* (2005) accessed on 28 July 2008, available at http://www.austlii.edu.au/au/journals/MelbJIL/2005/3.html#fn42.
[50] Leslie C. Green, *The Contemporary Law of Armed Conflict* (Manchester: Juris Publishing, Manchester University Press, 2000), 1.
[51] Lewis and Stephens; van Creveld, "The Clausewitzian Universe and the Law of War," 413.

The LOAC can be divided into two distinct components: customary and conventional international law.[52] Customary international law *"consists primarily of unwritten cultural norms and generally recognized practices"* whilst conventional international law is that which is codified in explicit written rules, which go beyond but will be represented here by the Hague Conventions of 1899/1907, the Geneva Conventions of 1949 and the Geneva Protocols of 1977.[53] Customary law, although an anachronism in domestic legal systems, is a "dynamic source of law in the light of the nature of the international system and its lack of centralised government organs."[54] With regard to the LOAC, the two components can be seen as contrasting yet complementary aspects. As an example of this relationship, Cavaleri writes that the Hague Conventions "acknowledged the inability of conventional international law to address or even anticipate all possible regulatory requirements, and consequently mandated that in the absence of applicable treaty law, civilians and combatants remain under the protection and proscriptions of customary international law."[55]

Another important division within the LOAC is that between those laws that refer to "the means and methods of warfare on one hand, and the establishment of protection for the victims of war on the other", with those of The Hague generally covering the former and the Geneva Conventions essentially concerned with the latter.[56] As Nash has it: "[m]ethods and means include the tactics, weapons, and targeting decisions in war. Primary concerns are the nature of military objectives, the elimination of unnecessary suffering, discrimination between combatants and noncombatants, and issues of proportionality. Protect-and-respect issues include the treatment of civilians, prisoners of war, and the sick and wounded, and the requirements concerning the responsibility of an occupying force."[57]

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[52] David P. Cavaleri, *The Law of War: Can 20th Century Standards Apply to the Global War on Terrorism* (Fort Leavenworth, Kansas: Combat Studies Institute Press, Occasional Paper, No. 9, 2003), 10.
[53] Cavaleri, 10-11; Nash, 14.
[54] Malcolm N. Shaw, *International Law* (Cambridge: Cambridge University Press, 2003), 69.
[55] Cavaleri, 12.
[56] Nash, 14; Green, 33, 43.
[57] Nash, 14-15.

To place these conventions into context, The Hague Conventions of 1907 came at a time when Europe was still in the equilibrium of the Congress of Vienna and technological innovation in weaponry was advancing rapidly, hence the focus on means and methods. By comparison, the Geneva Convention of 1949, which was focussed on delineating who was a legitimate combatant, was a direct response to the massive and deliberate targeting of non-combatants that occurred during the Second World War.[58] Following the insurgencies in Algeria and Vietnam, the 1977 Geneva Protocols attempted to recalibrate the original Convention of 1949, lowering the standard for combatant status so that groups such as the Viet Cong and FLN, who were not encompassed as combatants in the Geneva Conventions despite the major role they played in the conflict, were covered as combatants.[59] Each iteration came as a response to, or a reflection of, contemporaneous issues and mores.[60]

The LOAC is an enormous body of written and unwritten rules of vastly varying ancestry and scope and stands in stark contrast to the parsimonious austerity of the principles of *jus in bello*. The relationship between the two is intricate. Whilst the laws have been inspired and guided by the moral, they neither replace nor fully encompass the moral. Often the moral and the legal are in concordance; at other times they are in discord with little in the way of logical or consistent purpose.[61] A revealing perspective on the relationship can be found in the various terms and distinctions used by scholars depending on their discipline. In general, legal scholars use jus in bello and LOAC as sequential synonyms, in that their discussions of the two treat the LOAC as the mature offspring of the historical *jus in bello*, whilst philosophers largely refer to the two as closely related but inherently different phenomena.[62] This is not to say that the legal scholars believe they are the same, but rather that from their perspective the LOAC is the

[58] Schmitt.
[59] Ibid.
[60] Luc Reydams, "A la Guerre Comme a la Guerre: Patterns of Armed Conflict, Humanitarian Law and Responses and New Challenges," *International Review of the Red Cross* 88.864 (December 2006): 730.
[61] Anonymous, "Ethics and Operations: Training the Combatant," *Military Review* 87.3 (May/Jun 2007): 110.
[62] See Steven R. Ratner, "Jus ad Bellum and Jus in Bello after September 11," *The American Journal of International Law* 96.4 (Oct. 2002): 905; Hilaire McCoubrey, and Nigel D. White, *International Law and Armed Conflict* (Aldershot: Dartmouth Publishing Company, 1992): 189 for the legal sequential approach and Walzer; Holmes, 151-159; Green, 10, 1 for the dualistic approach.

logical derivative of jus in bello, and in a fashion the logical inheritor of that tradition; whilst due to their focus on the moral issues the philosophers are more concerned with separating them for analytical purposes. Long provides an illuminating perspective: "[i]nternational law… is best perceived as a highly imperfect reflection of moral principles, skewed by the interests and shared history of different countries, most notably great powers."[63] The LOAC is concerned with demarcating acceptable and legitimate conduct and is, to a greater degree than the *jus in bello* principles, greatly effected by context.

Rules of Engagement

The rules of engagement (ROE) are the specific application of the LOAC and a nation's domestic laws and values, tailored to the political and military requirements of an operation.[64] Thus, whilst in some respects concerned with operational aspects they are a representation and a product of a particular state at a particular time. At the strategic/operational level the ROE are the directives issued by a competent military authority that delineate the circumstances and limitations under which an armed force will initiate and/or continue combat engagement with other forces encountered.[65] At the operational/tactical level ROE provide guidelines for when military force may be used, where it may be used and against whom it may be used. They "provide the soldier with a set of standard operating procedures (SOP) that can be utilized with as little deliberation as possible."[66]

As an example, here are the United States (US) ROE for the Somalia Relief operation, handed out to each soldier:[67]

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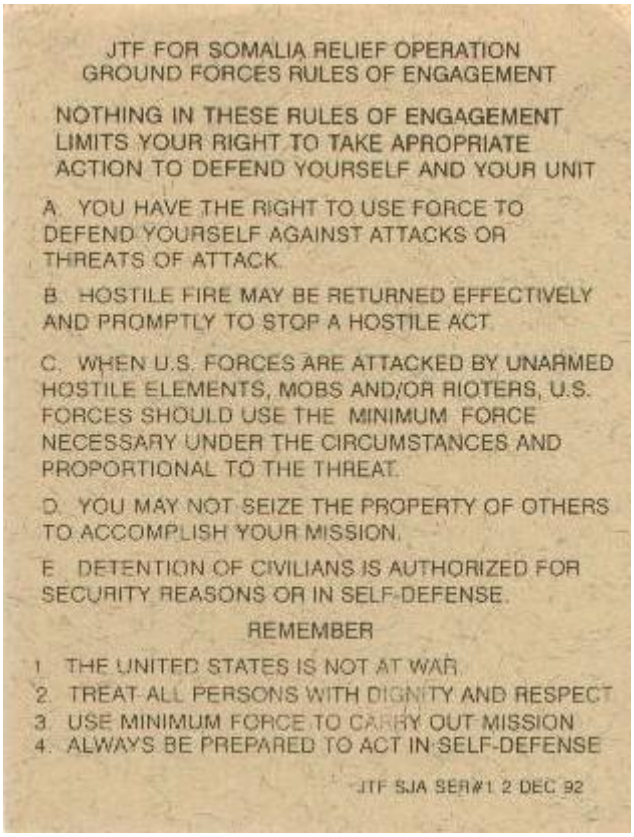
[63] Graham Long, "Barbarity and Strategy," in *Warrior's Honour: Barbarity, Morality and Torture in Modern Warfare*, ed. George Kassimeris, (Hampshire, England: Ashgate, 2006), 115.
[64] ROE could also be considered a characteristic of the contemporary operational environment, yet there function necessitates their discussion in this section.
[65] Adapted from US DoD ROE.
[66] Robert Tynes, "Child Soldier as Tactical Innovation," *Air & Space Power Journal* (2008), accessed on 24 July 2008, available from http://www.airpower.maxwell.af.mil/apjinternational/apj-s/2008/1tri08/tyneseng.htm
[67] Image accessed on 3 November 2008, available from http://en.wikipedia.org/wiki/Image:Operation_Provide_Relief.Rules_of_Engagement.jpg; Veracity of ROE checked in United States Army *Field Manual 100-23*, accessed on 3 November 2008, available from http://www.globalsecurity.org/military/library/policy/army/fm/100-23/fm100_10.htm#appa.



The above image represents the basic version to be carried in the field. The full ROE for the operation are far more detailed; for example, when assessing hostile intent it provides factors that may be considered in the assessment, such as: what types of weapons are present? How big is the opposing force? In what manner are the weapons displayed, are they being aimed? How did the opposing force respond to US forces? How does the force act toward unarmed civilians? Other aggressive actions?[68]

There are three types of reason for the promulgation of ROE: political, military and legal.[69] Politically, they coordinate the use of force with political objectives, garner domestic and international support (typically via the media) and ease post conflict relations. Militarily, they control escalation dominance, they synchronise military effect

[68] *FM 100-23.*
[69] R.M. Eiting and J.S. van Duurling, "Guard Dog on a Leash. Conceptual Thoughts on Rules of Engagement," *Security and Military Strategy* 1 (2005): 98.

with political effort and maintain discipline and the professional military ethic. Legally, they articulate the control and regulation of force that is required under both national and international law.

Simplistically, the ROE are the situation-specific implementation of *jus in bello* and the LOAC, whereby the Just War tradition sets the moral principles, the LOAC codifies these and the ROE applies them to specific situations. The influence and legacy of *jus in bello* is obvious in modern ROE, where the critical factors are who you can target, when you can target them and with how much force you can target them with.[70] As the tailored, 'on the ground' aspect of the preventative, the ROE are altered by the competent military authority as the COE changes. Therefore, the ROE are often as dynamic as the COE, meaning that soldiers will have to assimilate new ROE as the mission, or their role within, changes.

In conclusion, the preventative aspect draws the lines of permissibility; it delineates morally and legally acceptable conduct by providing both philosophical principles and concrete legal rules. The preventative's function then is that, at the philosophical level, it provides general principles that ensure a military conducts itself in a moral fashion, whilst the legal rules are the explicit guidelines for the soldier to follow that enable the moral principles to be maintained. The preventative's function is also to ensure that a military conducts itself in a manner commensurate with both domestic and, to a lesser extent, international expectations. This can be seen in the preventative function's culturally and historically relative nature: the prescriptions are not fixed but rather reflect the relevant mores and values of their practitioners.

[70] Ray Crabbe, "Rules of Engagement," in *Peacekeeping With Muscle,* Alex Morrison, Douglas A. Fraser and James D. Kiras, eds. (Clementsport, NS: The Canadian Peacekeeping Press, 1997), 123-124.

The Constructive Function

"If there is one defining element of the vocation of the soldier that sets him apart from civilian professionals within a democracy, it is… that he alone within his parent society is charged by an elected government with the judicious expenditure of the lives of his fellow citizens."[71]

The constructive is concerned with the creation and maintenance of group-defining and group-controlling attitudes and values that make the armed forces an effective and manageable tool. Its primary purpose is as a means of control, both within the military and between the liberal democratic state and the armed forces.[72] In this manner it is functional, interested in generating and sustaining operability. Concern for the moral aspect is generally still focussed on how this affects functionality. There are several relevant and interconnected parts to the constructive: professionalism, ethos and values.

Professionalism

In examining professionalism, the how and why of the constructive function will be illustrated. The traditional proponent of professionalism is Samuel Huntington, whose book, *The Soldier and the State*, is still widely quoted 50 years after it was first published.[73] Professionalism, as Huntington views it, ensures both civil supremacy and a fundamental submission from the military.[74]

For Huntington, a professional officer corps displays three characteristics common to all professions: expertise, responsibility and corporateness. Expertise refers to the idea that the "professional man is an expert with specialised knowledge and skill in a significant field of human endeavour"; in the case of the armed forces, the "direction, operation, and control of a human organization whose primary function is the application of violence is

[71] Donald A. Neill, "Ethics and The Military Corporation," *Canadian Military Journal* (Spring 2000): 38.
[72] Groll- Ya'ari, 457.
[73] Huntington, *The Soldier and the State*.
[74] Ibid, 2, 57-58.

the peculiar skill of the officer."[75] The concept of responsibility is concerned with the professional as "a practising expert, working in a social context, and performing a service…. essential to the functioning of society", who, due to the "monopoly of his skill", has a "responsibility to perform the service when required by society."[76] Finally, corporateness embodies the idea that "members of a profession share a sense of organic unity and consciousness of themselves as a group apart from laymen" and that the "professional organisation [itself]…. formalises and applies the standards of professional competence and establishes and enforces the standards of professional responsibility." [77]

In *Duty With Honour,* the central document on Canadian military professionalism, the following definition is given as a synthesis of scholarly work on professionalism:

> "A profession is an *exclusive group* of people who possess and apply a systematically acquired *body of knowledge* derived from extensive research, education, training and experience. Members of a profession have a *special responsibility* to fulfill their function competently and objectively for the benefit of society. Professionals are governed by a *code of ethics* that establishes standards of conduct while defining and regulating their work. This code of ethics is *enforced by the members themselves* and contains values that are widely accepted as legitimate by society at large."[78]

This synthesis reveals how the constructive acts as a mechanism of group definition and control and as a guarantor of effectiveness. The military professional belongs to an *exclusive group* that has a *special responsibility* to serve their society utilising their *body of knowledge* and is internally governed by a *code of ethics* that contains *values* accepted by general society. As a profession the military is a separate and self-regulating entity that has a duty to fulfil its obligation to its society in a manner commensurate to the values of that society. As *Duty With Honour* writes, professions developed due to two

[75] Ibid., p 8, 11.
[76] Ibid., p 7-9.
[77] Ibid., 10- emphasis added.
[78] Canadian Department of National Defence. *Duty With Honour: The Profession of Arms in Canada* (Ottawa: Department of National Defence, 2003), 6- emphasis added.

imperatives: "a societal imperative to ensure their ability to successfully fulfill their special responsibility to the community and a functional imperative to guarantee the necessary high quality and relevance of their acquired body of knowledge."[79]

Professionalism as a concept reflects its origins and developmental history. The major period of professionalisation was during the Napoleonic Wars, when officers acquired "a specialised technique" that differentiated them from the layman and began to "develop the standards, values and organisation inherent in that technique."[80] Professionalism as a defining concept of military service was still being consolidated up until the Second World War, affected by changes taking place in Western society: the continued self-aggrandisement of the sovereign state, the continuing power of nationalism, the consolidation of democracy and democratic values, expanding education programmes, the rise of meritocracy, the exponential technological imperative and the increase in job specialisation.[81] By the same token, following the Second World War, military professionalism was being influenced by the wider changes occurring in Western societies, namely the decline in religion and supposed resulting loss of values, rapidly increased consumerism and materialism, the broadening multicultural composition of states and their militaries and the feminist liberation.[82] The challenges of the post-World War Two environment were such that, in 1971 Colonel Robert Gard wrote of the "search to adapt traditional concepts and practices of military professionalism to changing requirements and radically new demands".[83]

It is desirable to modernise and adapt Huntington's application of professionalism. For Huntington, only officers who are directly involved in the "management of violence", the requisite monopoly of expertise, are considered as military professionals, other officers and the enlisted are not included in his conception.[84] Huntington was writing at a time

[79] *Duty With Honour*, 6.
[80] Huntington, *The Soldier and the State*, 19.
[81] Ibid., 19-58; David J.B. Trim, "Introduction," in *The Chivalric Ethos and the Development of Military Professionalism*, David J.B. Trim, ed., (Boston: Brill, 2003), 26; *Duty With Honour*, 5.
[82] James H. Toner, "Gallant Atavism: The Military Ethic in an Age of Nihilism," *Airpower Journal* (Summer 1996): 14; Robinson, 26.
[83] Robert G. Gard, "The Military and American Society," *Foreign Affairs* 49.4 (July 1971): 698.
[84] Ibid., 11-12.

when conscription was still prevalent, and his stark division between professional and non-professional is representative of that milieu.[85] Application of the term professional is divisive, with some maintaining Huntington's position whilst others believe that it should be expanded or applied by degrees.[86] This paper, whilst not directly concerned with the debate, is interested in showing that aspects, if not the actual appellation, can be applied to more than just the officer corps directly responsible for the management of violence. What is of concern here is to examine what the constructive does and how it does it and this can be achieved by looking at why particular facets can be pushed beyond the traditional officer distinction.

In his elegant article, "Toward a Normative Code for the Military", Groll Ya'ari makes a persuasive argument that the traditional view of the officer corps as the sole bastion of professionalism is outdated.[87] He believes that four particular changes in the military environment have brought about the need for this shift: "(a) the multidimensional battlefield; (b) the dramatic increase in weapons systems [sic] sophistication; (c) the unprecedented burden of responsibility on the ranks; (d) the maturing sense of the individual's rights in the armed forces of democracies."[88]

The import of the first two is that the effect of the technological imperative on the COE led to an increasing need for skills, expertise and knowledge *across the ranks.*[89] Modern conflict has "increasingly devolved the authority and ability to apply escalating lethal force to more junior levels of leadership" leading to a greater demand for expertise and a

[85] Groll-Ya'ari, 467-468.
[86] For the former see Anthony E. Hartle, *Moral Issues in Military Decision Making* (Kansas: University of Kansas Press, 2004) (whilst he does argue for degree, Hartle still maintains that the officer corps are the *essence* of military professionalism); Don M. Snider, John A. Nagl and Tony Pfaff. *Army Professionalism, the Military Ethic, and Officership in the 21st Century* (Philadelphia: Strategic Studies Institute, US Army War College, 1999); for the latter see Groll-Ya'ari; *Duty With Honour* (the Canadian Forces consider all uniformed personnel fulfilling operational, support or specialist functions as military professionals) and R.B. Byers, "The Nature of Military Professionalism" in R.B. Byers and Colin S. Gray eds., *Canadian Military Professionals: The Search for Identity* (Toronto: Canadian Institute of International Affairs, 1973), 13.
[87] Groll Ya'ari- He also argues for the synthesis of the two aspects of military ethics and this will be covered in the relevant sub-section.
[88] Ibid., 468.
[89] Ibid., 468.

significant reduction of the traditional position of the officer as the military expert *sine pari*.[90]

However, it is the latter two changes in military environment that, in combination, seem to necessitate a certain reconceptualisation of professionalism. The unprecedented burden of responsibility on the ranks that Groll Ya'ari mentions refers to Nuremberg Principle IV, which states that with regard to a war crime, "[t]he fact that a person acted pursuant to [an] order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him."[91] This principle means that all military personnel are accountable for their deeds no matter what orders they were given, thereby conferring on all ranks the responsibility of using their expertise for "socially approved purposes".[92] Also, Principle IV demands that all ranks have the duty to judge the expertise of those issuing orders, assess them relative to ethical and legal obligations and, on the basis of the assessment, make definitive decisions, thus requiring that all enlisted have adequate expertise to process and complete such decision-making dilemmas.

The final change in the military environment is the maturing sense of the individual's rights (and therefore obligations) in the armed forces of democracies. Taken with the spread of the all-volunteer force (AVF), this burgeoning sense provides an awareness of responsibility that was not present in past conscript forces. It is suggested here that the underlying motivation for many in joining the armed forces is a sense of duty to their country. Obviously that is not always the only, or strongest, motivation but when considering the potential risks and level of remuneration, there is a strong argument for a sentiment of this nature to play an instrumental role.

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[90] *Duty With Honour,* 17.
[91] United Nations, "Principles of International Law Recognized in the Charter of the Nurnberg Tribunal and in the Judgement of the Tribunal, with Commentaries," *Yearbook of the International Law Commission* 2 (1950): 375, accessed on 20 October 2008, available from http://untreaty.un.org/ilc/texts/instruments/english/commentaries/7_1_1950.pdf.
[92] Huntington, *The Soldier and the State,* 14.

These four changes suggest that certain core characteristics of the military profession can be applied beyond the officer corps, though there are limits. However, the real issue is to show that professionalism helps in the creation and maintenance of an effective and controllable armed force by endowing service with a special sense of social responsibility, a realisation of obligation and a certain gravitas. It is this, *inter alia*, that crafts an effective killing machine, yet it is also this, in some respects, which tempers and guides that killing machine. The concept of professionalism serves as a foundation upon which military ethos and military values may be embedded, and it is to these that the paper turns.

Military Ethos

If professionalism is the foundation then military ethos is the overarching superstructure that draws and binds; it acts as the "centre of gravity for the military profession" and comprises the distinctive culture, traditions and values specific to an armed force, "the imperatives of military professionalism and the requirement of operations."[93] In a sense the ethos unifies the three characteristics of professionalism; it reflects how military professionals see themselves (corporateness), how they carry out their function (expertise) and how they interact with their government and society (responsibility). It is bound by its links to society and promulgated by the sense of corporateness that responsibility to the nation and the monopoly of expertise connote.[94]

Military ethos is the binding force; it holds a military together, invests it with worth and morale, and draws lines of commonality and control with the larger society. It is empowered by professionalism, or rather the concepts that lie beneath: (a) that it maintain the requisite expertise to ensure that it is an effective force so that it can fulfil its responsibility; (b) that it has a responsibility to its society, to defend it, up hold its values, maintain its dignity and serve it honourably; (c) that it should be a cohesive and self-regulating unit that operates in an ethical manner commensurate with the larger societal values. The military ethos is the combination of these and the specific traditions, values

[93] New Zealand Army. *The Way of the New Zealand Warrior* (Wellington: New Zealand Army, 2007), 7; *Duty With Honour*, 24-25.
[94] *Duty With Honour*, 7-8, 24-25.

and culture of an armed force as well as the general values of society; it has a powerful role in the constructive function as an overarching bond that unifies and controls a military and ties it to society.[95]

The NZA's ethos, or The Way of the New Zealand Warrior, serves as an illustration of ethos as a mechanism of functionality and control, with each stated ideal serving either or both of these purposes:

> Self-discipline to harden oneself physically;
> Total and unshakeable trust in each other;
> Mental toughness to endure extremes of hardship;
> Commitment to complete any duty assigned;
> Overcoming all odds to complete a task;
> Desire to be the best, but not at the expense of comrades or team;
> Commitment to be competent to the most demanding standards;
> The selflessness to put comrades before self;
> Willingness to sacrifice oneself for the mission, unit or comrade;
> The mental hardness to survive the horrors of the battlefield;
> Winning.

The title of the NZA manual, *The Way of the New Zealand Warrior*, highlights an issue that needs to be discussed regarding ethos, namely that the traditional military ethos was a warrior ethos, in that it was premised on duty through combat, with the contingent physical and mental attributes that this demands.[96] The warrior ethos fuses the primal "fighter spirit"- the "psychological motive, which drives a man to seek success in combat, regardless of his personal safety" with the higher worth of service towards

[95] Ibid.
[96] New Zealand Defence Force, *Foundations of New Zealand Military Doctrine NZDDP-D* (Wellington: New Zealand Defence Force, 2004), 6-2- the warrior ethos is referred to here as the warfighting ethos, and is defined as fighting for whatever legitimate cause the NZ Government is pursuing, hence *duty* through *combat*; David J. Strong, *The Future of the Warrior* (Trentham, Upper Hutt: Military Studies Institute, Occasional Paper Series, No. 6, October 2004), 5; Christopher Coker, *The Warrior Ethos: Military Culture and the War on Terror* (London and New York: Routledge, 2007). There are naturally many definitions of the warrior ethos but it is felt that this summary encapsulates the important qualities.

country.[97] As with the preventative function and professionalism, the warrior ethos has been challenged by the changing nature of conflict; Janowitz, in his seminal work, *The Professional Soldier,* was the first to explore this, identifying the strain caused by technological innovation and the rise of the bureaucratic soldier on the heroic ideal of the martial spirit.[98] Janowitz believed that although this tension can be found in every profession, it is particularly pervasive in the armed forces.[99] As he wrote, "[t]he growth of the military establishment into a vast managerial enterprise with increased political responsibilities has produced a strain on *traditional military self-images and concepts of honor*."[100] The heroic ideal is under strain from a necessary compromise forced by technical and bureaucratic realities, with the managerial and technical components, in Janowitz's time, winning the 'struggle', though not totally subsuming the warrior ethos (as emphasised in his sectional title "The Persistence of the "Fighter Spirit"").[101] Janowitz was concerned with what happened to the military professional in peacetime, and believed that "the military establishment requires a balance between the three roles of heroic leader, military manager, and military technologist."[102] Furthermore, he stated, "the military profession is confronted with a persistent dilemma… The profession must recruit and retain officers who are skilled in military management for its elite, but, at the same time, many of its officers, including the most conspicuous ones, must be able to perpetuate the traditions of the heroic leader."[103] The latest perceived assault on the warrior ethos has been from peacekeeping, a stress identified by Janowitz and the ex-US Chairman of the Joint Chiefs of Staff, General Colin Powell, in his final press conference in that role.[104] This is a position that will be examined in later chapters.

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[97] Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (Glencoe: The Free Press, 1974), 32.
[98] Ibid.
[99] Ibid., 22.
[100] Ibid., 12.- emphasis added.
[101] Ibid., 21, 31, 424.
[102] Ibid., 21.
[103] Ibid., 35.
[104] Janowitz, 420-421; Edward M. Spiers, "US Peacekeeping Operations: The Transition Continues," in *Major Powers and Peacekeeping: Perspectives, Priorities and the Challenges of Military Intervention,* ed. Rachel E. Utley (Aldershot, Hants, England; Burlington, VT: Ashgate, 2006), 16.

Schematic of professionalism and military ethos (with identity replacing corporateness), taken from *Duty With Honour.*[105]

Military Values

Military values are those desired virtues and qualities that support the creation and maintenance of the military ethos.[106] The inculcation of these values is intended to create the 'good' character in which the implicit requisites of military professionalism and military ethos can take root and flourish.[107] They are derived from the values sacrosanct to the parent society, and as such they maintain the link between the society and the armed forces demanded by professionalism. In a manner they actualise the demands made by professionalism and ethos. The values codify what qualities and virtues are

[105] *Duty With Honour*, 8.
[106] It is acknowledged that technically virtues refer to the characteristics of individuals whilst values refer to communal ideals; however, virtues are near universally referred to as values by militaries and in the relevant literature and this obfuscation will be continued in this paper.
[107] Robinson, 30.

necessary to be a military professional and to exemplify the desired ethos; as the NZA states, its "ethos…. is embodied in the values system."[108] The values-based system is widespread, with numerous militaries around the world espousing similar sets of estimable values:

United States Army Values:
Loyalty; Duty; Respect; Selfless Service; Honor; Integrity; and Personal Courage.[109]

British Army Core Values:
Selfless Commitment; Courage; Discipline; Integrity; Loyalty; and Respect for Others.[110]

Canadian Forces Values:
Duty; Loyalty; Integrity; and Courage.[111]

New Zealand Army Values:
Service; Loyalty; Honour; Courage; Commitment; Comradeship; and Integrity.[112]

The NZA values are typical and as such a brief examination of these should illustrate the general usefulness. Though not ranked, the first three are given a pre-eminence that suggests they provide the foundation for the latter four. Service means that soldiers are servants of the state and as such should do whatever New Zealand requires. Loyalty means that "the greater good of the nation comes first" and also that commanders support their subordinates and subordinates support their leaders.[113] Honour "requires a high standard of behaviour both in war and peace" and demands conduct that does not damage New Zealand's reputation.[114] Courage has two particular forms: physical and moral. Physical courage provides "the soldier with the strength and power to do what has to be done" no matter the difficulties or dangers and "involves overcoming fear and still being

[108] New Zealand Army. *Army News* 11 Sept 2007, Iss. 380, cover.
[109] Robinson, 31.
[110] Ibid.
[111] Ibid.
[112] The NZA refers to the first three as aspects of its ethos, but they are in actuality values.
[113] *The Way of the New Zealand Warrior,* 7.
[114] Ibid., 8.

able to operate effectively in spite of dangers or risks."[115] Moral courage is "the strength of character to do what you know is right in spite of pressure to do something wrong." Commitment "involves putting the needs of the team or organisation before your own personal needs."[116] Comradeship is the sense of loyalty shown to fellow soldiers, which from the examples in the manual includes allied nationalities.[117] Integrity refers to the need for each soldier to be responsible, reliable, sincere and act on sound moral principles in all actions.

The usefulness of these values is obvious, for, if successfully instilled, they create a soldier who is mentally and physically valiant, places their organisation and comrades above themselves and selflessly and near unquestioningly serves their country in a principled and meritorious manner. The values can be seen as a short cut in times of stress; as Robinson writes, the advantage of military values "is that in combat there are intense pressures and little time for deep intellectual philosophizing [sic]. In such occasions having an individual who will behave properly due to conditioned responses is highly desirable."[118] These values are not just laudable attributes; for the military they are functional necessities.

As suggested in the above paragraph, one major purpose of the constructive is that it enables an armed force to function both effectively and within moral and legal parameters in a stressful operational environment. As will be shown in the relevant chapter, the NZA COE is increasingly fluid, complex and interconnected across numerous germane aspects, which are all stressors.[119] The *Foundations of New Zealand Military Doctrine* manual states: "[t]he dynamic and destructive nature of warfighting produces massive uncertainty, confusion, [and] chaos…. [and consequently] surprise and shock will be a constant drain on resources, both physical and mental."[120] This is further

[115] Ibid., 14.
[116] Ibid.
[117] *The Way of the New Zealand Warrior,* 22-23. The manual refers to an act of comradeship by a NZA officer toward a Gurkha soldier in Borneo.
[118] Robinson, 30.
[119] Paul T. Bartone, "Resilience Under Military Operational Stress: Can Leaders Influence Hardiness?" *Military Psychology* 18 (2006): S134-S135.
[120] *Foundations of New Zealand Military Doctrine,* 6-3.

elucidated in the *FM* 1: "[d]oing the right thing for the right reason and with the right intention is always challenging. But this challenge is even more difficult during the fast-moving, ambiguous, and deadly chaos of combat. It is only slightly less so under the stressful conditions of providing humanitarian assistance."[121] Stress being defined as, "a reaction to pressure or a threat that may exceed an individual's ability to cope with it."[122] Furthermore, "[n]egative reactions to….stress may include misconduct behaviors….and combat stress reactions."[123] Further effects of stress on soldiers are the screening out of peripheral stimuli, decision-making based on heuristics, performance rigidity and narrow thinking and the loss of ability to analyse complicated situations and manipulate information.[124] In sum, as the US *Field Manual* on Combat and Operational Stress Control, *FM 4-02.51,* writes, "control of stress is often the decisive difference between victory and defeat across the operational spectrum."[125] Finally, as a NATO report on the subject notes, one of the best methods of managing "stress is unit cohesion, perhaps best described as ethos."[126] This is supported by the *FM 4-02.51,* which states that stressors, "when combine[d] with effective leadership and good peer relationships may lead to adaptive stress reactions which enhance individual and unit performance."[127] This sentiment is reaffirmed in the NZ Doctrine manual: "[f]ear and uncertainty [in warfighting] are likely to be commonplace…. The bravest men and women may be frightened; it is their ability to carry on despite their fears that is a measure of their *courage*."[128] Thus, as facets of the constructive function, professionalism, military ethos and military values ensure that an armed force can *function morally, legally and*

[121] *FM 1.*
[122] P.C. Cammaert, *Stress and Psychological Support in Modern Military Operations: A Military Leader's Perspective* (Brussels: NATO, Symposium on Human Dimensions in Military Operations – Military Leaders' Strategies for Addressing Stress and Psychological Support, accessed on 4 August 2008), accessed 12 August 2008, available from ftp://ftp.rta.nato.int//PubFullText/RTO/MP/RTO-MP-HFM-134/$MP-HFM-134-KN1.pdf.
[123] Todd C. Helmus and Russell W. Glenn, *Steeling the Mind: Combat Stress Reactions and Their Implications for Urban Warfare* (Arlington; VA: RAND Corporation Arroyo Center, 2005), xiii.
[124] Jennifer Kavangh, *Stress and Performance: A Review of the Literature and Its Applicability to the Military* (Arlington; VA: RAND Corporation, 2005), xii.
[125] United States Army. *FM 4-02.51.* Introduction, 2006, viii, accessed 15 August 2008, available from fas.org/irp/doddir/army/fm4-02-51.pdf.
[126]Cammaert.
[127] *FM 4-02.51* Paragraph 1-11, 1-4.
[128] *Foundations of New Zealand Military Doctrine,* 6-3- emphasis added.

effectively under stress. Again, this is straying into utility, and will be elaborated upon in the next chapter.

Internal Dynamics

As stated in the introduction to this chapter, the preventative and constructive are not separate entities but rather two distinct yet interrelated aspects of military ethics as a whole. Whilst the preventative is essentially concerned with delineating permissibility of action, the constructive focuses largely on group definition and control. In these two complex roles they sometimes work in accord, at other times they are antagonistic. This section will briefly examine the relationship between the two.

Firstly, one crucial area of antagonism between the two, and within the constructive itself, is the Nuremberg Principle (IV). No soldier is exempt from prosecution even if following orders, which creates a tension, initially within the constructive, then between the constructive and preventative. Militaries are rigidly hierarchical, a necessity of function, yet the Nuremberg Principle demands that a subordinate question his superior's order on a moral or legal basis. As Murphy puts it, "servicemen and women are not justified in obeying orders that are manifestly unlawful…[,furthermore] the balance that is sought between intellectual brilliance, moral character and discipline to sustain them in a desperate crisis can only be effective if the orders received are recognized as legitimate and lawful."[129] This pits service, commitment and loyalty against honour, courage and integrity, and obedience against morality. There is no simple solution to this; military ethics as a whole are not always logically consistent, and in this case create an extreme internal tension.

One of the fundamental linkages between the two functions is that to be a military professional, to embody the military ethos and to be true to military values, the soldier must act in accordance with the preventative precepts. This is a vital requirement; military professionalism, ethos and values demand that the soldier operates in a manner commensurate with *jus in bello,* the LOAC and the ROE. Any breach of these moral and legal principles is a breach of the constructive, violating the self-regulating code of ethics integral to professionalism, breaking the military values of honour and integrity amongst

[129] Dan Murphy, *Military Ethics, Ethos and Professionalism: Can the Martial Spirit be Accommodated by Modern Canadian Society?* (NSSC 1: Canadian Forces College, 1999), 6.

others and thus contravening the military ethos. This link makes the arbitrariness of the division between the two functions apparent.

Conversely, the constructive functions as an enabler of the preventative. That compliance with moral and legal parameters is central to the preventative means that it acts as an actuator, wherein the soldier who embodies the tenets of the constructive is obliged to conduct him or herself in accord with those parameters. In effect, the military values act as a short cut, facilitating 'good' decision-making in the chaotic and time-critical realm of conflict. The regulatory function of the constructive embeds these necessary qualities whilst the group defining function further enables the regulatory and serves to create the cohesiveness and efficiency that enhances the decision-making environment. As Dickenson and Joyce put it, "[a] distinguishing feature of a professional military ethic is that it provides moral guidance for action and conduct."[130]

Furthermore, together they help individual and collective mental well-being in a morally ambiguous and highly stressful profession, for whilst the constructive provides a justification for service the preventative delineates the limits of moral and legal conduct in the cauldron of conflict. This is crucial, for as explained by Maj. Gen. Sebastian Roberts, "military effectiveness cannot be based on functional output alone, and unless it is focussed on higher external ethics, an army risks the moral bankruptcy of the Waffen SS. Soldiers must know that what they do is right, and that they have the support of their nation, their society, and their government."[131] This is supported by the Canadian manual, *Duty With Honour:*

> 'Incorporated in the military ethos, Canadian values mandate members of the Canadian profession of arms to perform their tasks with humanity. Members of the Canadian Forces understand the inherent violence of armed conflict, characterized at an extreme by death and destruction. While they must act

[130] Ron .A. Dickenson, and C. Tony Joyce, *The Military as a Profession: An Examination* (Ontario: Canadian Forces Leadership Institute, 2002), 24.
[131] Sebastian Roberts, 'Fit to Fight: The Conceptual Component – An Approach to Military Doctrine for the Twenty-First Century,' in Hew Strachan ed., *The British Army, Manpower and Society into the Twenty-First Century* (London: Frank Cass, 2000), 199, quoted in Bowyer.

> resolutely, and sometimes with lethal force, the concept of humanity forbids any notion of a carte blanche or unbounded behaviour. Further, it demands consideration for non-combatants and items of cultural worth. Performing with humanity contributes to the honour earned by Canadian Forces members and helps make Canadians at home proud and supportive of their armed forces."[132]

Military ethics provide a psychological safety net, investing service with worth whilst validating and delineating the exceptions to the general rule of morality that prohibits the killing of another individual. They reconcile individual morality with the necessities of conflict thus enabling the soldier to operate in the 'hell born of man'.

Also, closely linked with investing military service with an inherent worth, military ethics as a whole, amongst many other factors, create and sustain morale, which is defined by the Australian Army as:

> "[A]n attitude of confidence in the mind of an individual and closely related to the satisfying of a man's basic needs. If the training, administration and fight of a unit is conducted so as to assist in satisfying these needs of the group and differing individual needs, a favorable [sic] attitude will be developed… High morale is a positive state of mind which gives a man a feeling of confidence and well-being that enables him to face hardship with courage, endurance and determination."[133]

By investing military service with worth and a higher purpose, military ethics provide a foundation for morale.[134] Though not the only foundation for good morale, without a well-inculcated and developed military ethic, morale suffers. The preventative gives moral limits to action thus giving violence an acceptable face and the constructive provides both a higher good, in the form of the state, and, by fostering bonds between

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[132] *Duty With Honour*, 29.
[133] Australian Army, *Leadership Theory and Practice* (Canberra: Australian Army, 1993), 9-1.
[134] Evan G. Williams, *The Importance of Morale in the Modern New Zealand Army* (Masters Thesis: US Army Command and General Staff College, Fort Leavenworth, Kansas, 2002), 20-22, discusses various perceptions of morale, with the majority listing comradeship, a sense of belonging and worth, moral courage, a sense of purpose and duty, and leadership, as common elements of good morale.

individuals, creates, the connections which ensure the formation and maintenance of an *esprit de corps,* in essence, group morale.

Chapter Two

Military Ethics: Contemporary Utility

"The major conflicts and developments of the past 200 years are the context for our understanding of the utility of force. However,…force and its uses are eternal. Armed conflict is a human condition, and…we will continue to reinvent it from generation to generation." General Sir Rupert Smith.[1]

As noted in the previous chapter, military ethics have two separate yet interconnected functions: they delineate the moral and legal boundaries of conduct and they create and maintain an effective and controllable military force. These functions replaced the code of chivalry and came about as a response to changes in Western society and warfare. The issue is that in recent years warfare, and the international system it mirrors, have undergone massive transformational shifts due, largely, to the end of the Cold War, and to a lesser degree, the attacks of September 11.

The end of the Cold War brought about a transformational change in global politics. Expressing the views of many in the early post-Cold War period, Buzan wrote that it was an event of such magnitude that "it is appropriate to talk of the end of an era for the international system as a whole."[2] With the end of the near half-century confrontation the hopes held by many that this would mark the beginning of a new and peaceful era were shattered as largely intrastate ethnic, nationalist and religious-based conflict appeared to spread across much of the globe, though this was as much due to perception as reality.[3]

[1] Smith, *The Utility of Force*, 28.
[2] Barry Buzan, "New Patterns of Global Security in the Twenty-First Century," *International Affairs* 67.3 (July 1991): 432; Michael E. Brown, "New Global Dangers," in *Leashing the Dogs of War: Conflict Management in a Divided World*, Chester A. Crocker, Fen Olser Hampson and Pamela Aall, eds. (Washington, D.C.: United States Institute of Peace Press, 2007), 39; Ewan Harrison, *The Post-Cold War International System: Strategies, Institutions, and Reflexivity* (London, New York: Rouledge, 2004), 112; John Lewis Gaddis, "The Cold War, the Long Peace, and the Future," in *The End of the Cold War: Its Meaning and Implications*, Michael J. Hogan, ed., (Cambridge, Cambridge University Press, 1992), 22
[3] For the view of someone who theorised of a peaceful era see Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992); for the apparent rise in ethnic, nationalist and religious conflict see Benjamin R. Barber, *Jihad vs. McWorld* (New York: Times Books, 1995); Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World* (New York: Simon & Schuster,

As Hooker wrote, any hopes of peace "were dashed by Somalia and Rwanda and Bosnia, by the Sudan and the Congo and Kosovo, by Chechnya and Afghanistan and Iraq."[4] These conflicts, which in many cases had been suppressed, dismissed as insignificant or artfully manipulated during the bipolar era, now took on a new pre-eminence in the absence of the previously overwhelming superpower rivalry.[5] In the following years of flux many commentators declared an end, or long-term cessation, of interstate war and the beginning of a new era of warfare.[6] Closely allied with this prediction were those who saw the beneficent power of globalisation as having a pacifying effect on the international system, with the general thesis that as economic interdependence and democracy spread from the West outward, peace would ensue.[7]

Furthermore, the demise of the Soviet Union ended the Security Council gridlock, and peacekeeping operations moved from being largely consent-based, neutral and restricted missions to encompass non-consent, 'muscular' humanitarian missions that have become increasingly "complex, multi-organizational, [and] multidisciplinary".[8] The new 'muscular' missions deployed to largely intrastate conflicts and entailed diverse, and traditionally non-military, tasks to be conducted by participating armed forces, often in conjunction with a diverse array of actors. Following September 11 these operations began to blend with conflict, or mutate into what Freedman terms "offensive liberal wars".[9] At the same time the U.S. began theorising that there was a 'Revolution in

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1996); Colin S. Gray, "How Has War Changed Since the End of the Cold War?" *Parameters.*35.1 (Spring 2005). For a general overview see Brown, 39.

[4] R. D. Hooker, "Beyond Vom Kriege: The Character and Conduct of Modern War," *Parameters* 35.2 (Summer 2005): 4.

[5] Lawrence Freedman, "Order and Disorder in the New World," *Foreign Affairs* 70.4 (Fall 1991): 23, Freedman discusses the how the bipolarity of the Cold War dominated the system and influenced perception of other conflicts.

[6] Smith, *The Utility of Force*; Kaldor, "Old Wars, Cold Wars, New Wars, and the War on Terror,"; Martin van Creveld, *The Transformation of War* (New York: Free Press, 1991).

[7] Fukuyama; Jaap de Wilde, *Saved from Oblivion: Interdependence Theory in the First Half of the 20th Century: A Study on the Causality Between War and Complex Interdependence* (Aldershot: Dartmouth, 1991);

[8] Anne Orford, *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law* (Cambridge: Cambridge University Press, 2003), 2-3, 7; Lina Maria Holguin, "The Media in Modern Peacekeeping," *Peace Review* 10.4 (December 1998): 639

[9] Lawrence Freedman, *The Transformation of Strategic Affairs* (Adelphi Paper 379, International Institute of Strategic Studies, Oxford University Press, London, 2006), 39.

Military Affairs' (RMA) occurring, whereby warfare was changing qualitatively due to technological transformation.

To show how dramatic the general shift in conflict has been, it is edifying to quote Gen. Rupert Smith at length:

> "Industrial war had clear-cut strategic goals. It has been used to create states, destroy the evil of fascism and end the Ottoman Empire. In war amongst the people [his term for the new type of conflict that will be further examined in the next sub-section], however, the ends to which we use military force are changing to something more complex and less strategic. As we have seen, the driving idea behind industrial war was that the political objective was attained by achieving a strategic military objective of such significance that the opponent conformed to our will-the intention being to decide the matter by military force. These strategic objectives tended to be expressed in terms such as "take", hold, "destroy." In the two world wars both sides sought to achieve all of these on the battlefield, within the understanding that such an achievement would decide the outcome-which in both wars it did. In contrast to these hard strategic ends we tend now to conduct operations for "softer" more malleable, complex, sub-strategic objectives. We do not intervene in order to take or hold territory; in fact, once an intervention has occurred a main preoccupation is how to leave a territory rather than keep it. Instead, we intervene in, or even decide to escalate to, a conflict in order to establish a condition in which the political objective can be achieved by other means and in other ways. We seek to create a conceptual space for diplomacy, economic incentives, political pressure and other measures to create a desired political outcome of stability, and if possible, democracy."[10]

In sum, the shift from a bipolar to a unipolar system, and such concurrent developments as growing economic interdependence and the effects of technology are seen to have caused a dramatic shift in warfare. Though some of this is questionable, the general

[10] Smith, *The Utility of Force*, 272.

thrust, that conflicts- the reason for response, the nature of the response and the way they are conducted- have changed in a dramatic manner, is widely accepted.[11] This proposition will be examined in the following chapter on the NZA's COE.

Before continuing the concept of utility must be analysed. At its most basic, utility refers to usefulness and effectiveness. Clausewitz provides the most instrumental, if traditional, perspective from which to place this in a military context: "[f]orce—that is, physical force, . . . is thus the means of war; to impose our will on the enemy is its object. To secure that object we must render the enemy powerless; and that, in theory, is the true aim of warfare."[12] Thus, the purpose of a military force is the imposition of will upon the adversary. Therefore, a military forces' usefulness, its utility, is in its ability to facilitate the desired outcome through the threat or use of that force, or also, in the modern environment, by use of a military force in a constructive (as opposed to the traditional Napoleonic/Clausewitzean paradigm of destructive use of military force), non-violent and non-threatening, manner. The utility of military force is its level of *capacity* to impose the desired will on the adversary, its "*contribution* to the process of effecting a change in behaviour" with the objective of securing overall success.[13] Military utility is often used with regard to weapons systems; for example, landmines have utility for four reasons: they provide an economy of force; canalise attacks; increase an attackers losses; and reduce a defenders losses.[14] It is in this spirit that the utility of military ethics is considered.

Consequently for this paper, military ethics' utility can be taken as a subset of the *overall* utility of military force. Both as a part of the capacity to impose, but also as a facilitator

[11] Ibid.; Kaldor, "Old Wars, Cold Wars, New Wars, and the War on Terror,"; Martin van Creveld, *The Transformation of War* (New York: Free Press, 1991); Lawrence Freedman, *The Revolution in Strategic Affairs* (Adelphi Paper 318, London: International Institute of Strategic Studies, Oxford University Press, 1998); Charles C. Krulak, "The Strategic Corporal: Leadership in the Three Block War," *Marine Corp Gazette* 83.1 (January 1999).
[12] Carl von Clausewitz, quoted in R.B. Furlong, "The Utility of Military Forces," *Air University Review* (November-December 1981). accessed on 19 August 2008, available from http://www.airpower.maxwell.af.mil/airchronicles/aureview/1981/nov-dec/furlong.htm.
[13] Furlong, emphasis added.
[14] Stephen D. Biddle, Julia L. Klare and Jaeson Rosenfeld, *The Military Utility of Landmines: Implications for Arms Control* (Virginia: Institute for Defense Analyses, 1994), 15

of that general capacity, in that military ethics can be seen as a separate if intangible aspect of military force and also, due to inherent qualities, as an enabler of the capacity as a whole. Thus, military ethics can be of utility when they enhance the capacity of an armed force to impose its will on an adversary *directly* or *indirectly*. This may seem a disingenuous method of broadening the reach of military ethics for self-serving ends but rather it is the catholic scope of military ethics that requires such an open definition. To clarify, by direct it is meant that an aspect of military ethics has affected the outcome of an operation, such as if the moral and legal conduct of an occupying force has convinced an indigenous population to stop supplying and sheltering guerrillas, whilst indirect obviously refers to a more circuitous connexion; for example, the military values of an occupying force-courage, commitment, comradeship and integrity- ensure that that force is able to operate under the extreme pressures of conflict or humanitarian aid delivery.

Utility is a relative concept: it is situation specific, as Gen. Rupert Smith stressed when he wrote that a "battle is an event of circumstance, and therefore every element of force must be understood as a product of the circumstances in which it was created or used."[15] Therefore, the utility of military ethics is dynamic, contingent upon a multitude of factors within the COE, the wider world and individuals themselves. This paper is focussed on those factors within the COE; those beyond are clearly an influence, deserving a treatise in and of themselves. Suffice it to say here that the current transformational phenomena- such as the information revolution, multiculturalism and globalisation amongst others- that define the global *zeitgeist,* affect military ethics as they affect most spheres. These changes have, in concert, impacted on military ethics and it is posited here they also play a part in the utility of military ethics. They are beyond the scope of this paper, though they must be acknowledged.

The distinction between function and utility must be clarified. For the purpose of this paper, function refers to the *role* whilst utility refers to the *usefulness* of the function in fulfilling the stated objective, which in this case is overall operational success. The two concepts are not hermetic entities, as something that has no usefulness in its role has a

[15] Smith, *The Utility of Force,* 20.

non-existent, or at least highly limited, function, unless used for a completely unrelated task. Also, in general, something is developed for a specific use, so the function is often a derivative of its end utility; whilst it could also be said the role of something is only a role if it has utility.

The utility of military ethics for this paper is their usefulness in facilitating overall operational success. However, military ethics' functions, and their corresponding utility, largely developed during the period from the Peace of Westphalia through to the end of World War Two. Thus, while their function has remained largely the same, the operational environment has changed. The hypotheses may now be given:

The preventative function has an increasing utility in the New Zealand Army's contemporary operational environment.

The constructive function has a remaining utility in the New Zealand Army's contemporary operational environment.

These hypotheses are premised on the perception of the utility of military ethics' functions in the COE. The perception is that their contribution to overall operational success is twofold. The preventative's function, that it delineates the moral and legal boundaries for an armed force, is seen to have a specific utility in overall operational success. This is because the moral and legal guidelines are not just normative or lawful ideals to be strived for due to intrinsic good or jurisprudence. There is an inherent usefulness in obeying these principles and rules that is of operationally efficacy for "[w]hen proportionality and discrimination and the rules that flow from these time-honoured concepts are abandoned, the military operation is very likely to become counter-productive."[16] This can be illustrated with several quotes, firstly from the United States Army *Field Manual 1 (FM 1)*:

[16] David Whetham, "Taking the Gloves Off and the Illusion of Victory: How Not to Conduct a Counter-Insurgency," in *Warrior's Honour: Barbarity, Morality and Torture in Modern Warfare,* 134.

> "The moral dimension of the profession of arms lies in the fact that war is ultimately fought for ideas. Ideas motivate combatants. It is only in the moral dimension —when opponents understand and believe that they are defeated—that victory is complete. While the use of force is sometimes necessary for the common good, the authority to wield it carries a moral responsibility of the greatest magnitude. The morality of applying force in a just cause derives from ancient ethical and religious standards."[17]

Secondly from the *Foundations of New Zealand Military Doctrine*, which states that "[c]onflict on the moral plane exerts the greater and often decisive influence on the conduct and outcome of the conflict."[18] The moral and legal are functionally useful in securing victory because conflict is fought on the psychological, as well as physical level, and morally guided conduct has an inherent worth in convincing an opponent of defeat. As will be shown in the following chapter, the preventative function has an enhanced utility in the COE because of changes in the nature of the combatant, the techniques the combatant uses, the nature of the expanded mandate tasks, the media coverage of the conflict and type of justification used for the intervention. This has been termed increasing, because while the preventative's function has not changed, its utility has grown due to external changes.

The constructive's function, that it creates and maintains an effective and controllable military force, is seen to have several aspects of utility in overall operational success. Firstly, the constructive facilitates the preventative, thus indirectly aiding in the latter's utility, through professional responsibility and corporateness as well as military values such as courage, honour and integrity. Secondly, the constructive has utility by ensuring that the military is both effective and controllable. The expertise and corporateness manifested in the concept of professionalism is a part of the effectiveness, as are the military values, particularly courage, commitment, comradeship and integrity. The professional responsibility and military values, particularly service, loyalty and honour,

[17] United States Army, *FM 1,* 2005, accessed on 6 November 2008, available from http://www.army.mil/fm1/chapter1.html.
[18] *Foundations of New Zealand Military Doctrine NZDDP-D* , 5-1.

aid the controllability of the military. Also, at another level, the worth of duty and obligation that is embodied in military values such as service, loyalty and honour and the professional tenet of responsibility empower the NZA and provide morale, which enables the soldier to overcome odds and put operational priorities ahead of personal issues. Essentially, it is posited that even though modern conflict is of a low-to-medium-intensity, the changing realities of the OE, to be examined in the following chapter, which see soldiers facing irregular combatants using irregular techniques in 'alien' locales, conducting diverse expanded mandate joint, multinational and interagency missions that are conducted amongst the people in the glare of the media for moral reasons, are such that the constructive has remaining utility even if the traditional utility, namely that in the face of fire, has lessened.

Furthermore, the warrior ethos may not be as obstinate as many think; as will be examined in the several sub-sections in the following chapter, the reality may be that at the pragmatic level modern soldiers are aware of, and have adapted to, the COE and the ramifications of being a contemporary 'warrior'. Naturally, even if this were true, it would not be true for all soldiers. However, if this is occurring then it would show the flexibility of the constructive function to new circumstances, and thus that it has *adapted* to retain its utility, though not *changed substantively*.

Chapter Three

New Zealand Army: Contemporary Operational Environment

"Peace and war are no longer antonyms" [1]

"The vacuum created in the wake of the Cold War has been filled with instability, conflict and seemingly continual change."[2]

"[P]ersistent conflict"—a period of protracted confrontation among states, nonstate, and individual actors increasingly willing to use violence to achieve their political and ideological ends. The operational environment in which this persistent conflict will be waged will be complex, multidimensional, and increasingly fought "among the people."[3]

The NZA's contemporary operational environment (COE) is most fully expressed in both the *Land Force Capabilities Review Phase One- Land Forces and Sealift* (*LFCR*) and the *New Zealand Army Future Land Operating Concept: Precision Manoeuvre 2020* (*FLOC*); the latter which, although obviously intended as a prediction of future operational issues, can also be viewed as an accurate-if sometimes extrapolated-summary of the NZA's interpretation of the COE.[4] This chapter will utilise the *LFCR* and the *FLOC* and a range of primary and secondary works to construct an understanding of the dominant trends for the NZA COE that have particular relevance to the utility of military ethics. The point is to build up a relevant understanding of the NZA's COE, particularly the changes that have occurred that have potent ramifications for the utility of

[1] Anthony Burke, "Against the New Internationalism," *Ethics & International Affairs* 19.2 (2005): 73.
[2] Bernd Horn, "Complexity Squared: Operating in the Future Battlespace," *Canadian Military Journal* (Autumn 2003): 7.
[3] United States Army. *FM 3-0: Operations*, Foreword, 2008, accessed on 8 August 2008, available from https://pksoi.army.mil/Docs/Doctrine/Service%20Doctrine/FM%203-0%20Operations.pdf.
[4] New Zealand Defence Force, *Land Forces Capability Review Phase One- Land Forces and Sealift* (*LFCR*) (Wellington: New Zealand Defence Force, 2000); New Zealand Army, *Future Land Operating Concept: Precision Manoeuvre 2020 (FLOC)* (Wellington: New Zealand Army, 2007).

military ethics. With regard to the constructive function, the chapter will focus on trends that are stressors, add to the complexity, affect morale and discipline, increase the possibility of culture shock and place responsibility across the ranks. With regard to the preventative function the chapter will focus on trends that pit the NZA against opponents who do not prescribe to the dominant Western moral/legal paradigm, that make following the principles of distinction and proportionality harder to obey and that enhance the criticality of moral and legal conduct.

However, a few definitions, explanations and caveats must be made before continuing. First, an operational environment (OE) is defined as:

> "[A] composite of the conditions, circumstances, and influences that affect the employment of capabilities and bear on the decisions of the commander. While they include all enemy, adversary, friendly, and neutral systems across the spectrum of conflict, they also include an understanding of the physical environment, the state of governance, technology, local resources, and the culture of the local population."[5]

It is a holistic term, covering all aspects at the operational level that affect a military force. One further point is that it has a near future focus; it maps the current and extrapolated conditions, circumstances and influences.

Also, an explanation as to the structure of the chapter; it has been somewhat arbitrarily divided into two sections. The first sets the context of the conflict itself and the second examines the deployment of the NZA in response. The conflict section is focussed on the germane characteristics of conflicts, specifically location, technique and combatants. It is largely taken from the indigenous force's perspective and is predominantly concerned with these conflicts once the NZA has become involved. The following section concentrates on the NZA's deployment, looking at such relevant aspects as the

[5] *FM 3-0.* 1-1.

multinational, joint and interagency composition; plus the operation's expanded mandate, the intense media scrutiny it functions under and the justification of the deployment itself.

Thirdly, an explanation that must be made regards the seeming terminological confusion that permeates this chapter; essentially what this means is that this chapter may seem as if it is referring to both peacekeeping and conflict simultaneously. This is a matter of perspective, as due to the intra-Western détente, most conflicts occur outside NZ's sphere; therefore, when the NZA becomes involved, the situation can be referred to by numerous terms, depending on perspective and necessity. In this manner, there is a spectrum of perception. Also, however, this spectrum exists because the modern operation is no longer bound into neat definitional categories. There has been a convergence between peacekeeping and conflict at the operational level, and now, as the *FLOC* states, the NZA is expected to "conduct concurrent operations across the spectrum" from humanitarian aid to peacekeeping to warfighting and "alternate with agility between Combat Operations and SASO (Stability and Support Operations) without warning.[6] Although possibly too extreme in his conclusion, Rolfe is on the right track when he writes:

> "The term 'peacekeeping' should be relegated to the dustbin of history. It is dangerous because of the way it leads to unthinking assumptions about the kind of operations being conducted. Peacekeeping and peace support sound somehow intrinsically less dangerous than other military operations. There are, of course, only military operations; operations with different aims, different limitations to the way the aims are achieved and different factors relevant to achieving the aims.[7]

This dynamism and vast degrees of difference mean that there is little purpose in striving for definitional distinctions, instead this chapter will approach the topic in a holistic manner, with the caveat that this will lead to general rather than specific conclusions. On

[6] *FLOC*, p 1-14, 2-21
[7] Jim Rolfe, "East Timor: The Way Ahead," *New Zealand Defence Quarterly* (Summer 1999): 8.

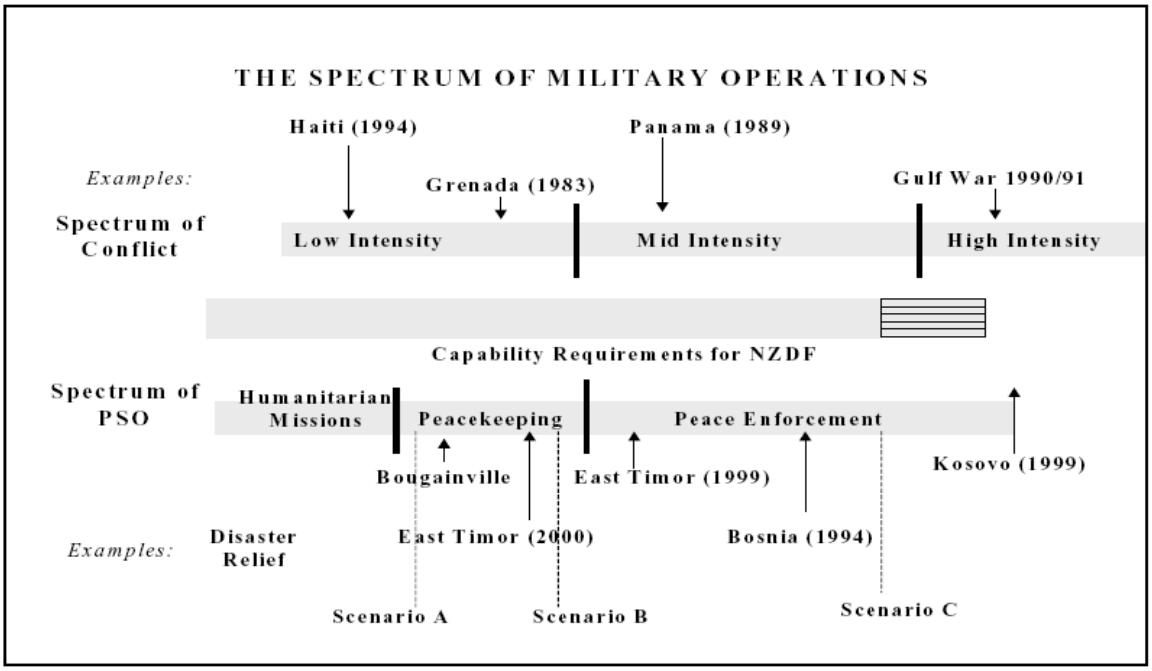
terms, the situation itself will be referred to as a conflict, with the understanding that this covers the full spectrum as illustrated in the NZ Army Future Land Operating Concept schema below.

Finally, a brief examination of the NZ Army's contemporary operational spectrum is required. In the *LFCR* the contemporary operational spectrum is on a dual track, giving the spectrum of conflict and a separate spectrum for peace support operations (PSOs).[8] The conflict spectrum goes from low intensity through to mid and then high intensity, whilst the PSO spectrum goes from humanitarian missions through to peacekeeping and finally peace enforcement.[9] In comparison, seven years later, the *FLOC* spectrum has evolved both terminologically and epistemologically, using new vocabulary and, critically, lacking the absolute distinction made between PSOs and conflict, which reveals a transformation in how these operations are perceived. The *FLOC* outlines how the Army "will operate in the future environment utilising the concept of Precision Manoeuvre", in which there are "two principal modes of operation that together form Precision Manoeuvre's comprehensive approach."[10] Specifically these modes are Combat Operations (CO), both defensive and offensive, and Stability and Support Operations (SASO).[11] Combat Operations "will be adversary centric, military-led joint multinational operations", whilst SASOs will be "interagency-led operations in which land forces provide responsive support to interagency effects."[12] Also, at "the strategic level the purpose of Combat Operations will be to set conditions for commencement or resumption of SASO."[13] Therefore, in conjunction with the *FLOC* statements in the previous paragraph, the operational spectrum can be seen to run from peace maintenance-type missions up to high intensity conflict with no absolute demarcation, but rather a fluid and syncretic nature in which a number of modes could be occurring simultaneously, or conversely, the vicissitudes of the operational environment may mean an instant change of mission from SASO to offensive CO. Finally, COs can be seen as secondary to SASO,

[8] *LFCR*, 33.
[9] *LFCR*, 33.
[10] *FLOC*, I, 2-12
[11] *FLOC*, 2-12
[12] *FLOC*, 2-12, 2-16
[13] *FLOC*, 2-13

in that their overall purpose is to set the conditions for SASOs, rather than as an overall objective unto themselves.

NZ Army Spectrum of Military Operations, *LFCR*, 2000



NZ Army Future Land Operating Concept, *FLOC*, 2007

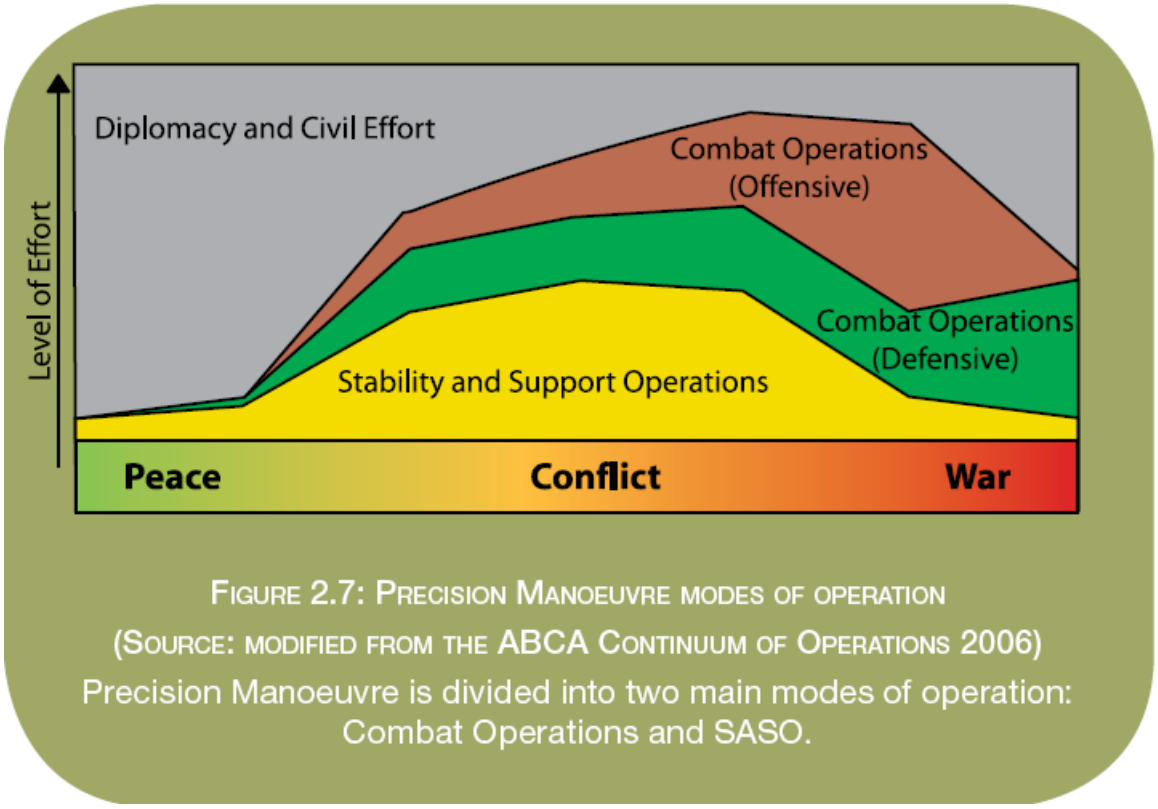


FIGURE 2.7: PRECISION MANOEUVRE MODES OF OPERATION
(SOURCE: MODIFIED FROM THE ABCA CONTINUUM OF OPERATIONS 2006)
Precision Manoeuvre is divided into two main modes of operation: Combat Operations and SASO.

Context: Conflict

"The modern reality of warfare is irregular warfare. The small forces melt away when necessary, but do not cede or dissolve."[14]

"In the paradigm of industrial war the premise is of the sequence peace-crisis-war-resolution…In the new paradigm there is no predefined sequence, but rather a continuous criss-crossing between confrontation and conflict" [15]

There has been a multitude of grandiloquent prophecies regarding conflict potentialities and the human condition. Attempting to assign trends would seem futile, with phrases like 'the war to end all wars', 'the end of history' and the 'revolution in military affairs' serving as poignant reminders of past mistakes.[16] These erroneous declarations and theories suggest that any assignations of trends must be given with the admonition that nothing is certain or constant. Nonetheless, throughout the diverse literature on contemporary conflict there are constants that allow for some general trends to be given. This section is concerned with examining commonalities of potential contemporary conflicts *once* the NZ Army has interceded; in other words, it assumes some level of prior conflict, or a high degree of tension that suggests imminent outbreak of hostilities, and is concerned with the relevant aspects of that interaction between the NZA and the indigenous force, and therefore the indigenous population as a whole, particularly from the indigene's perspective, with the NZA's response covered in the following section.

Location

The end of the Cold War signalled the decline of the bloc nomenclature, heralding the slow demise of the simplistic 'us', 'them' and 'the rest' terminology and the rise of a legion of new and competing terms, which mirrored the power vacuum and subsequent search for purpose in geopolitics itself. September 11th reinvigorated the linguistic and

[14] John Ralston Saul, "A New Era of Irregular Warfare?" *Canadian Military Journal* (Winter 2004-2005): 10.
[15] Smith, 183.
[16] Luttwak, *Strategy: The Logic of War and Peace.* 3; Fukuyama; Steven Metz and Raymond A. Millen, *Future War/Future Battlespace: The Strategic Role of American Landpower* (Pennsylvania: Strategic Studies Institute, US Army War College, 2003), iii.

geopolitical divisions. The *FLOC* and the majority of theorists agree that most conflict will occur in the less developed regions, failed states, zones of friction and areas on the fringe of the global economy.[17] Even for those who moderate their prognoses with caveats regarding the possibility of interstate conflict directly involving the West, New Zealand's unique geopolitical position renders these qualifications of limited utility.[18]

This has two consequences; the first can be found in the antithesis of the prediction: that in the near future, conflict is not likely to occur in the developed/Western regions. This developed state détente is, in part, responsible for the strange semantic melange that surrounds conflict and peacekeeping. There are numerous explanations for this détente, from the potent deterrent effect of nuclear weapons to the network of interdependence engendered by globalisation.[19] Suffice to say, the *FLOC*, and a number of theorists, view an intra-Western war or large-scale conventional war involving the West, and New Zealand in particular, as highly unlikely.[20]

The second aspect is that these conflicts will occur in non-Western, undeveloped areas. The *FLOC* states that globalisation has been seen as "failing less developed countries" and "has created a class of actors (often non-state actors) who oppose globalisation's perceived beneficiaries, primarily the first world nations".[21] Freedman, in his persuasive monographs for the International Institute for Strategic Studies, believes that these conflicts will "continue to be regionally confined, sometimes reflecting deliberate power-plays by local revisionists, but more often arising from within weak states- countries caught on the margins of the global economy".[22] Finally, in his influential if divisive book, *The Transformation of War*, van Creveld envisions conflict as originating in the

[17] *FLOC*, 1-4, Lawrence Freedman *The Revolution in Strategic Affairs* (Adelphi Paper 318, London: International Institute of Strategic Studies, Oxford University Press, 1998), 34; van Creveld, *The Transformation of War*, 2-17; Mary Kaldor, *New and Old Wars: Organised Violence in a Global Era* (Cambridge: Polity Press, 1999); Steven Metz, *Armed Conflict in the 21st Century: The Information Revolution and Post-Modern Warfare* (Pennsylvania: Strategic Studies Institute: US Army War College, 2000), 11: Smith. *The Utility of Force*; Hooker, 15; Paul Hirst, *War and Power in the 21st Century* (Cambridge: Polity Press, 2001), 96, 101.
[18] Hirst, 81.
[19] van Creveld, *The Transformation of War*, 2-17; Kaldor, 2-5; Metz and Millen, 4-6.
[20] *FLOC*, 1-5;; Smith, *The Utility of Force*, 3; van Creveld. *The Transformation of War*,
[21] *FLOC*, 1-4 -parenthesis in original.
[22] Freedman. *The Revolution in Strategic Affairs*, 34.

less developed regions and spreading out to envelope the globe as the nation-state loses its monopoly on organised violence and fails, resulting in a neo-feudalistic mélange of low-intensity conflicts.[23] Thus the NZA is likely to carry out operations in poor, non-Western environments.

That these conflicts will occur in less developed, non-Western locations has several important implications. The first is that adversaries will often not adhere to the Western moral and legal paradigm. This is important for both the constructive and preventative functions and will be discussed further in the sub-section on technique in this chapter. The second implication is of a more practical nature, essentially that these countries will have an extremely limited infrastructure, without even considering the effects of the conflict. This lack of infrastructure will make many elements of the operation more difficult, from logistics to patrols, adding complexity and causing increased stress, thus making the constructive's function increasingly vital in maintaining a effective and operative force. The third issue is that the intervener may suffer from a form of culture shock.[24] The anxiety, stress and anger that are symptomatic of culture shock run counter to operational efficacy, especially as the response is typically antipathy toward the indigenous culture.[25] This antipathy is particularly counterproductive in an operation where the ultimate aim is securing the allegiance of the indigenous populace, as will be explained in the following sub-sections. The key to preventing, or at least ameliorating, culture shock during military operations is adherence to both the preventative and constructive functions of military ethics; whilst the preventative delineates acceptable conduct towards non-combatants the constructive ensures that these parameters are upheld.[26]

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[23] van Creveld, *The Transformation of War*, 192-196.
[24] Brett G. Lewis, *Developing Soldier Cultural Competency* (Pennsylvania: United States Army War College, Strategy Research Project, 2006), 8, accessed on 30 July 2008, available from http://www.strategicstudiesinstitute.army.mil/pdffiles/ksil399.pdf; Bartone, S134.
[25] Ibid., 8.
[26] Canadian Department of National Defence, *Somalia Inquiry Report: Executive Summary* (Ottawa: Department of National Defence, 1997); Sandra Whitworth, "Militarized Masculinities and the Politics of Peacekeeping: The Canadian Case," in *Critical Studies in World Politics*, ed. Ken Booth (Boulder, Colorado: Lynne Rienner Publishers, 2005), 90; Dennis C. Tabbernor, *The Aftermath of the Somalia Affair* (Ontario: Canadian Forces College, Research Paper, 1999), 4.

Furthermore, most theorists believe that the majority of conflicts will occur in the urban areas of the aforementioned less developed regions.[27] This is a sentiment endorsed by the *FLOC*, which claims that the NZA conflict "environment will be predominantly urban, complex and non-linear."[28] Van Creveld pithily put it thus: "[w]ar will not take place in the open field, if only because in many places around the world there no longer *is* an open field".[29] Peters is equally as direct: "[t]he future of warfare lies in the streets, sewers, high-rise buildings, industrial parks, and the sprawl of houses, shacks, and shelters that form the broken cities of our world."[30] As is Black: "[f]uture theatres of conflict will undoubtedly be urban and involve the world's great population centres."[31] Demographics aside, one of the major reasons that conflict has become increasingly urbanised is that for the tangibly weaker, irregular adversary, the added convolution of urban areas is a force multiplier. Urban areas are complex in every manner: structurally convoluted, demographically heterogeneous and psychologically chaotic.[32] This is true of even the most ordered and modern city, for the gargantuan megacities of the non-Western world this is but a mute ode to their labyrinthine and polyglot nature.[33]

In the urban battlespace military ethics are critical. The chaotic geography and diffuse, inchoate human populace amplify operational stress and exhaustion, thus increasing the possibility of indiscriminate conduct and diminished morale.[34] The indoctrination of military values acts as a facilitator of efficiency, morale and morality in such complex environments. Clausewitz refers obliquely to this in *On War*, "[g]enerally speaking, the

[27] Jeremy Black, "War and the New 21st Century Disorder," *Australian Army Journal* III.2 (2004): 4; van Creveld, *The Transformation of War.* p 212; Max G. Manwaring, *Shadows of Things Past and Images of the Future: Lessons for the Insurgencies in our Midst* (Pennsylvania: Strategic Studies Institute, US Army War College, 2004), 4; Ralph Peters, "Our Soldiers, Their Cities," *Parameters* 26.1 (Spring 1996): electronic version; Robert .F. Hahn and Bonnie Jezior, "Urban Warfare and the Urban Warfighter of 2025," *Parameters* 29.2 (Summer 1999): electronic version; Krulak; Robert H. Scales, "Cycles of War" and Robert H. Scales, "The Indirect Approach: How US Military Forces Can Avoid the Pitfalls of Future Urban Warfare," in Robert H. Scales, *Future War Anthology* (Pennsylvania: US Army War College, Carlisle Barracks, 1999), 20, 175; Horn, 9.
[28] *FLOC*, p 1-2.
[29] van Creveld, *The Transformation of War*, 212- emphasis in original.
[30] Peters, "Our Soldiers, Their Cities,".
[31] Black, 4.
[32] *FLOC*, p 1-6, 1-7.
[33] Black, 4-5; Peters, "Our Soldiers, Their Cities."
[34] Michael Evans, *City Without Joy: Urban Military Operations into the 21st Century* (Canberra: Australian Defence College, Occasional Paper, No. 2, 2007), 10.

need for [military values] becomes greater the more the theater of operations and other factors tend to complicate the war and disperse the forces."[35] This is because the urban environment makes the soldier paramount as it reduces the utility of weaponry and communications and places high demands on the individual. Collyer concludes in his study, *Human Performance Issues in Urban Military Operations,* that the "maintenance of the human will to fight [in urban operations] depends most…. on [the qualities derived from military ethics, such as] leadership, self-discipline and teamwork."[36] In the Rand Study, *Steeling the Mind: Combat Stress Reactions and Their Implications for Urban Warfare*, the authors recommend that the best technique for ameliorating combat stress in urban warfare is to "build a sense of unit pride and camaraderie", train hard in relevant environs and, most critically, develop effective comradeship, for the unit "in its informal character [serves] two principal functions in combat motivation: it set[s] and [enforces] group standards of behavior, and it [supports] and [sustains] the individual in stressors he would otherwise not [be] able to withstand."[37]

Though the future of conflict may be increasingly urban, it should be noted that classic irregular warfare strategy involves drawing the enemy into geographically complex non-urban environments.[38] This is because the power of irregularity lies in choosing terrain that negates conventional strength; that is terrain that is complex, disjointed and disruptive. Common types of difficult non-urban terrain are: woods, forest and jungles; mountains; marshes and swamps; and deserts.[39] The essence is that, whilst conflict may be increasingly urban because of demographic realities and tactical necessities, there is also a countervailing current that is premised on the same tactical necessities. Therefore, whilst conflict may be becoming increasingly urban, in the absence of a city the underlying logic dictates the use of complex natural environments. This is particularly

[35] Clausewitz, Carl. *On War,* trans. and ed. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1984), 188.
[36] R.S. Collyer, *Human Performance Issues in Urban Military Operations* (Edinburgh, South Australia: DSTO Systems Sciences Laboratory, 2003), 21.
[37] Helmus and Glenn, 96-108.
[38] Brian Reed, "Understanding an Insurgency," *Parameters* (Summer 2007): 22
[39] Ellis, John. *From the Barrel of a Gun: A History of Guerrilla, Revolutionary and Counter-Insurgency Warfare, from Romans to the Present* (London: Greenhill Books, 1995), 237.

true for the NZA as the Pacific, one of its prime operational theatres, contains only small cities and is still largely rural.

That the irregular adversary will draw his or her opponent into an area that negates conventional strength is a significant stressor. Forcing operations to occur far from base camps in difficult and demanding terrain places strain on the morale and discipline of a conventional army. Though modern warfare is becoming increasingly urban, where an adversary is unwilling or unable to draw the conflict into populated urban places they are likely to utilise natural complexity to enable the same stressors as those described in the section on urban stressors. History is replete with such examples, from the Spanish guerrillas who used the "rugged theatre of the Iberian Peninsula" to break the behemoth Napoleonic war-machine to the Vietcong whose jungle warfare tactics were so successful that the Americans sprayed 77 million litres of chemical defoliants in an attempt to negate the advantage the dense forests provided.[40] The constructive function has remaining utility in overcoming, or at least lessening, the negative stressors brought on by natural or urban environmental complexity where discipline and morale are key to operational efficacy.

Technique

There is convergence in the *LFCR*, the *FLOC* and the literature around the techniques used in contemporary conflicts, but rather than compile a list, or try for an impossible synthesis, this section will focus on two crucial aspects with respect to the NZA COE: irregular warfare and asymmetry.[41] It would be hard to argue that irregular and asymmetric conflicts have been increasing *per se*, but they have been increasing in importance, especially in the post-Cold War, post-9/11 milieu.[42] Also, it is felt that these are techniques that the NZA will encounter most often, as expressed in the *FLOC*, where it anticipates "a continuation of irregular operations" and states, "most of the conflicts will be protracted low intensity stability operations conducted against an adaptive,

[40] Smith, *The Utility of Force*, 43.
[41] *LFCR*. 44; *FLOC*, 1-2, 1-6; Gray, "How Has War Changed Since the End of the Cold War?", 2; Freedman, *The Transformation of Strategic Affairs*, 49-54; Frank G. Hoffman, "Complex Irregular Warfare: The Next Revolution in Military Affairs," *Orbis* (Summer 2006): 398; Krulak, 20; Horn, 8.
[42] John Ralston Saul, 13.

asymmetric adversary."[43] Before continuing, a brief proviso on the term technique; it was chosen over strategy or tactics because of its lack of specialist meaning, and the blurred lines between military levels. Essentially, this section is interested in assessing the techniques available to combatants, be they strategic, operational or tactical.

Irregular warfare is the current *cause celebre* amongst many strategic and military scholars, despite being notoriously difficult to define.[44] This difficulty arises from its use as a catch-all term, to the point where a US Department of Defense *Irregular Warfare Special Study* noted that irregular warfare had been used as a synonym for unconventional warfare, guerrilla warfare, low intensity conflict, insurgency, rebellion, revolt, civil war, insurrection, revolutionary warfare, counter insurgency, intrastate war, small war, peacemaking, peacekeeping and even nation building.[45] In the same study they concluded that irregular warfare "is an undeveloped concept with an imprecise working definition."[46] The reason for supplying this list is not to contradict the caveat already given but to provide some rough parameters within which to analyse irregular warfare. Irregular warfare, with regard to this section, refers to techniques that cover the entire conflict continuum up to, but not including, conventional regular war, and are often, but not exclusively, utilised by irregular forces as a method of counteracting conventional strength.[47]

This may seem a rather unsatisfactory definition, and is representative of a definitional disorder endemic in the strategic nomenclature. To further obfuscate the issue, Gray warns "of the danger of imposing undue clarity of strategic distinction between regular and irregular warfare".[48] However, the fact that a concept is convoluted and diffuse does not render it irrelevant, and with regard to irregular warfare, this diffuse complexity is

[43] *FLOC*, 1-2
[44] Charles F. Shaver, *Irregular Warfare Special Study* (Suffolk, VA: Doctrine Support Team, Joint Warfighting Center, USJFCOM, 2006); Colin S. Gray, "Irregular Warfare: One Nature, Many Characters," *Strategic Studies Quarterly* (Winter 2007).
[45] Ibid., IV-1.
[46] Ibid., II-3.
[47] Colin S. Gray, *War, Peace and International Relations: An Introduction to Strategic History* (Routledge, New York, 2007), 245-246.
[48] Colin S. Gray, *Irregular Enemies and the Essence of Strategy: Can the American Way of War Adapt?* (Pennsylvania: Strategic Studies Institute, US Army War College, 2006), 7.

actually both its essential nature and its very strength. Before briefly analysing irregular warfare, one further synonym must be explained. Irregular warfare is often used interchangeably with asymmetric warfare and they do share much in common.[49] Irregular methods are often utilized because of an asymmetry, but the important difference is that though they are often motivated *by* an asymmetry this is not a prerequisite.[50] In other words, irregular methods are not limited by the asymmetry of a force, nor are they limited to irregular forces. Also, in a sense, asymmetric methods can be seen as a subset of irregular methods, with the reason for their dichotomy here as much about clarity of comprehension as due to any fundamental differences.

There are several germane aspects with regard to the panoply of irregular methods. The first of these is that utilised well, they are complex, perverse and unexpected.[51] This is *exactly* why there is such a breadth of definitions and meanings; they are, by nature, imprecise and complex.[52] The point is that part of irregular warfare's strength lies in the unknown: a force utilising irregular methods is always attempting to undermine, destabilise or otherwise subvert their opponent. At its core, irregular warfare is "all about uncertainty".[53] Therefore, the NZA's opponents will utilise such techniques as surprise and deception, in the form of tactics like ambushes and feints of manoeuvre, to destabilise and confuse. Clearly these are not specific to irregular warfare, but they are inherent to it in a manner they are not for regular conflict.

The ambiguity, fear and terror that irregular techniques provoke are intentionally manufactured destabilising stressors, as the US Army Field Manual *FM 22-51* writes, "[they] are deliberately designed to cause the breakdown of military professionalism and discipline."[54] The sophisticated irregular enemy will exploit any breakdown in professionalism or discipline, seeking to force the conventional military into making

[49] Shaver, II-3; Ralston Saul, 11.
[50] Gray, *War, Peace and International Relations*, 245-246.
[51] Ralston Saul, 14; Smith, *The Utility of Force*, 159; Krulak, 20; Horn, 8.
[52] Metz and Millen, *Future War/Future Battlespace*, 12; Hoffman, "Complex Irregular Warfare," 397-399; Ralston Saul, 11.
[53] Ralston Saul, 11.
[54] United States Army. *FM 22-51*. 1994, Chapter 9, 9-1. Introduction, accessed on 8 August 2008, available from http://www.globalsecurity.org/military/library/policy/army/fm/22-51/22-51_i.htm.

errors by provoking them into overreacting to a situation.[55] Errors, which due to the political primacy that will be examined in several paragraphs, are counter-productive to success in irregular conflict.

Intimately linked to the irregular technique's capricious nature is the issue of operational diversity and fluidity. This nature means that an irregular conflict often "contains frequent shifts of tempo and focus."[56] The *FLOC* concurs with this increasing complexity and dynamism, stating that it expects the NZ Army to "conduct concurrent operations across the spectrum", as the distinctions between warfighting, peacekeeping and humanitarian or other civil-support operations have collapsed and the modern army is required to "rapidly transition from one operational type to another."[57] Thus the NZA could experience dramatic shifts, from the mundane to the chaotic; the simple dichotomy of war and peace being replaced by rapid transitions between routine activities like aid delivery and high-intensity conflict. As the *Foundations of New Zealand Military Doctrine* states: "[I]n the current global context, neither peace nor war exists in its purest extreme form. There is a wide range of different situations between war and peace that are frequently given labels such as 'tension', 'crisis', 'hostilities', and 'conflict' in which the New Zealand Defence Force (NZDF) will be required to conduct military operations"[58] This issue is closely related to the expanded mandate and the ramifications will be covered further in that sub-section.

The next key aspect is the primacy of political victory over decisive military success. Irregular warfare is political, as is all war by definition.[59] However, due to irregular warfare's normal aim, to win the population's allegiance, and because of an irregular force's conventional inferiority, political victory takes precedence over military success

[55] *FM 22-51*; Lou DiMarco, "Losing the Moral Compass: Torture and *Guerre Revolutionnaire* in the Algerian War," *Parameters* (Summer 2006): 65.
[56] Freedman, *The Transformation of Strategic Affairs,* 8.
[57] *FLOC*, 1-6, 1-13, 1-14.
[58] *Foundations of New Zealand Military Doctrine NZDDP-D,* 5-5.
[59] Hooker, 7; Horn, 9; James M. Dubik, *Has Warfare Changed? Sorting Apples from Oranges* (Arlington, VA: Institute of Land Warfare, Landpower Essay, No. 02-3, 2003), 4. This is a claim that both van Creveld and John Keegan would deny, but these denials depend on varying definitions of politics and policy. Suffice to say here that politics is taken in a broad sense, i.e. interaction within and between human communities, not solely to nation-states, such as the narrow forms given by van Creveld and Keegan

in a manner different to that in regular war.[60] As Gray writes, "in regular warfare, at least for the soldiers, politics typically takes a backseat until the military issue is settled. Not so in irregular warfare. In the latter case there will probably be no recognizable military decision. Military behaviour must be conducted for its political effects because those effects, in the minds of the people, comprise the true field of decision."[61] To briefly requote Gen. Rupert Smith "we intervene in, or even decide to escalate to, a conflict in order to establish a condition in which the political objective can be achieved by other means and in other ways. We seek to create a conceptual space for diplomacy, economic incentives, political pressure and other measures to create a desired political outcome of stability, and if possible, democracy."[62] As can be inferred from this quotation the political pre-eminence extends beyond the area of operations (AO), with the influences from without focussed on within the create change. The political primacy of the modern operation places an extra burden of responsibility on every soldier and makes conduct increasingly critical.

The COE is a battlespace of opinion and perception, inherently linked with the psychological and political. It is upon this distinction that many have been thwarted, Napoleon in Spain, the French in Algeria, and the French and the USA in Vietnam. As Kissinger observed of the US in Vietnam, "[w]e fought a military war; our opponents fought a political one. We sought physical attrition; our opponents aimed for our psychological exhaustion."[63] To disregard or overlook the primacy of political victory in an irregular conflict is to miss the fulcrum upon which success is hinged. In a battle on the psychological plane, military ethics are a weapon, providing the soldier with the inner strength to counter operational stress caused by irregular methods whilst preventing detrimental conduct that could cost the allegiance of the populace.[64] They are a force multiplier, put simply, ethical conduct can transform physical power "into political and

[60] Manwaring, 1: Freedman, *The Transformation of Strategic Affairs,* 81; Hammes, 208; William. S. Lind, Keith Nightengale, John F. Schmitt, Joseph W. Sutton, and Gary I. Wilson, "The Changing Face of War," *Marine Corps Gazette.* (October 1989).
[61] Gray, "Irregular Warfare: One Nature, Many Characters," 44.
[62] Smith, *The Utility of Force,* 272.
[63] Henry Kissinger, quoted in S. Kalyanaraman. "Conceptualisations of Guerrilla Warfare," *Strategic Analysis.* 27.2 (Apr-Jun 2003): 173.
[64] DiMarco, 65.

moral power".[65] This has been a hard learned lesson for the United States Army, and it is illustrative to quote its latest, 'revolutionary', Field Manuel *FM 3-0*:

> "All warfare, but especially irregular warfare, challenges the morals and ethics of Soldiers. An enemy may feel no compulsion to respect international conventions and indeed may commit atrocities with the aim of provoking retaliation in kind. Any loss of discipline on the part of Soldiers is then distorted and exploited in propaganda and magnified through the media."[66]

> "Face-to-face interaction by leaders and Soldiers strongly influences the perceptions of the local populace. Carried out with discipline and professionalism, day-to-day interaction of Soldiers with the local populace among whom they operate has positive effects. Such interaction amplifies positive actions, counters enemy propaganda, and increases goodwill and support for the friendly mission."[67]

The second important technique is asymmetry. Asymmetry has become a noun fraught with meaning in the military lexicon; one US study even described it as not "fighting fair".[68] It is used here in its most simple form, to denote an inequality between combatants that can be utilised to one's advantage or forces one to find alternative techniques.[69] Asymmetries can be both tangible and intangible. Tangible asymmetries are obvious physical attributes, like GNP, troop numbers, and logistical capabilities, whilst intangible asymmetries are more nebulous features, like casualty thresholds, determination and patience. It is these intangible asymmetries that are of particular interest. Tangible asymmetries are significant only in that they encourage intangible asymmetrical techniques. This antagonistic action can be seen when the tangibly weak choose to draw the battle into civil society to minimise the tangibly strong's standoff

[65] Ignatieff, 10.
[66] *FM 3-0: Operations*, Chapter 1, Paragraph 1-87, 1-19.
[67] Ibid., Paragraph 7-12, 7-4.
[68] Freedman, *The Transformation of Strategic Affairs*, 53.
[69] Ibid., 53; Metz, *Armed Conflict in the 21st Century*, 22

strike capacity, an asymmetry that will be explained shortly.[70] It is exactly this calculus of conflict that has consigned much of the vaunted RMA-type technology and organisation to near irrelevance.[71] The deep irony was that the RMA had a paradoxical nature: it inhibited the type of war for which it was intended. The RMA paradox is representative of why strategic theorists see intangible asymmetries as increasing in importance; the conventional material superiority of the NZA, acting in coalition with the West, is such that any conflict, taking the intra-Western détente into account, is bound to be tangibly asymmetrical and, therefore, to counter the tangible asymmetry any smart adversary will utilise intangible asymmetries.[72]

It is the intangible asymmetric methods that are of particular concern because they are the likely choice for any of the NZA's potential adversaries.[73] Freedman identifies three particular areas that can be exploited by the tangibly weak: "the threshold of pain (a readiness to accept casualties), patience (leading to frustration in Western capitals) and…. a relative lack of humanitarian scruples (allowing the war to extend into civil society)".[74]

In his polemic against the technologically driven interpretation of war, a broadside against the RMA, Black raises one intangible asymmetry: threshold of pain.[75] The threshold of pain is relative and depends on a number of variables including cultural differences, willpower, morale and stakes.[76] As Black states: "you win a war when you persuade your enemy that he's lost".[77] This is a point the *FLOC* is careful to stress: "[c]hanges in public opinion, political will and (perceived or actual) casualty aversion

[70] Hooker, 15; Gray, *War, Peace and International Relations*, 245-246.
[71] Freedman, *The Transformation of Strategic Affairs*; Peters, "Our Soldiers, Their Cities"; Eliot A. Cohen "A Revolution in Warfare," *Foreign Affairs* 75.2 (Mar/Jun 1996), 51; E. Jordaan, and F. Vfrey, "Ideas on the Revolution in Military Affairs and the Nature of Low Intensity Conflict," *Strategic Review for Southern Africa* XXV.1, (May 2003): 124.
[72] Gray, "How Has War Changed Since the End of the Cold War?" 21; *FLOC*, p 1-6. Clearly, both China and Russia have large conventional forces, though they are bound into the intra-Western détente in a number of manners.
[73] *FLOC*, 1-4, 1-6; *LFCR*, 44.
[74] Freedman, *The Transformation of Strategic Affairs*, 51.- parenthesis in original.
[75] Black, 2.
[76] Ibid. - Black only identifies culture, but it is posited here that there is more to this asymmetry than culture.
[77] Ibid.

can be vulnerabilities, that can lead to a force being withdrawn."[78] An example of this growing preoccupation with casualty numbers can be found in the abortive US operation in Somalia, where the death of 18 soldiers precipitated a full American withdrawal; as Luttwak remarks, this is an incredibly emotive response from "a country in which gun-related deaths were last clocked at one every 14 minutes."[79]

In their separate works Hooker and Munkler both emphasise the potency of an asymmetry in patience, stressing the West's continuing problems maintaining political and social momentum in the face of deliberately protracted insurgencies, as witnessed by the Cold War superpowers respective quagmires in Vietnam and Afghanistan.[80] The asymmetry in patience is pithily summed up in the Taliban saying, "[t]he Americans may have all the wristwatches, but we have all the time."[81] Patience is closely linked to stakes, with the irregular force often having more invested in the outcome of the conflict, which is why they take on a tangibly superior force. To combat the higher patience and stakes of an irregular force, the conventional force will require strong discipline and morale.

Freedman's third area of intangible asymmetry, a relative lack of humanitarian scruples, can be rearticulated as an asymmetry of morality and legality, thus providing its full scope.[82] Like all societies, cultures and groups, the West fights conflicts in a manner that reflects its values, standards, norms and culture.[83] As such the West operates within a 'liberal' mindset and a consequent set of embedded assumptions, which Freedman identifies as the separation of the "military from the civil, of combatant from non-

[78] *FLOC*, p 1-8 parenthesis in original.
[79] Edward N. Luttwak, "Where are the Great Powers? At Home with the Kids," *Foreign Affairs*, 73.4 (July/August 1994): accessed on 12 September 2007, available from http://www.foreignaffairs.org/19940701facomment5123/edward-n-luttwak/where-are-the-great-powers-at-home-with-the-kids.html.
[80] Hooker, 12-13; Munkler, 9.
[81] David W. Barnoe, "Challenges in Fighting a Global Insurgency," *Parameters* (Summer 2006): 24.
[82] David Buffaloe. *Defining Asymmetric Warfare* (Arlington, Virginia: Institute of Land Warfare, Land Warfare Papers, No. 58, September 2006), 14, 22- Buffaloe refers to cultural and norm asymmetry, which are closely related to moral asymmetry
[83] Freedman, *The Transformation of Strategic Affairs*, 35; John Keegan, *A History of Warfare* (London: Hutchison, 1993), 387; Robert J. Bunker, "Generations, Waves, and Epochs: Modes of Warfare and the RPMA," *Airpower Journal.* (Spring 1996): 4; Alvin Toffler and Heidi Toffler, *War and Anti-War: Survival at the Dawn of the 21st Century* (New York: Little, Brown and Company, 1993), 1-30- The Tofflers actually propose that the nature of war is largely a reflection of the combatant society's prevailing mode of production, but their examples actually point to a broader conclusion than they reach.

combatant…. and of organised violence from everyday life."[84] It is these very embedded assumptions that the adversaries can use to their advantage. Ignatieff writes that "terrorists count on the systematic exploitation of [the West's] reluctance to cross" the moral Rubicon; he continues by stating that it is of utmost importance for the West to hold to its moral paradigm despite fighting an enemy intent on using and abusing that paradigm.[85] Ignatieff makes a valid point: adversaries of the West do not have the same standards of morality or legality and, so, can use this against Western forces.

The irregular opponent uses the advantages offered by intangible asymmetries, avoiding direct military confrontation and seeking to undermine and destabilise their adversary. They are often able to withstand higher casualties and purposively prolong conflict so as to undermine the morale of the regular force and the political support. The North Vietnamese capitalised on these intangibilities against both the French and the Americans, taking comparatively huge losses and dragging the conflict out so as to sap the political willpower of the tangibly stronger military and state.[86] General Vo Nguyen Giap estimated that they lost 600 000 men between 1965-1968, which translates to roughly 3.75% of the North Vietnamese population, compared to 35 500, or .018% of the total population for the US in the same time frame.[87] Yet for the US the casualty rate was a major issue. Protracted conflict was an integral part of the overall North Vietnamese strategy, or *dau tranh*.[88] As North Vietnamese Prime Minister Pham Van Dong said when explaining their strategy of protracted war, "Americans do not like long, inconclusive wars . . . thus we are sure to win in the end."[89] The constructive function is of utility in counteracting the asymmetry of patience and maintaining the conventional forces commitment and service to the operation.

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[84] Freedman, *The Transformation of Strategic Affairs*, 35, 50.
[85] Michael Ignatieff, "Ethics and the New War," *Canadian Military Journal* (Winter 2001-2002): 7.
[86] Gerald S. Venanzi, "Democracy and Protracted War: The Impact of Television," *Air University Review* (Jan-Feb 1983): accessed on 1 September 2008, available from http://www.airpower.maxwell.af.mil/airchronicles/aureview/1983/jan-feb/venanzi.html.
[87] Venanzi.
[88] Dale S. Ringler, *How the North Vietnamese Won the War: Operational Art Bends But Does Not Break in Response to Asymmetry* (Fort Leavenworth, Kansas: United States Army Command and General Staff College, Monograph, 2001), 22.
[89] Pham Van Dong, quoted in Venanzi.

The irregular adversary also uses the asymmetry of morality and legality to their advantage; as was the case in Somalia where the "clan-based militias knew that U.S. forces were restricted in applying deadly force when it could endanger citizens" and exploited this asymmetry by "firing from the protection of crowds, using their civilians as human shields."[90] Both the preventative and constructive functions are critical in averting any slip in conduct that such techniques may elicit; the moral and legal precepts, and the military values, ethos and professionalism all run counter to such conduct and maintaining this moral and legal high ground is vital for operational success in irregular warfare due to its inherent political nature.[91] The preventative function provides the parameters and the constructive function enables these parameters to be maintained.

Combatants

The concept of a regular mass professionally-officered standing army is only as old as the nation-state, and even then in a nascent and localised fashion.[92] With the prophesised dissolution or weakening of nation-state, the general amity across the regions where the nation-state is strongest and the friction in the areas where it has never been strong, it is of no surprise that there is near universal accord amongst theorists, the *LFCR* and the *FLOC* that an increasing number of the NZA opponents will be irregular.[93] Irregular forces are, as defined by the US Department of Defense, "[a]rmed individuals or groups who are not members of the regular armed forces, police or other internal security forces."[94] Irregular forces are defined by what they are not: regular.

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[90] Daniel Byman and Matthew C. Waxman. *The Dynamics of Coercion: American Foreign Policy and the Limits of Military Might* (Cambridge: Cambridge University Press, 2002), 189.
[91] David L. Perry, "Why Hearts and Minds Matter," *Armed Forces Journal* (September 2006), accessed on 21 November 2008, available from http://www.afji.com/2006/09/2002037.
[92] Bruce D. Porter, *War and the Rise of the Nation-State* (New York: The Free Press, 1994), 114-117.
[93] *LFCR*, 42; *FLOC*, 1-2, 1-4, 1-7: Freedman, *The Transformation of Strategic Affairs*; van Creveld, *The Transformation of War*, p 192-198, 212; Smith, *The Utility of Force*, 271; Kaldor, 6; Metz, *Armed Conflict in the 21st Century*, 13; Hammes, 32-43; Craig A. Snyder and J. Mohan Malik in Craig A. Snyder, *Contemporary Security and Strategy* (London: Macmillan Press, 1999), 204; Horn, 9; Metz and Millen, *Future War/Future Battlespace*, 12; Ralph Peters, "The Culture of Future Conflict," *Parameters* 25 (Winter 1995-1996): accessed on 12 December 2007, available from www.carlisle.army.mil/usawc/Parameters/1995/peters.htm.
[94] Department of Defense, *Dictionary of Military and Associated Terms*, Joint Publication 1-02, April 2001, accessed on 12 December 2007, available from www.dtic.mil/doctrine/jel/new_pubs/jp1_02.pdf.

The idea of growing irregularity among combatants has been articulated by van Creveld: "war will not be waged by armies but by groups whom we today call terrorists, guerrillas, bandits and robbers".[95] More prosaically, the *LFCR* wrote that the enemy "may either be a standing army structured for war, be a non-state actor, terrorists or militia, or a mix of both."[96] Kaldor's 'new' conflicts comprise of five distinct types of actor: "regular armed forces or remnants thereof; paramilitary groups; self-defence units; foreign mercenaries and, finally, regular foreign troops under international auspices."[97] Gen. Rupert Smith also identifies the rise in irregular combatants, as the name for his new conflict paradigm, 'war amongst the people', suggests.[98] Hoffman identifies the proliferation of trans-national and irregular actors as a dramatic occurrence in modern conflicts, with the battlespace now containing combatants with multifarious connections and allegiances, from returning expatriate combatants to private military contractors.[99] The NZA battlespace will be awash with numerous types of actors, acting through a nexus of indistinct connections and allegiances. This is a far cry from the regularity of a 19th century battlefield where opponents wore bright uniforms and carried standards to distinguish themselves. This has one particularly crucial ramification. Specifically, that irregular combatants lack the clarity of distinction that defines the regular; instead, they are, in the words of Lawrence of Arabia, "intangible, invulnerable, without front, or back".[100] The growing complexity of actors is a point the *FLOC* stresses, writing that "[d]istinguishing between combatant and non-combatant groups, belligerent and supportive, legally constituted and paramilitary groups can be extremely difficult."[101] Yet, whilst it is harder to distinguish between combatant and non-combatant when facing an irregular enemy, because of the centrality of a political solution, the application and adherence to the preventative function of military ethics is all the more critical.[102]

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[95] van Creveld, *The Transformation of War*, 197.
[96] *LFCR*, 42.
[97] Kaldor, 92
[98] Smith, *The Utility of Force*, 307.
[99] Hoffman, Frank G. "Neo-Classical Insurgency?" *Parameters.* (Summer 2007): accessed on 15 February 2008, available from www.carlisle.army.mil/usawc/Parameters/07summer/hoffman.htm.
[100] Ralston Saul, 11; T.E. Lawrence, *Seven Pillars of Wisdom: A Triumph* (New York: Anchor Books, 1991), 192.
[101] *FLOC*, 1-6.
[102] Michael N. Schmitt, "Ethics and Military Force: The Jus in Bello," Carnegie Council, accessed on 1 September 2008, available from http://www.cceia.org/resources/transcripts/98.html.

Intrinsically linked with this problem of distinction are the irregular forces connections to the general populace. Whereas the regular force is traditionally an entity of its own, hermetically distinct from society, the irregular forces are often society; in Gen. Rupert Smith's words, "[t]hey are of, and amongst the people".[103] It is usually the people who support, hide and man the irregular force. Because of the irregular forces inherent connections to the people, the key to victory lies, to revivify a popular cliché, in winning the 'hearts and minds' of the people; the irregular force demands a political solution in a way that regular forces do not.[104] This is a position held to in the *FLOC*, which states that in "SASO, the centre of gravity will predominantly, although not always, revolve around the *allegiance of the population*…. The purpose of SASO is to secure the environment in order to set conditions for *political aims* to be achieved."[105] This is because to defeat an irregular force, often the opponent must beat the cause rather than the physical force itself; it is vital to isolate the irregular force from its support base by winning over the population, or at the least, not antagonising them.[106] This is the political bridge between irregular techniques and irregular forces: irregular techniques bypass decisive military victory for the political, and conversely, because of their identity and characteristics irregular forces require a political solution. Military success in this type of confrontation is often non-transferable beyond its own limited internal bounds and overall operational success is usually defined by who holds sway over the population's allegiance; as pioneer French military theorist Trinquier wrote, "the sine qua non of victory in modern warfare is the unconditional support of a population."[107]

[103] Smith, *The Utility of Force*, 386
[104] Ibid., 376; Freedman, *The Transformation of Strategic Affairs*, 81; Gray, *War, Peace and International Relations*, 252; Cohen, Eliot A., Conrad Crane, Jan Horvath, and John Nagl, "Principles, Imperatives and Paradoxes of Counterinsurgency," *Military Review*, (March-April 2006): 50-51; Archer, Tony. *The Importance of Ethics in Counterinsurgency Operations* (Fort Leavenworth, KA: United States Army Command and General Staff College, Monograph, AY 05-06, 2006), 77.
[105] *FLOC*, 2-16 emphasis added.
[106] Ibid.; Cohen et al, "Principles, Imperatives and Paradoxes of Counterinsurgency,"; Archer, 77; Gray, *War, Peace and International Relations*, 252.
[107] Roger Trinquier, quoted in Kenneth Payne. "Waging Communication War," *Parameters* (Summer 2008): 39.

Response: Deployment

"To succeed in the future operating environment, the New Zealand Army needs to be agile in both human and physical terms. [The] Army must apply discriminating military force to support whole of government efforts"[108]

[108] *FLOC*, 4-2.

Any attempts at identifying trends or commonalities in NZA deployments, given their often *sui generis* nature, must be made with the caveat that rather than providing definitive illumination they can barely sketch a rough and inaccurate outline.[109] Nonetheless, it is both possible and useful to identify and examine the various germane commonalities.[110] This section is interested in these commonalities from the perspective of the NZA deployments, with the understanding that this is a somewhat capricious divide between the conflict and the deployment and, therefore, there will be a degree of intersection.

Multinational

The first pertinent trend across the full spectrum is the continuing and expanding multinational character of operations.[111] Historically, the majority of peacekeeping operations were multinational, but recently this conglomerate aspect has grown, with an increasing number of diverse states contributing personnel to an increasing number of operations.[112] Hirst writes: [c]ollective intervention under international legitimation and humanitarian missions are the only grounds on which [the West] will use force externally for the foreseeable future."[113] A statement that is particularly true for New Zealand; the *FLOC* writes, "[f]uture operations will be predominantly multinational and coalition in nature."[114] Multinational operations, whether as coalitions or alliances, have become the norm for Western states for a number of reasons, including pure force aggregation, the legitimacy gained by acting in concert or simple risk dispersion.[115] Further to this is the increasing diversity of contributing nations; in the early post-World War Two years operations were often Western-dominated, whereas now operations the NZA are involved

[109] Bruce Jones and Feryal Cherif, *Evolving Models of Peacekeeping: Policy Implications and Responses* (New York: New York University, Center on International Cooperation): accessed on 28 March 2008, available from smallwarsjournal.com/documents/pkomodels.pdf.
[110] Thomas G. Weiss, "Researching Humanitarian Intervention: Some Lessons," *Journal of Peace Research* 38.4 (Jul 2001): 420.
[111] *LFCR*, 42-43; Smith, *The Utility of Force,* 303; Roger H. Palin, *Multinational Military Forces: Problems and Prospects* (Adelphi Paper 294, London: International Institute of Strategic Studies, Oxford University Press, 1995); Department of Peacekeeping Operations, *United Nations Peacekeeping Handbook for Junior Ranks.* (Department of Peacekeeping Operations, Third Draft, 1997), iii.
[112] Mats R. Berdal, *Whither UN Peacekeeping?* (Adelphi Paper 281, London: International Institute of Strategic Studies, Oxford University Press, 1993), 9.
[113] Hirst, 96.
[114] *FLOC*, 1-1; *LFCR*
[115] Smith, *The Utility of Force,* 303

in are conducted in a polyglot of languages by peoples of sundry cultures, ethnicities and religions.

Gen. Rupert Smith describes the difficulties that are specific to multinational operations: namely, the problems that arise from the interaction between differing organisational structures, doctrines, training methods, as well as the contra-pull of dissimilar political objectives.[116] Correspondingly, Palin writes of the anomalies and contradictions inherent in all multinational operations, ranging from the political, through to the military.[117] In particular, Palin identifies a number of generic issues for the military that are relevant: the problems in achieving explicit and agreed ROE and a relatively equivalent operational doctrine, the difficulties that arise in attaining an efficient and reliable chain of command and organisational structure, problems of standardisation and integration, be they language or equipment based, media access and the dilemmas that arise from more esoteric factors like cultural differences and force-specific remunerations.[118] A multinational operation creates new stressors and exacerbates existing ones.

Thus, the increasing multinational element, and in particular the growing diversity of contributing nations, has a distinct repercussion for the constructive function. The stress, anger, frustration and culture shock that are implicit in multinational operations have the potential to affect the utility of the military force, and therefore, the utility of the constructive function is in ameliorating or easing these issues.

Joint

In an echo of the outside world, former divisions between the services are dissolving. The developing joint service nature of modern operations represents the amalgamation of many separate trends, from the expanded mandate and the complexity within the military sphere to the variegated flux rent on organisational and structural divisions in the wider

[116] Ibid., 304
[117] Palin, 7, 15.
[118] Ibid., 33-51.

world.[119] In the *LFCR*, it is put simply, "[t]here is no longer separate if related environments of land, sea and air, but a single 'operational environment'".[120] The *FLOC* claims that future "NZDF operations in the land environment will be inherently joint in force composition and in the conduct of the operation."[121] Of particular interest for the NZA is that, due to the high operational tempo and small size, mixed units comprised of personnel from the three services are being deployed.

The major issue with this is that the inter-service interaction runs counter to the historical development of each service, which has traditionally been more likely to compete against each other than work in concert.[122] In her 2000 analysis of the NZDF, Downes found this traditional organisational tension between the three services was still present.[123] Rolfe, in his 1999 book, comments that "New Zealand's armed forces do not plan or train (except at the most basic level) to operate as a national joint force" and as a result concludes "there is no real *corporate* 'New Zealand Defence Force'".[124] This is a position supported by Searle, who writes that the three services have traditionally been more focussed on slotting into the Commonwealth military system than working together.[125] Therefore, the demands of inter-service interaction will stretch old relations and add new pressures.

Much like the issues created by the multinational aspect, the tensions and pressures of operating in a joint manner, especially in combined units, run counter to the historical development of the services and inhibit operational efficacy, highlighting the utility of

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[119] Charles C. Moskos, John Allen Williams and David R. Segal, "Armed Forces after the Cold War," in *The Postmodern Military: Armed Forces after the Cold War,* eds. Charles C. Moskos, John Allen Williams and David R. Segal (Oxford University Press, New York, 2000), 4; David Dickens, *Inquiry into Defence Beyond 2000* (Wellington: Victoria University of Wellington, Centre for Strategic Studies, Working Paper, No. 13, 1999), 6; *FLOC*, 1-11; New Zealand Government. *Defence Policy Framework* (Wellington: New Zealand Government, 2000), 11, paragraph 29; New Zealand Ministry of Defence *Annual Report*. (Wellington, Ministry of Defence, 2006), 13.
[120] *LFCR*, 43.
[121] *FLOC*, p 1-11.
[122] Cathy Downes, "Australia and New Zealand: Contingent and Concordant Militaries," in Moskos et al, 189-191.
[123] Ibid., 189-191.
[124] Rolfe, James. *The Armed Forces of New Zealand* N.S.W: Allen & Unwin, 1999, 36-37-emphasis added, parenthesis in original.
[125] Deane Searle, *Low Intensity Conflict: Contemporary Approaches and Strategic Thinking* (PhD Thesis: University of Waikato, 2006), 231.

the constructive function in maintaining a useful and controllable force despite the inherent tension engendered by joint action.

Civil-Military

Another trend for NZA operations has been the ever-increasing integration and interaction of the civilian and military spheres; a phenomenon linked to the expanded mandate and political aims of the new era operations.[126] The *FLOC* identifies this growing integration and interaction, writing that "[v]irtually all future missions will involve a number of governmental agencies" and that the NZA COE will be distinguished by "complex human terrain where numerous population groups coexist in the same physical space" including non-combatants, "state militaries, terrorists, rural bandits, tribal fighters….mercenaries", "criminal elements, multinational corporations, private military companies, environmental groups, rioters, militias, pirates, religious sects and urban guerrillas." [127] These *FLOC* quotes show that there are two relevant relationship dynamics, taken from the military perspective: the first is the interagency of contemporary missions and has two separate facets, interaction with civilians within the mission, such as civilian employees and UN personnel, and with civilians on the fringe of the mission, like non-governmental organisations (NGO) and intergovernmental organisation (IGO) workers, whilst the second dynamic is between troops and the local populace.[128] This increasingly complex nexus of relations means that, in the words of Thakur, "[c]ivilian, police and military elements have to cooperate willingly and coordinate effectively with one another and with NGOs (and the local populace) in the pursuit of common objectives", although Thakur has simplified the issue here; often they *are not* working toward the same operational and tactical objectives, even *if they are* working in pursuit of a common overall goal, which is not always the case.[129]

[126] Michael C. Williams, *Civil-Military Relations and Peacekeeping* (Adelphi Paper 321, London: International Institute of Strategic Studies, Oxford University Press, 1998), 13; Berdal, 11; Jones and Cherif, 11.
[127] *FLOC*, 2-16, 1-6, 1-7.
[128] Michael Williams, 14 and Downes, 195.
[129] Ramesh Thakur, "From Peacekeeping to Peace Operations," *Accord* (April 2005): 7.

Therein lies the problem. Civil-military relations during SASOs, and to a lesser degree COs, are complex, denied the Manichean simplicity provided by peace and war.[130] Williams writes that "[m]ost armies have little experience of working with civilians. In peacetime, they are generally confined to barracks, or cantonments; in war, unless defending their homeland, their relationship with their own civil population, let alone a foreign one, is likely to be distant."[131] The NZA however, is not heavily cantoned and there is the increasing number of civilian employees.[132] The NZDF initiated a policy of outsourcing non-core activities in 1995 and this process has continued since, with the obvious result that the Armed Forces have become "significantly more civilian".[133] Nonetheless, the dynamics remain complex. The military has to integrate and interact with a plethora of other actors, whilst simultaneously winning the indigenous populations' allegiance and maintaining operational viability. At the interagency level, there are several issues, namely, contrasting operational and tactical objectives, the difficulty with command and control structure and hierarchy and the clash between the rigid, conservative military and the comparatively haphazard liberal civilian- in particular the NGO worker- which could be re-phrased as the conflict between the warrior ethos and the multitudinous civilian ethoi that inhabit the COE.[134] With regard to the local populace, there is a cascade of problems stemming from local apathy and enmity toward the operation as well as problems relating to cultural and political differences.[135]

One final issue that is concerned with the interagency level of interaction is one raised by Lt. Gen. Crabbe, Deputy for Commander for the UN Protection Force (UNPROFOR).

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[130] Michael Williams, 15.
[131] Ibid., 33.
[132] Peter W. Singer, "Outsourcing War," *Foreign Affairs* 84.2 (Mar/Apr 2005): accessed on 23 June 1008, available from http://www.foreignaffairs.org/20050301faessay84211/p-w-singer/outsourcing-war.html; Eugene B. Smith, "The New Condottieri and US Policy: The Privatization of Conflict and Its Implications," *Parameters* (Winter 2002-2003): 104.
[133] Leanne J. Woon, "The New Zealand Defence Force- How Does it Stack Up?" *Army Logistician.* (Mar/Apr 2004): accessed on 25 April 2008, available from http://findarticles.com/p/articles/mi_m0PAI/is_2_36/ai_114487528; Downes, 195.
[134] Michael Williams, 19-45; Mike Hull, *The New Zealand Defence Force as an Agent of Change* (Trentham, Upper Hutt: Military Studies Institute, Occasional Paper Series, No. 8, May 2005), 14.
[135] Michael R. Melillo, "Outfitting a Big-War Military with Small-War Capabilities," *Parameters* (Autumn 2006): accessed on 13 May 2008, available from www.carlisle.army.mil/USAWC/PARAMETERS/06autumn/melillo.pdf; Freedman, *The Transformation of Strategic Affairs,* 81-83.

The issue regards ROE, specifically during UNPROFOR they "had difficulty in determining exactly who it was that could be defended. Would deadly force be used to protect some non-governmental organizations [sic] (NGOs) and not others? If so, did the NGOs to be protected have an understanding with the UN that we would use deadly force to protect them? Is this at odds with their guiding philosophy."[136] The heightened interagency nature of the COE adds complexity, making already difficult to apply ROE even more troublesome.

As with the previous two elements, the problems engendered by the increasing civil-military integration during operations are counter-productive and emphasise the remaining utility of the constructive function. In comparison to the NZA's historical OE in which the unit operated in a relatively hermetic manner, the COE is a complex admixture of actors and interactions that are potential stressors through anger, frustration and confusion. NZA soldiers have to operate amongst and with people who have different motivations and objectives, which may be frustrating and irritating, yet they cannot let this effect their operational efficacy. By maintaining discipline and morale, military ethics, and in particular the constructive function, ameliorates these dangers to operational success by demanding a professional commitment in service to their nation and their comrades.

Expanded Mandate

One of the most obvious trends in NZA operations has been the dramatic expansion of mission mandates.[137] The term 'expanded mandate' has traditionally been used in association with peacekeeping operations; however, it is used here in a holistic sense, as it is deemed futile to use it exclusively due to the complexity, ambiguity and dynamism endemic in the COE. The important aspect is that whereas traditionally a military force was often deployed with a clear and focussed mandate- or mission, in the case of traditional military operations-, the contemporary deployment not only has a much

[136] Crabbe, 124-125.- parenthesis in original
[137] *FLOC*, 1-13, 1-14; Berdal, 6-10; Claus Heje, "United Nations Peacekeeping- An Introduction," in *A Future for Peacekeeping?* Edward Moxon-Browne, ed. (London: Macmillan Press, 1998), 9; Thakur, 4; T. Milburn, "A Framework for Assessing New Zealand Peacekeeping," *Peacekeeping & International Relations.* 26.2 (Mar/Apr 1997): 3.

broader, but also often a more ambiguous, mandate frequently involving sequential, concurrent and interdependent political and military objectives.[138] This breadth of activity heralded by the expanded mandate is evident in the *FLOC* when it states that it expects the Army to "conduct concurrent operations across the spectrum, and rapidly transition from one operational type to another".[139]

Essentially then, the modern operational mandate can, and often does, encompass the full spectrum of activities from election-monitoring, humanitarian assistance and peace maintenance through to combat, creating an environment of enigmatic complexity; a phenomenon that led US Marine Corps General Krulak to envisage the "three block war" (TBW).[140] The TBW concept basically states that the COE is so fluid and multifarious and the mandate so broad that troops could expect to "be confronted by the entire spectrum of tactical challenges (from SASOs to offensive COs) in the span of a few hours and within the space of three contiguous city blocks."[141] The *FLOC* examines Krulak's TBW concept in its section on multiple mission environments and predicts, "that the "three block war" trend will continue to be prevalent."[142] The challenge of the TBW concept is clear: soldiers must be prepared to switch between vastly different tactical and operational situations with little notice. Krulak's article goes on to describe the crucial consequence of the TBW, an effect he terms the "strategic corporal" which will be examined in the section on media scrutiny.[143]

As Krulak writes of his TBW, "[i]n order to succeed under such demanding conditions, they will require unwavering maturity, judgement, and strength of character. Most importantly, these missions will require them to confidently make well-reasoned decisions under extreme stress".[144] This mission fluidity and ambiguity was identified in the RAND Study, *How Deployments Affect Service Members,* as a cause of considerable concern amongst service members, particularly the unpredictable nature of future

[138] Smith, *The Utility of Force,* 3-12; *FLOC,* 1-9, 1-13; Palin, 31.
[139] *FLOC,* 1-14.
[140] Krulak, 20; Milburn, 3; Palin, 31; Thakur, 4-7.
[141] Krulak, 20.
[142] *FLOC,* 1-14.
[143] Krulak, 21-22.
[144] Ibid., 21.

missions and the diverse skill sets these missions require, making performance and job completion more difficult.[145] Also, dependent on mandate and ROE, there is also the potential for "peacekeeper's stress syndrome", which is defined as the "rage, delusion and frustration, feelings of impotence and helplessness when confronted with violence and atrocities to which the peacekeeper is unable to respond."[146] Though this impotence has lessened in the era of muscular peacekeeping the political restraints on force still remain strong. The constructive function has remaining utility by lessening, or at least containing, the stress that the expanded mandate creates; the discipline, strong morale and sense of purpose and worth embodied in military ethics and the constructive in particular are vital in remedying potential issues caused by the expanded mandate.[147]

The complexity and ambiguity engendered by the TBW are significant stressors on their own. Also however, the fluidity and convolution of the operation, moving from combat to humanitarian tasks, makes a developed sense of morality and legality of conduct crucial as the soldier rapidly transitions between significantly different situations and ROEs. Due to the dynamism, ROE can often change as the mission changes or, conversely, the situation can change so quickly that a new interpretation or perspective of the ROE is required; both of which place a large degree of cognitive stress on the individual.[148] Contrast this dynamic complexity with the simple instructions given to NZ K-Force, who when faced with roving guerrilla patrols at their first barracks were told to "shoot anything that moves" without asking questions.[149]

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[145] James Hosek, Jennifer Kavanagh and Laura Miller, *How Deployments Affect Service Members* (Arlington, VA: RAND Corporation, 2006), 41.
[146] John Pearn, "Traumatic Stress Disorders: A Classification with Implications for Prevention and Management," *Military Medicine* 165.6 (June 2000), quoted in Jun Shigemura and Soichiro Nomura, "Mental Health Issues of Peacekeeping Workers," *Psychiatry and Clinical Neurosciences* 56 .5 (2002): 484.
[147] Paul T. Bartone, Amy B. Adler and Mark A. Vaitkus. "Dimensions of Psychological Stress in Peacekeeping Operations," *Military Medicine* 163.9 (September 1998): 592.
[148] *FM 22-51;* A. Walter Dorn, "Canadian Peacekeeping: Proud Tradition, Strong Future?" *Canadian Foreign Policy* 12.2 (Fall 2005): 22.
[149] Ian McGibbon, *New Zealand and the Korean War* (Wellington, NZ: Oxford University Press, 1996), 64.

Expanded mandate operations purportedly strain the warrior ethos, a problem first identified by Janowitz.[150] As Janowitz has it, "military responsibility for combat predisposes officers toward a low tolerance for the ambiguities of international politics, and leads to a high concern for definitive solutions of politico-military problems."[151] Janowitz, with respect to his 'constabulary force', thought that it would be the military 'managers' who thrived in this type of operations as they are "better equipped… to participate in the management of international affairs… because his day-to-day tasks develop broader administrative skills… The heroic leaders, in turn, tend to thwart the constabulary concept because of their desire to maintain conventional military doctrine."[152] The ambiguous political and militarily limited nature of peacekeeping and expanded mandate operations runs counter to traditional military activity and expectations. Goldstein divides these issues into three problems: the victory problem, the politics problem and the readiness problem.[153] The victory problem refers to the fact that non-combat operations do not carry the catharsis of combat operations, thus leading to an element of frustration.[154] The political primacy of these operations means that military involvement is often complex and vague, which again leads to frustration.[155] Finally, the "readiness problem" relates to the military's view that its finite capabilities and capacity are being split, and therefore, weakened by operations outside the traditional military sphere.[156]

The conflict between the warrior ethos and changing realities has been perceived to have increased in the changing OE.[157] There is however, a possible counter to this argument, and it is one that is particularly pertinent for the NZA. The warrior ethos may be less intractable and more adaptive than is generally thought.[158] In part, this hypothesis is

[150] Janowitz, 421-440.
[151] Ibid., 420-421.
[152] Ibid., 424.
[153] Lyle J. Goldstein, "General John Shalikashvili and the Civil-Military Relations of Peacekeeping," *Armed Forces and Society* 26.3 (Spring 2000): 388-389.
[154] Ibid., 388-389
[155] Ibid., 389.
[156] Ibid., 389.
[157] Spiers, 16.
[158] M.D. Capstick, "Defining the Culture: The Canadian Army in the 21st Century," *Canadian Military Journal* (Spring 2003): 50-53.

based on several of the "fundamental characteristics of the modern New Zealand warrior" as listed in *The Way of the New Zealand Warrior*, initiative and adaptability.[159] Initiative is described as "[i]nnovative thinking, *adapting* to the current environment and operating in response to changing situations". [160] The manual then goes on to say that "[w]hile the Army is essentially a fighting force, in recent years it has proved its adaptability in the peacekeeping arena… [and that] [a]dapting from aggressive warlike actions to friendly interaction with local people has proved to be one of the New Zealand soldier's greatest skills."[161]

Consequently, facilitated by initiative and adaptation, which are both elements of NZ society that are lionised in the colonial meme regarding the 'number eight wire' mentality, the elements of the warrior ethos-*duty* through *combat*- may be expanded along with the mandate. The logic behind this is that duty for the NZA personnel is to their country, and NZ can be seen as the international citizen *sine pari,* therefore, service could be to the international community *through* service to NZ, in effect expanding and conflating the NZA's client. Also, to ensure operational success in the COE the soldier *must* adopt new methods beyond the purely violent. Thus, as mentioned in the chapter on utility, it is hypothesised that to retain utility, the NZA ethos may have adapted in this manner, though it should be mentioned that this would be at would be at the individual rather than organisational level and would be largely pragmatic over doctrinal. Though the above definitions on adaptability and initiative come from the NZA manual, they are focussed on practical 'in-field' issues. The reason it is thought the adaptation is largely pragmatic is that the manual stresses the warrior, and warfighting nature of the NZA and states that peacekeeping, civil aid and humanitarian assistance are tasks for the army to do when "no fighting is required".[162]

The nature of expanded mandate operations- less combat-intensive and longer in duration- demands a recalculation of the maxim that war is '90 percent boredom and 10

[159] *The Way of the New Zealand Warrior,* 9.
[160] Ibid., 11-emphasis added.
[161] Ibid., 13.
[162] Ibid., 5.

percent sheer terror' in favour of boredom, though it should be noted that ennui is historically inherent in military life, as the above maxim illustrates.[163] A study done in 1985 found that "boredom is one of the major problems experienced by those engaged in peacekeeping missions."[164] It should also be noted that many of the conditions for the 1985 US based study have little relevance for the NZA, namely soldiers expectations of common missions and the type of peacekeeping missions conducted. Nonetheless, boredom still has implications for military ethics, in particular the constructive function, as it is a "severe threat to performance" and can "be mitigated by cohesion."[165] Essentially then, the boredom of expanded mandate operations affects performance and the negative results of boredom can be ameliorated by the discipline and morale imbued by military ethics.

Media and Communications

As the scope and penetration of the mass media has increased, so too has its ability to influence; the same is true for the ever-broadening communication networks of the world.[166] The penetration and power of the media in modern conflict is an aspect that a number of theorists acknowledge; in particular, many emphasize the importance of both the CNN effect and Krulak's strategic corporal concept.[167] Both the *LFCR* and the *FLOC* note this phenomenon, with the former stating that the "media's role is fundamental" while the latter writes that changes in public will and opinion can have a strategically deleterious affect on Western forces even though they may have tactical and operational superiority.[168] The US *Field Manual 3-0 (FM 3-0)* states that "the media's use of real-time technology affects public opinion, both in the US and abroad, and *alters the conduct*

[163] Bruce Newsome, *Made, Not Born: Why Some Soldiers Are Better Than Others* (Westport, Conn.: Praeger Security International, 2007), 104.
[164] Jesse J. Harris and David R. Segal, "Observations from the Sinai: The Boredom Factor," *Armed Forces & Society* 11.2 (1985): 235.
[165] Ibid.
[166] While some attempt to maintain distinctions between "media" and "communications" has been attempted the reality is that the epic upheavals occurring in these two fields has weakened, and in some cases dissolved, traditional barriers between them and permeability will tint the language of this section. However, this section is mainly focussed on media over communications.
[167] *LFCR*. 44; *FLOC*, 1-6, 1-7, 1-8; Freedman, *The Transformation of Strategic Affairs*, 77; Smith, *The Utility of Force*, p 286, 400; Horn, 8,10; Krulak, 20.
[168] *LFCR*. 44; *FLOC*, 1-8.

and perceived legitimacy of military operations."[169] Napoleon, operating in a drastically limited media sphere, succinctly summed the power of the media up: "[f]our hostile newspapers are to be more feared than a thousand bayonets."[170]

The CNN effect postulates that the modern media has a major, even excessive, impact on foreign policy in three specific ways: as a political agenda-setting agent; as an impediment to the achievement of desired policy goals; and as an accelerant to policy decision-making.[171] For this paper, its relevance is simple: the media have an inordinate, ability to effect the foreign policy of a nation and, consequently, a negative story on a military operation could adversely affect the support of the population and the government, thus jeopardising the operation. Krulak's strategic corporal concept states that the intense media scrutiny in the COE, taken with the expanded mandate of the TBW and the complexity of the battlespace, has meant that the actions of the lowest ranks can have repercussions of a strategic magnitude and, consequently, the onus of responsibility has fallen down the ranks.[172] Essentially, the glare of the media spotlight on unethical or illegal conduct at the tactical level can have strategic consequences.[173] There is a strong congruence between the two, with the major difference being that the CNN effect is focussed solely on the external response to the situation (i.e. influence on policy) whilst the strategic corporal is focussed on both the external response (i.e. the strategic outcome of an operation) and the consequences the media magnification has for the internal actors (i.e. the onus of responsibility for the soldier).

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[169] *FM 3*, 1-12- emphasis added.
[170] Napoleon Bonaparte, quoted in Irvin Lim Fang Jau, "Media Barrage! Fighting Amidst the Sights and Sounds of Fury, the Smoke and Mirrors of Reality," *Journal of the Singapore Armed Forces* 26.3 (Jul-Sep 2000): accessed on 122 September 2008, available from http://www.mindef.gov.sg/safti/pointer/back/journals/2000/Vol26_3/5.htm.
[171] Steven Livingston, *Clarifying the CNN Effect: AN Examination of Media Effects According to Type of Military Intervention* (Cambridge; MA: Harvard University, Joan Shorenstein Center on the Press, Politics and Policy Research Paper Series No. 18, 1997), 2.
[172] Krulak, 21-22.
[173] Krulak, 20-21; Lynda Liddy, "The Strategic Corporal: Some Requirements in Training and Education," *Australian Army Journal*, II.2, 139-140.

As Gen. Rupert Smith has it, the Internet and television have brought conflict into homes of both leaders and their electorates across the globe.[174] The leaders are then influenced by what they see and their interpretation of how their electorate has reacted, they act on their perceptions, and often primarily for their own political purpose rather than any strategic necessity, to the point where the media is acting as a conduit between the electorate and the leader: the media contextualises the conflict.[175] Images, those that are broadcast, are everything; one negative image can counter thousands of positive actions.[176] Horn makes his position clear in his sectional title, "Media Scrutiny and the Reality of the Strategic Corporal", under which he writes that the "CNN effect has greatly magnified the notion of the "strategic corporal", where a low-level tactical decision or error can become a strategic issue as it is beamed across the globe in real time."[177] He further states that shocking images can "create intense political pressure to cease hostilities."[178] Quite simply, the import of the media is in its ability to instantaneously and comprehensively present a subjective interpretation of a conflict; creating a situation where even the most strategically inconsequential occurrence can become the fulcrum upon which the conflict hinges.

To focus on the AO, one of the most crucial elements for this paper is that the globalised mass media and modern communications, specifically satellite television, the Internet and cellular networks have expanded the reach of the strategic corporal concept, so that almost instantly, any mistake by the deployed force could potentially be relayed to the local populace, often in graphic visual detail. It is the accessibility, adaptability, immediacy and open-source nature of the Internet in particular that make this a fundamentally new concept in the COE.[179] Until recently mass information flow was constricted and controlled by a number of factors: cost and complexity of recording

[174] Smith, *The Utility of Force*, 286.
[175] Ibid., 286, 400.
[176] Ibid., 286, 400.
[177] Horn, 10.
[178] Ibid.
[179] Marvin Kalb, *The Israeli-Hezbollah War of 2006: The Media As A Weapon in Asymmetrical Conflict* (Cambridge; MA: Harvard University, Joan Shorenstein Center on the Press, Politics and Policy Research Paper Series No. 29, 2007), 4; Audrey Kurth Cronin, "Cyber-Mobilization: The New *Levee en Masse*," *Parameters* (Summer 2006): 80-84.

equipment, the ability to disseminate the information, domestic laws and regulations (though the Internet is becoming increasingly legislated) and (with regard to the Internet in particular) the appropriate technology to receive the information.[180] This has all changed dramatically; digital video cameras, digital cameras and cell phones with video cameras and Internet capacity are relatively cheap and of growing ubiquity across the world. Computers, and Internet access, have also grown exponentially through much of both the developed and developing world, as have satellite networks and television sets. Also, many countries that did not have a thorough telephone network have bypassed the traditional landline technology and are now connected through cell phone networks. Collectively these factors have caused a communication revolution: many now have the capacity to disseminate and receive news, in effect providing strategic capability to the individual.[181] This has had dramatic consequences on the COE, "[t]he camera [the cell phone] and the computer have become weapons of war."[182]

There are several implications for military ethics. As Lt. Col. Daley writes, "having camera crews reporting live from the battlespace, coupled with the knowledge of the potential impacts of ones actions in a politically sensitive domain can only add to distraction and operational fatigue."[183] Therefore, the constructive function has remaining utility as it ameliorates stress caused by media scrutiny, as it does with other stressors discussed.

However, the real import of the media and communications is their ability to transmit and amplify tactical level information and thus influence perception and opinion at the operational and strategic level both in-operation and internationally. The Pentagon is well aware of this, as can be seen in their 2003 report on *Public Affairs Guidance on Embedding Media*:

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[180]Cronin, 80-81.
[181] Dennis Murphy and Rafal Rohozinski, *New Media and the Warfighter* (Philadelphia: U.S. Army War College, Center for Strategic Leadership, Concept Paper, 03-07), 1.
[182] Kalb, 4.
[183] K.W. Daley, *Operational Stress Injuries: A Pitfall in the Three-Block War?* (Thesis: Canadian Forces College, 2007), 19.

> "Media coverage of any future operation will, to a large extent, shape public perception of the national security environment now and in the years ahead. This hold true for the U.S. public; the public in allied countries whose perception can affect the durability of our coalition; and publics in countries where we conduct operations, whose perceptions of us can affect the cost and duration of our involvement."[184]

The consequences for the preventative function are critical to the central argument of this paper. Unethical conduct at the tactical level can have operational and strategic ramifications, swaying the perception of the deployed force's home population or influencing the opinion of the local populace. This has added import in irregular conflict, where both sides are attempting to gain or maintain the local populace's allegiance and the irregular combatant is attempting to force the intervener to act in an immoral or illegal manner. The media acts as the contextualiser of the modern operation; such is its power that Baudrillard impudently and provocatively entitled his work *The Gulf War Did Not Take Place* in reference to the synthesized simulacra conducted and conveyed by the media from the Levant in 1991.[185] At a more prosaic level, Michalski and Gow state, "images are not just contingent in the battle for hearts and minds, or the struggle for success and legitimacy; they are central and imperative".[186] With reference to the media and communications, the preventative function's increasing utility is that previously most misconduct had limited strategic impact, or at the least delayed strategic impact; now, the *jus in bello* principles, the LOAC and the ROE are a *critical* part of overall operational success because any infraction is likely, dependent on operation, to come under intense media scrutiny and have a negative effect on the mission's overall success through either influencing the indigenous or home populace.[187]

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[184] United States of America Department of Defense. *Public Affairs Guidance on Embedding Media During Possible Future Operations/Deployments in the U.S. Central Commands Area of Responsibility.* United States of America Department of Defense, accessed on 21 August, available from http://www.defenselink.mil/news/Feb2003/d20030228pag.pdf.
[185] Jean Baudrillard, *The Gulf War Did Not Take Place* (Bloomington: Indiana University Press, 1995).
[186] Milena Michalski and James Gow, *War, Image and Legitimacy* (London and New York: Routledge, 2007), 6-7.
[187] Margaret H. Belknapp, "The CNN Effect: Strategic Enabler or Operational Risk?" *Parameters.* (Autumn 2002).

Justification

The modern operation is increasingly justified on moral grounds and often aimed with the overall operational goal of creating, recreating or stabilising a stable democracy.[188] The moral justification of modern deployments, disseminated through the media, in a sense conflates *Jus ad Bellum* and *Jus in Bello*, where the justification for the operation and the conduct of the operation become contingent on one another. Though justification and end objective are not the same- a humanitarian intervention and a collective security based intervention can both have the creation of a stable democracy as their objective and clearly be justified for different reasons- there is a congruity between the two in that a moral justified operation creates a condition whereby the justification, the means and the ends must be commensurate. Without conflating justification and outcome, this section will considered them linked in a pragmatic manner. In other words, interventions that are morally justified generally have a moral end goal. The ends, when grounded in morality, necessitate ethical means, and thus argue for the increasing utility of the preventative function. As Freedman puts it, "[o]perations undertaken with the expressed aim of promoting liberal values but conducted with scant respect for individual life or dignity are likely to be futile and counter-productive in their consequences."[189]

Moral justification seems to be a loose term, but what is meant here is that in the post-Cold War, post-9/11 global system there has been an expansion in interventions that are rationalised within the Western moral paradigm, be it the Universal Declaration of Human Rights, cosmopolitanism or the liberal internationalism.[190] Doary defines these

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[188] Michael G. Smith and Moreen Dee, *Peacekeeping in East Timor: The Path to Independence* (Boulder, Colorado: Lynne Rienner Publishers, 2003), 21; Lawrence Freedman, "The Age of Liberal Wars," *Review of International Studies* 31 (2005): 96-97; Arkadiusz Domagala, *Humanitarian Intervention: The Utopia of Just War? The NATO Intervention in Kosovo and the Restraints of Humanitarian Intervention* (Falmer, Brighton: Sussex European Institute, Working Paper, No. 76, 2004), 5; Paul R Williams and Meghan E Stewart, "Humanitarian Intervention: The New Missing Link in the Fight to Prevent Crimes Against Humanity and Genocide," *Case Western Reserve Journal of International Law* 20.1/2 (2008): 97-98; James Cotton "'Peacekeeping' in East Timor: An Australian Policy Departure." *Australian Journal of International Affairs* 53.3 (November 1999): 237-240; Alan Ryan, *Primary Responsibilities and Primary Risks* (Duntroon, ACT: Land Warfare Studies Centre, 2000), 28-29.

[189] Freedman, *The Transformation of Strategic Affairs.* 41-42.

[190] Burke, 74; Christopher Doary, "Pax Civitas Maxima," *Canadian Military Journal* (Summer 2002): 25-26; Orford, 2.

interventions as "coercive, (and/or non-consensual) politico-military interference in a state's internal affairs to enforce international norms of behaviour."[191] They are significantly different to traditional peacekeeping in that they do not require consent, do not have to remain neutral, are not limited by prohibitive rules on the use of force and, most importantly, *are not justified (solely) on the basis of maintaining international security*.[192] Their taxonomy is fluid, as each is unique; ideologically most are a "pragmatic marriage of moral values and state interest" in that they conflate humanitarian enforcement and preventative war into "a new normative framework for international intervention."[193] It should be acknowledged that no justification for intervention can be taken at face value, underneath altruistic reasoning there often hides a selfish purpose.[194] Also, less perniciously, there is also scope for multiple intentions.[195] Nonetheless, it is predicated here that most current and future deployments have been, and will continue to be, justified, at least in the public sphere, within a moral framework; naturally, this is in no way a comprehensive view on future deployments but it is assumed to have a catholic enough reach, especially with regard to the NZ Army.[196]

The importance of morally justified interventions for the preventative function is similar to that of the media's influence in that it is based on perception; as illustrated by the above Freedman quote, the *means* of a modern operation, where the main objective is securing the allegiance of the indigenous populace, must be commensurate with the *ends* to succeed; the locals perception of the troops conduct is even more critical when the intervention is premised on moral grounds. The preventative function, primarily, though in concert with the constructive function, provides the parameters that ensure that conduct corresponds adequately with the moral justification, in large part because they both derive from the same Western moral/legalist paradigm.

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[191] Burke, 26.- parenthesis in original
[192] Thakur, 3; Adebajo, A. *Collective Security and Humanitarian Intervention.*
[193] Doary, 26; Burke, 74.
[194] Louis Henkin, "Kosovo and the Law of "Humanitarian Intervention,"" *The American Journal of International Law* 93.4 (Oct 1999): 825.
[195] C.A.J. Coady, *The Ethics of Armed Humanitarian Intervention* (Washington: United States Institute of Peace, Peaceworks, No. 45, 2002), 5.
[196] Hirst, 88; Burke, 73-74; John T. Henderson, William K. Jackson and Richard Kennaway, *Beyond New Zealand: the Foreign Policy of a Small State.* Auckland: Methuen, 1980, 5-6.

The critical area for the constructive with respect to morally justified interventions is related to the desired end state, democracy. It is one closely related to the expanded mandate, which is the means aspect of the process. The major issue here is that there is a fundamental discordance between liberal democratic values and professionalism, military ethos and military values. Thus, the "authority equilibrium", as Janowitz refers to it, would be destabilised.[197] Though similar to the conflict between liberal democratic governments and their illiberal militaries, as the problem occurs during an operation it could be detrimental to utility, in particular, it is perceived that it could damage the chain of command. Though referring to military juntas, Nordlinger's statement that the "martial values of bravery, discipline, and obedience under fire have little relevance for the governing of states" can be reinterpreted in the modern era by replacing 'governing' with 'creating, recreating or stabilising' in its stead.[198]

Conclusion

The NZA COE is increasingly fluid, complex and interconnected across an array of indicators and indices. It is now a three-dimensional battlespace with allegiance as the

[197] Janowitz, 423.
[198] Eric A. Nordlinger, *Soldiers in Politics: Military Coups and Governments* (Englewood Cliffs, N.J.: Prentice Hall, 1977), 126.

centre of gravity, permeated by the international media, likely to be in a non-Western, urbanised or naturally complex location, with a plethora of actors from a variety of nations, services and organisations working at a variety of tasks and interspersed with locals who are often lacking in the necessities of life; this dense and complex battlespace is often characterised by a overwhelming technological and material dominance on the side of the intervener in weaponry, communications, hardware and logistics, whereas the adversary is usually irregular and utilises irregular and asymmetric techniques to offset this conventional superiority.

The hypotheses of this paper are that the preventative function has an increasing utility and that the constructive function has a remaining utility. The underlying rationale of the first hypothesis involves the amalgamation of several threads. First, the rise in *moral justification* for military interventions has set a standard for operational means to be commensurate with operational ends.[199] Next, the increase in *irregular combatants* using *irregular techniques* has meant that, for the most part, the nature of victory has changed, so that the modern operation is now a battle of opinion and perception, in essence *political victory* has become paramount over *military victory* in securing overall operational success. Overall operational success is intrinsically linked with both the original justification and operational conduct and consequently any unethical conduct is counter productive in securing the 'hearts and minds' of the local populace, as is any overt action that contradicts the justifying principles of the intervention. The *expanded mandate* further enhances the preventative function's utility, by completely bypassing traditional military activity in pursuit of a political solution, with soldiers operating amongst and for the people. Finally, the intense media scrutiny, transmits and magnifies any unethical conduct to the local populace and the wider world so that a tactical error can become a strategic disaster, thus jeopardising overall operational success as the operation loses either, or both, local allegiance or the support of the army's home population. Individually some of these aspects are not necessarily new, yet taken together there is a powerful case for the increasing utility of the preventative function. The

[199] Steven P. Basilici, *Ethics, Counterinsurgency, and Perceptions in the Information Era* (Fort Leavenworth; Kansas: United States Army Command and General Staff College, School of Advanced Military Studies, Monograph, AY 05-06, 2006), iii.

conclusion of Igniatieff's 2001 Young Memorial Lecture, given at the Canadian Royal Military College provides an apt exposition on the current reality and it is beneficial to quote it at length:

> "[T]here are a number of pragmatic reasons for ethical restraint, even in a war on terror. You will operate in a highly visible world, a world where your mistakes are visible. You will operate in a world under close public scrutiny. This is a world where journalists and ordinary civilians with video cameras will be all over your operations, whether you like it or not. Your military careers will be carried out in a fishbowl. The distance between the front line where you operate and the hometown you come from is shrinking to zero in the modern world. And this places you under a substantially greater degree of obligation to play by the rules…. Moreover, what is different about this war on terror is that it is not about conquering territory, or taking and holding ground. We are in the business of neutralizing specific military objectives, but we are also emphatically in the business of hearts and minds. And if we fail in this, the international coalition supporting this effort will disintegrate. Even the support of the domestic constituency will vanish. If these terrorists are the piranhas in the fishbowl, you cannot drain the fishbowl — the world in which they swim — by using indiscriminate, incoherent military violence. In a war for hearts and minds, discrimination is the only game to play….
>
> One of the most difficult aspects of understanding the force of ethical imperatives in the use of military violence is to drop that idea of ethics as a set of handcuffs and to begin to think of ethics as a force enabler — to think of ethics not in a negative sense but in a positive sense, as a force multiplier. The Canadian Forces, because of their long peacekeeping tradition, know that ethical behaviour in the field is a powerful force multiplier — precisely because we don't have that much force anyway. So, we are in the hearts and minds business. We are in the business

> of multiplying physical power, and transforming it into political and moral power simply by the way we behave out in the field." [200]

The second hypothesis is that the constructive function has remained important as the COE has become increasingly complicated, dynamic, ambiguous and diffuse, despite the decrease in high-intensity conflict. The significant stressors highlighted all attest to this: the alienation and anger of culture shock from operating 'amongst the people' in expanded mandate operations, the compound mental and physical intricacy of the urban or complex natural environ, the diverse potentialities of attack, the inherent lack of certainty and the difficulties of distinction implicit in irregular warfare, the complexity and friction that stems from the organisational, doctrinal and cultural melange of the multinational, joint and interagency operation and the flux and apathy rent by the expanded mandate. The constructive function of military ethics is, as the literature states, one of the best methods for reducing or preventing the stress induced by the characteristics of the COE. Naturally it is not the only, or necessarily always the best, method for stress control but the constructive function of military ethics is useful in managing and ameliorating the intensifying effects of the COE and also, crucially, in enabling and ensuring the preventative function.

Furthermore, it is believed that the constructive function, and in particular the warrior ethos, has adapted to fit current operational realities. This adaptation is premised on NZ's position as an international citizen and an appreciation of the COE and the utility of non-violent means in securing operational goals.

The division between the two is not quite as simplistic as is presented, as the constructive function enables the preventative function and the preventative function is an intrinsic part of the constructive function. For analytic purposes however, this division remains useful. The examination will next give a brief view of the NZA's historical OE, then it will move to the case study of Timor-Leste, which will aim to review the reality of the

[200] Igniatieff, 9-10.

COE characteristics and the increasing utility of the preventative function and the remaining utility of the constructive function.

Chapter Four

History of New Zealand Army Operational Environment

The aim of this chapter is to place the NZA COE into context by reviewing the NZA's historical operational environment. Specifically, it will look at key missions, beginning with World War Two (WW2) and ending with the NZA commitment to United Nations Protection Force (UNPROFOR) in the former Yugoslavia. The focus will be on the type of conflict, the characteristics of the deployment and how this shaped capabilities and attitudes. Because of the scope of this chapter, each operation will be necessarily brief and generalised with a broad sweeping perspective rather than detailed analysis. Finally, this chapter has had to be selective and many NZA peacekeeping operations, in particular, have been omitted for reasons of space.

The reasons for inclusion in this chapter were that an operation was either important due to the size, type or timing of the mission. Kashmir was included because it was one of the first UN peacekeeping operations that the NZA was involved in and stands as a good example of a traditional Cold War peacekeeping operation. The Commonwealth Monitoring Force was examined as it was relatively significant in terms of numbers and occurred during a transitional phase in both the NZA's, and the international system's attitude towards peacekeeping. Cambodia had to be analysed as it encapsulated the enthusiasm of the early post-Cold War period and stood out as a landmark UN operation with a broad and ambitious mandate that had an unprecedented number of personnel from a diverse array of backgrounds and contributing nations. UNPROFOR was significant because it was the first combat contingent deployed on a UN mission since Korea and the largest sent on a peacekeeping operation and because the complex situation reveals the intricacy of the modern operational environment.

World War Two

Conflict

The Second World War defies simple descriptions, though in some sense it can be seen as the catastrophic zenith of the Napoleonic/Clausewitzean way of war- marking the height of conventional, predominately Western, interstate warfare- and as such is representative of the milieu in which military ethics evolved.[1] The NZA fought in numerous environs across the globe during WW2, with major campaigns in Crete, North Africa, the Pacific and Italy.[2] The NZA Division, NZ's major land contribution, would spend five years fighting WW2 in North Africa and Europe, while a second division served sporadically in the Pacific. The first significant action for the NZA was in Greece and Crete.[3] During the two weeks of fighting in Greece the NZA conducted a defensive retreat as the German tanks and infantry, supported by artillery and planes, effectively used the *blitzkrieg* strategy, the epitome of regular, large scale interstate industrial warfare, to drive the Commonwealth forces down the mainland, eventually forcing their evacuation to Crete.[4] Once on Crete the NZA had to defend the island from an airborne attack, followed by retreat and evacuation after German forces secured the island.[5]

The North African campaign was the NZA's longest during WW2, lasting from 1940 to 1943, and though fought in a non-Western location the adversaries were regular Italian and German armed forces, fighting within the same Clausewitzean paradigm.[6] Although North Africa was the birthplace of NZ Special Forces, in the form of the Long-Range Desert Group (LRDG), the majority of the fighting was conventional, in that it pitted two regular forces against each other in large battle formations along a near barren strip of desert terrain.[7]

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[1] Smith, *The Utility of Force*, 134-143.
[2] Because of WW2's diversity this section is particularly brief, and unlike the other sections, will look at each campaign rather than the conflict as a whole because each campaign had different qualities.
[3] Ian McGibbon, *New Zealand and the Second World War: The People, the Battles and the Legacy* (Auckland: Hodder, Moa Beckett Publishers, 2003), 66.
[4] Ibid., 66-67.
[5] Ibid., 71-73.
[6] http://www.nzhistory.net.nz/war/the-north-african-campaign/background; http://www.nzhistory.net.nz/war/the-north-african-campaign
[7] Matthew Wright, *Desert Duel: New Zealand's North African War 1940-1943* (Auckland: Reed, 2002), 7.

The war in the Pacific against the Japanese hinted at the new direction in warfare, though it should be noted that NZA involvement was, in comparison with other theatres, extremely limited; the NZA were fighting an enemy who did not operate within the same moral/legal paradigm- consider the kamikaze phenomena and their attitude to surrender and subsequent treatment of prisoners of war- in the complex jungle environs of the Solomon Islands.[8] The Japanese armed force was largely modelled on Western organisational and doctrinal concepts, however, and was still a regular state military.[9]

The final key operation for the NZA in the European theatre was the campaign to take Italy from the Germans at the end of 1943.[10] This campaign was hard fought, with the NZA experiencing urban combat for the first time during the war, though this did not comprise the majority of battle terrain.[11]

During WW2, the NZA fought largely Western opponents, with the Japanese as the exception, in regular, conventional interstate war. Despite the atrocities committed on the Eastern Front, in the theatres the NZA operated in, the "struggle insofar as it pertained to regular forces was tolerably clean, sometimes- as in Northern Africa- almost chivalrous."[12] The Napoleonic/Clausewitzean influence was particularly redolent: large-scale, professionally led, tangibly and intangibly symmetrical, national armies bent on the total annihilation of the enemy, acting, mostly, within a shared moral and legal paradigm.[13]

The political and the military levels were distinct but related, as compared to less conventional conflicts. Both sides fought to defeat the other militarily in direct confrontation and though each side also attempted to defeat the other politically through

[8] http://www.nzhistory.net.nz/war/war-in-the-pacific/war-against-japan; http://www.nzhistory.net.nz/war/war-in-the-pacific/changing-fortunes
[9] D. E. Westney, "The Military," in *Meiji Japan: Political, Economic and Social History,* Peter Francis Kornicki, ed. (London: Routledge, 1998), 244.
[10] McGibbon, *New Zealand and the Second World War,* 66-67
[11] Ibid., 173.
[12] van Creveld, *The Transformation of War,* 89.
[13] Martin van Creveld, "Modern Conventional Warfare: An Overview," National Intelligence Council Paper, accessed on 29 January 2009, available from http://www.dni.gov/nic/PDF_GIF_2020_Support/2004_05_25_papers/modern_warfare.doc.

actions such as strategic bombing, intended to weaken the populace's morale, the levels of war still functioned in a relatively conventional manner, channelling victory at the lowest levels upwards. Finally, although they fought in multifarious locations around the globe the NZA were relatively insulated from non-combatants and generally faced off against other Western forces, so potential for culture shock while on operation was relatively limited.

Deployment

WW2 saw the NZA fighting alongside mostly Western allies, with the exception of an Indian contingent, though they, like the majority of the coalition, were part of the Commonwealth.[14] Despite the shared Commonwealth military heritage, there was friction within the NZA caused by the multinational aspect. At one level there was culture shock, with the NZ troops dealing with public school attitudes that pervaded the British Army officer culture, and there was also anger over the perceived failures of British leadership during the North Africa campaign and the continuous problems of operating under foreign command whilst still constrained by political directives from the New Zealand Government.[15] Although they were operating in a multinational coalition the NZA Division, because of its size, often operated on its own, as the division was the maximal sized unit of manoeuvre.[16] Operations of the Second World War were joint in a manner never before seen, with relatively high levels of sea and, particularly, air support in all the campaigns the NZA were involved, though it was only in the Pacific theatre that all three New Zealand Defence Force services fought together and in most circumstances interaction between services was limited except at the command level.[17] Contact with non-military personnel during the various campaigns was limited- particularly in North Africa, though it should be noted that in camps such as Maadi locals provided camp labour.[18] However, in general NZA's battlefields were largely cleared of civilians.

[14] http://www.nzhistory.net.nz/war/the-italian-campaign/cassino; McGibbon, *New Zealand and the Second World War,* 140-143; http://www.army.mil.nz/culture-and-history/nz-army-history/historical-chronology/1939.htm; http://www.nzhistory.net.nz/war/the-italian-campaign/cassino.
[15] Wright, 16; McGibbon, *New Zealand and the Second World War,* 118-119.
[16] Wright, 38.
[17] McGibbon, *New Zealand and the Second World War,* 143.
[18] Wright, 18.

Aside from the support personnel, the NZA's main task was combat-oriented as can be seen by their actions throughout the various campaigns; however, there were long pauses between frontline action when the troops were training or on leave.[19] Though beholden to the LOAC throughout the conflict, application was relatively simple as there were no dynamic, situation-specific ROE, the battlefields were relatively concise and the combatants were easily identified.[20]

The technological capability of the media during WW2 was extremely primitive, with information taking days, weeks or even months to be disseminated, an eternity in contrast to today's instantaneous global communications network. Furthermore, although the NZA had war correspondents 'embedded', information from the battlefield was tightly controlled, with the Allies practising "supply-side censorship"- effectively withholding information from the press; also, support of the war was so thorough that the likelihood of negative events being published was limited with most media outlets self-censoring sensitive information.[21] Within the various theatres, the effects of any indigenous media were extremely limited, both because of their limited penetration and due to the nature of the conflict; however, the power of the media was still apparent in theatre, as shown by both sides use of 'black propaganda' radio stations to dispirit and influence opposing troops.[22] As a British Dominion, New Zealand's justification for WW2 was that it was a defensive war against fascist aggression against the empire and the, nascent, 'free world'; though the justification contained a moral element it was largely premised on the grounds of collective security, in that it was primarily concerned with the balance of power *between* states rather than *within* states.[23]

[19] http://www.nzhistory.net.nz/war/the-north-african-campaign
[20] Clearly many of the battlefields during WW2 were complex, but the NZA theatres were relatively simple, particularly North Africa and Crete.
[21] Colin Cameron, *Breakout: Minqar Qaim, North Africa, 1942* (Christchurch: Wilson Scott Publishing, 2006), v; Herbert N. Foerstel, *Banned in the Media: A Reference Guide to Censorship in the Press, Motion Pictures, Broadcasting, and the Internet* (New York: Greenwood Publishing Group, 1998), 5; Philip Taylor, *Global Communications, International Affairs and the Media Since 1945* (London: Routledge, 1997), 106.
[22] Terry Crowdy, *Deceiving Hitler: Double Cross and Deception in World War II* (Oxford: Osprey Publishing, 2008), 210.
[23] Freedman, *The Transformation of Strategic Affairs,* 39.

Consequences

The Second World War changed the social, economic and political contours of the world, and while it had some influence on armies in general and the NZA in particular, because it fitted in the paradigm of what war was at the time the lessons were essentially of a reinforcing rather than revolutionary nature. The idea of a massed military designed to oppose other massed militaries in industrialised conflict was firmly entrenched after WW2 despite relative successes of partisans and irregulars in different theatres and the use of irregular techniques by both regular and irregular forces during the conflict. The major military lesson taken from the Second World War was the success of *blitzkrieg* (lightening war), which is commonly known in military parlance as manoeuvre warfare and whose characteristics are "speed, surprise and mental as well as physical dislocation."[24] Such was its success that manoeuvre warfare would be entrenched in the doctrines of most militaries for decades and, in many respects, would outlive its utility as irregular techniques rose to the fore.[25] Information warfare, through media and communication would also further cement its centrality in conflict though it would require further technological innovation to increase the theoretical steps. A major political consequence of the conflict was the creation of the United Nations, an organisation whose foundational principles successive New Zealand Governments would prescribe to and commit proportionally large numbers of NZA personnel in support of throughout the following decades. The NZA operated with its 'traditional' partners in a relatively hermetic environment, with little contact between services or with civilians. Before WW2, New Zealand's Territorial Forces were under strength, "weak and ill-equipped" and they returned to a similar condition after the conflict before going through fundamental changes over the next decades.[26] Despite this, as a group, the NZ Division returned to NZ as highly professional soldiers with a diverse set of skills in conventional warfighting and it would be these men who would provide the necessary personnel for operations in the years to come.[27]

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[24] William S. Lind, "Understanding Fourth Generation War," *Military Review* (September-October 2004): 13.
[25] Ralph Peters, "In Praise of Attrition," *Parameters* (Summer 2004): 24.
[26] Chris Pugsley et al. *Kiwis in Conflict: 200 Years of New Zealanders at War* (Auckland: David Bateman Ltd., 2008), 167.
[27] McGibbon, *New Zealand and the Second World War,* 127.

Korea

Conflict

The Korean War pitted the South Koreans and a UN coalition against North Korean and Chinese forces, with the NZA contributing a battalion, referred to as Kayforce, for almost two years.[28] Although non-Western, both the North Koreans and Chinese were communist and thus their militaries were influenced by this Western ideology indirectly and by their relationship with the USSR directly, though this similarity should not be overstretched.[29] Official NZ military historian McGibbon writes that the NZA personnel respected the Chinese because they "proved honourable opponents in action, seldom mistreating their prisoners, in contrast to the North Koreans" who bound and mutilated UN prisoners, leaving their corpses to be found on the battlefield.[30]

The Korean War was largely conventional, with the only caveat being that North and South Korea were proto-states; otherwise, it saw two tangibly symmetrical, regular forces using largely conventional techniques in open battle on a relatively clear battlefield.[31] While both the South and North Koreans did have a small number of guerrilla operatives working behind lines, and it was to North Korean guerrillas that the NZA suffered its first casualties, in relative numbers this irregular action was irrelevant.[32] The conflict had an initial dynamism, in keeping with the principles of manoeuvre warfare, though a front line stabilised within six months and the following two years were spent fighting a static war of attrition, much like that along the Western Front.[33] Like the Second World War before it, the Korean War was fought by largely regular forces acting under Western

[28] John Crawford, *In the Field for Peace: New Zealand's Contribution to International Peace-Support Operations: 1950-1995* (Wellington: New Zealand Defence Force, 1996), 10-11.
[29] Kim Chum-kon, *The Korean War: 1950-1953* (Seoul: Kwangmyong Publishing Company, 1973), 175-176; Homer T. Hodge, "North Korea's Military Strategy," *Parameters* (Spring 2003): 71; Martin Blumenson, "Lessons Learned: Reviewing the Korean War," *Army* (Jul 2003): accessed 9 April 2009, available from http://findarticles.com/p/articles/mi_qa3723/is_200307/ai_n9257416/.
[30] McGibbon, *New Zealand and the Second World War,* 368;Kenneth P. Werrell, "Korean Atrocity! Forgotten War Crimes, 1950-1953- Review," *Aerospace Power Journal* (Summer 2001): accessed on 9 February 2009, available from http://findarticles.com/p/articles/mi_m0ICK/is_2_15/ai_77148687.
[31] van Creveld, "Modern Conventional Warfare: An Overview".
[32] Ian McGibbon, *New Zealand and the Korean War* (Wellington, NZ: Oxford University Press, 1996), 66.
[33] Hodge, 75; Carter Malkasian, "Toward a Better Understanding of Attrition: The Korean and Vietnam Wars," *The Journal of Military History* 68.3 (July 2004): 918-919.

organisational and operational principles, and the division between the combatants and the non-combatant local populace was clear and impermeable, with the AO forcibly cleared of civilians before combat.[34] Also like the Second World War, the levels of war ran along conventional lines, with both sides attempting to defeat the other on the battlefield, even though the conflict was limited politically in a manner the world wars had not been because of the Cold War, nuclear weapons and UN-mandating.[35] The Korean War had a marked politco-military significance, as external political limitations, especially when the Chinese became directly involved, restricted military action at a level unseen in the two total world wars, making the conflict limited. The peninsula served as a proxy battleground for a Sino-American conflict and thus the larger consequences of escalation-ultimately, nuclear war- constrained military action. The advent of nuclear weapons had a potent effect on conflicts, limiting them in a manner previously unknown and the Korean War was the first to be constrained in such a manner.[36] Also, because the operation was UN-mandated, the consequences of military escalation were spread wider than unilateral or multilateral action and consequently the conflict was fought for limited ends with limited means.[37]

Deployment

The NZA operated within a British brigade that Australian infantry were serving with and relations at all levels were cordial and congenial, and though there were minor issues over pay rates, the *esprit de corps* of the brigade as a whole was high, aided by the fact that many had served in similar multinational groupings during WW2.[38] The operation marked the apex of Commonwealth military cooperation.[39] Altogether the UN coalition comprised of troops from 16 countries, though due to the nature of the conflict contact between less associated groups was limited and the only contact with other services was in the form of air support.[40] The local Koreans were often treated as inferiors and used for

[34] Chum-kon, 175-176; McGibbon, *New Zealand and the Korean War*, 161-163.
[35] Smith, *Utility of Force*, 201-204, 215.
[36] van Creveld, *The Transformation of War*, 1-18; Blumenson.
[37] Blumenson.
[38] McGibbon, *New Zealand and the Korean War*, 68, 155.
[39] Ibid., 362.
[40] McGibbon, *New Zealand and the Korean War*, 155., 158.

heavy work, though even this contact was limited as the NZA personnel were discouraged from contact due to the guerrilla threat and fear of catching smallpox.[41]

As with WW2, because the conflict was conventional interstate action the NZA performed combat-oriented tasks, even though the operation was UN-mandated. The NZA had basic ROE in Korea, at their first barracks the soldiers on piquet duty were told "to shoot anything that moves" even though they were stationed far from the front line at the time.[42]

Although the Korean War was the first significant conflict of the Cold War, as it quickly became a stalemate and was obviously confined to the peninsula the New Zealand public lost interest.[43] Part of the disinterest was probably due to MacArthur's formal and informal controls on media coverage, which, after initial negative reportage, channelled media focus away from contentious stories and sanitised the perception of the conflict.[44] The New Zealand Government's justification for involvement in the war was firmly rooted in containment of communism and the principle of collective security, with the underlying motivation of cementing a firm defence relationship with the US and supporting the nascent UN.[45]

Consequences

Though this was the NZA's first peacekeeping operation under the rubric of the UN, and despite President Truman's early categorisation of the intervention as a "police action", the reality in-theatre was that it was a conventional conflict between state militaries along the lines of the two World Wars, with combat forces fighting each other with the aim of defeating them militarily according to the traditional principles of war.[46] One major military consequence of the three years of conflict on the peninsula was an affirmation of

[41] Ibid., 91, 93, 163.
[42] Ibid., 64
[43] http://www.nzhistory.net.nz/war/korean-war/impact.
[44] Eugene Secunda and Terence P. Morgan, *Selling War to America: From the Spanish American War to the Global War on Terror* (New York: Greenwood Publishing Group, 2007), 79-80.
[45] http://www.nzhistory.net.nz/war/korean-war; McGibbon, *New Zealand and the Korean War,* 362.
[46] McGibbon, *New Zealand and the Korean War,* 362.

manoeuvre warfare's superiority after the stalemate of attrition.[47] Because of this relative continuity with the two previous global conflagrations, the Korean War had little impact on New Zealand military thinking, though in actuality it marked the final phase of major, conventional interstate war.[48] One marked difference from all previous conflicts was that as the first significant conflict fought after the advent of nuclear weapons, the Korean War was the first 'artificially' limited war.[49] Artificial, in that previous wars were limited because of deficits in capability- either tangible or intangible; whereas post-nuclear conflict was limited because participants had "to place *artificial restraints* on the conduct of war to preclude it from escalating into more total war, nuclear war."[50] Another significant issue was that the Korean War was the last time the NZA sent a volunteer expeditionary force overseas, ending an era of military deployment that stretched back to the Boer War and marking the increasing professionalisation of the force.[51]

Kashmir

Conflict

Following Partition the Indian sub-continent was plunged into internecine conflict; one of the major points of tension between the fledgling states was the province of Kashmir, over which they began fighting in 1947.[52] The issue was brought to the Security Council's attention by India, who complained that Pakistan was supporting irregular incursions of "well-organized tribesman equipped with machine guns and mortars".[53] The two sides agreed to a plebiscite, and despite difficulties, support for UN involvement was relatively constant from both sides.[54] Though the NZA contribution would never exceed a handful of soldiers at a time, the commitment would last over two decades.[55]

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[47] Blumenson.
[48] McGibbon, *New Zealand and the Korean War,* 365.
[49] Adrian R. Lewis, *The American Culture of War: The History of U.S. Military Force from World War II to Operation Iraqi Freedom* (New York and London: Routledge, 2006), 203.
[50] Ibid.- emphasis in original.
[51] McGibbon, *New Zealand and the Korean War,* 362.
[52] Crawford, 12.
[53] Karl Th. Birgisson, "UN Military Observer Group in India and Pakistan," in *The Evolution of UN Peacekeeping: Case Studies and Comparative Analysis,* William J. Durch (New York: St. Martins Press, 1993), 274.
[54] Birgisson, 277.
[55] Crawford, 12-15.

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) was deployed to monitor the cease-fire in 1949, with the NZA supplying personnel in 1951.[56] Though the catalyst for UNMOGIP had been irregular incursions backed by Pakistan, the military observers task was monitoring the Indian and Pakistani regular armies stationed on either side of the cease-fire line. The cease-fire line itself snaked across "extremely rugged country" and the work of the military observers was "physically demanding", stationed with the respective state militaries on either side of the cease-fire line and regularly patrolling the rough territory.[57] Over the course of the NZA's contribution to UNMOGIP there were several flare-ups, the most critical between 1963 and 1966 and during 1971, when the two states fought "full-scale war[s]".[58] Though the conflicts drastically changed the "scope and magnitude" of UNMOGIP operations, the mandate remained the same and NZA personnel maintained the requisite neutral and non-aggressive stance.[59]

The new relationship between the military and the political levels with regard to traditional peacekeeping operations is clear in the following quote from Birgisson: "UNMOGIP served the important purpose of reducing the prospect of armed conflict and assuring both parties of impartial observation of each other's activities. It was an effective peacekeeping mission, keeping the lid on *military* conflict while a *political* solution was sought."[60] In contrast with conventional conflict, the aim for the traditional peacekeeping operation was to suppress military conflict so that political solutions could be explored.[61]

Deployment

The NZA contribution was never big, though troops served in Kashmir until 1976 when the NZ Government withdrew support. Over this period the NZA personnel served with other members of the NZDF and personnel from Belgium, Canada, Chile, Denmark, Finland, Italian, Mexico, Norway, Sweden and Uruguay, though as the observers

[56] Ibid., 13.
[57] Ibid., 15.
[58] Ibid., 15.
[59] Birgisson, 281.
[60] Ibid., 282.
[61] This is a divide that the modern operation transcends and transforms, as they often require some form of suppressive and controlled military action to facilitate a political solution.

operated in groups of two the level of interaction was extremely low.[62] Furthermore, the military observers' AO was the remote cease-fire line that weaved across the remote and mountainous areas of Kashmir meaning that the level of interaction with non-military personnel was extremely limited.[63]

UNMOGIP was a traditional peacekeeping operation with a narrow mandate that was focussed on cease-fire monitoring and the investigation of alleged breaches; day-to-day work consisted of patrolling the cease-fire line across arduous territory.[64]

There is limited information regarding media exposure at both the domestic and international levels, though considering that both states requested UN supervision, internal coverage would have been relatively acquiescent and, for New Zealand, because the initial NZA deployment consisted of three men at a time when even the much larger force in Korea was only getting limited coverage is suggestive that if there was any media attention it would have been extremely limited. The NZ Government acceded to the request "because it was consistent with its policy of strongly supporting the United Nations and the Government was anxious to play a part in resolving a serious dispute between two important members of the Commonwealth."[65]

Consequences

At the general level UNMOGIP can be viewed as a template traditional Cold War peacekeeping operation; a neutral force that is only allowed to use force in self defence and is there by permission maintaining a cease-fire between two state groups; an operational template that was to become increasingly irrelevant in the second half of the Twentieth Century. UNMOGIP, and the other similar operations, however, showed "that observer groups are needed and work: not as a panacea, but as long-lived expedients… [These operations] fully described the new institution of part-time soldiering for the UN and threw up difficult custodial problems in the wake of the divorce between security

[62] Crawford, 15; Birgisson, 279.
[63] Crawford, 15.
[64] Birgisson, 277. The other tasks were adjudication of conflicting claims and recording the nature and disposition of the forces.
[65] Crawford, 13.

requirements and political issues."[66] These operations, while playing a vital role, were far from the then typical perception of military operations and, as the above quote shows, marked the beginning of a period where traditional military expectations and evolving operational realities began to diverge. The first salvos on the warrior ethos had been fired. However, with such limited commitment of personnel and hardware, the early observer missions merely hinted at the chasm that would open between what militaries wanted to do and what they had to do. Also of note, these early observer missions were indicative of the UN's inability to pursue the collective security goals of its Charter as they could only send small numbers of military observers if all parties had consented and they remained neutral and used force for self-defence only.[67]

The number of NZA personnel who served on UNMOGIP was extremely limited, so the consequences across the whole organisation were limited; one point is of interest however, the first three NZA military observers deployed were Territorials, which is indicative of the relative importance that peacekeeping operations were held at the time in New Zealand.[68] The NZA, like the rest of the world's military, saw peacekeeping as a sideline to their real business of warfighting. This would change as both the nature of peacekeeping and war changed.

Malaya

Conflict

The Malaya Emergency was fought against mainly ethnic Chinese guerrilla fighters of the Communist Malayan Races Liberation Army (MRLA), who used the dense and

[66] Thankur, 3.
[67] Alex J. Bellamy, Paul Williams and Stuart Griffin, *Understanding Peacekeeping* (Cambridge, UK: Polity Press, 2004), 98-99.
[68] Crawford, 13.

naturally complex backcountry jungles to offset their tangible weakness.[69] The New Zealand Special Air Service (NZSAS) would be born in the jungles of Malaya, with 133 NZSAS serving for a year before being replaced by the regular NZA, followed by two battalion rotations spanning nearly two years.[70] Although the MRLA used irregular techniques, they were in many respects similar to a regular army; they had a conventional Western military structure, were strictly regimented, "highly professional" and wore military uniforms that had insignia that made them recognisable.[71] The influence of the communist ideology in some respects balanced the fact they were non-Western, especially with regard to doctrine and organisation; any similarity should not be over-stressed however, as there were numerous differences.[72] Originally the MRLA attempted to mount relatively large, conventional military operations, a strategic mistake for the tangibly weaker force, which they soon corrected, adopting a "traditional guerrilla approach of isolated ambushes, assassination of key figures, and the carrot-and-stick policy of intimidation and aid to the local population."[73] The irregular strategy and tactics made the tension "unremitting" even for those NZA personnel who rarely came into contact with the MRLA guerrillas.[74]

The Malayan Emergency was an inherently political conflict, requiring a political solution; as was noted by Thompson, "the government must give priority to defeating political subversion, not the guerrillas."[75] The conflict is often portrayed as one of the few successful counter-insurgency campaigns, as the Commonwealth Forces eventually won the local populace's allegiance by resettling hundreds of thousands of Chinese peasants into 500 villages, granting them land titles, which previously they had been denied, and

[69] Chris Pugsley, *From Emergency to Confrontation: The New Zealand Armed Forces in Malaya and Borneo 1949-1966* (Melbourne: Oxford University Press, 2003), 88-89.
[70] http://www.army.mil.nz/culture-and-history/nz-army-history/historical-chronology/1954.htm.
[71]Pugsley, *From Emergency to Confrontation*, 114, 139; Claude A. Buss "Overseas Chinese and Communist Policy," *Annals of the American Academy of Political and Social Science* 277 (September 1951): 207; Anonymous, "Malaya and the Emergency (1950-1953): Chapter 2- The Emergency," accessed on 2 February 2009, available from http://www.worcestershireregiment.com/wr.php?main=inc/h_malaya2
[72] This is not to say that non-Western forces do not show these traits, but that much of the structure and training reflects Western developments.
[73] http://www.diggerhistory.info/pages-enemy/malaya.htm
[74] Pugsley, *From Emergency to Confrontation,* 101.
[75] Robert G. Thompson, *Defeating Communist Insurgency: The Lessons of Malaya and Vietnam* (New York: Praeger, 1966), 55.

giving them financial aid to build houses.[76] The Commonwealth Forces also enfranchised the Chinese and promised Malaya independence once the insurrection was over.[77] Thus, in comparison to WW2 and Korea, the interaction between the NZA and the locals was critical, as Pugsley notes, "*everything* depended on gaining [their] trust and goodwill."[78] The levels of war can be seen as collapsing in this conflict, where the political bypasses the military, requiring its own solution rather than the traditional calculus whereby military success is converted into political victory.

Deployment

Despite the British, Australians and Fijians also operating in Malaya, the NZA operated in a relatively hermetic manner, patrolling as national units, though at the command level there were difficulties with British Headquarters.[79] The only contact NZA members had with other services during the operation was calling in supply drops. The NZA operated alongside ex-MRLA members and initially struggled to deal with their "vastly different" culture.[80] Early operations were conducted in isolated areas, and though latter missions occurred in a more populous AO, they were patrolling the more remote areas of the AO and contact with the local populace was still relatively limited, though the limited contact they did have was considered to be effective.[81] As well as the brief but critical contact with the local populace the NZA had a number of indigenes who worked as scouts and intelligence gatherers who they developed strong bonds after initial culture shock.[82]

The majority of the NZA's tasks were long-range patrolling in the jungle, and though they did occasionally also take on other functions, such as manning identity card check posts the level of non-traditional military activity was limited.[83]

[76] Smith, *The Utility of Force,* 206.
[77] Ibid; Jay Gordon Simpson, "Not by Bombs Alone," *Joint Forces Quarterly* (Summer 1999).
[78] Pugsley, *From Emergency to Confrontation,* 168- emphasis added.
[79] Ibid., 88-161.
[80] Ibid., 102.
[81] Ibid., 113.
[82] Ibid., 148-151.
[83] Ibid., 159,161.

The Malayan AO had a high degree of media penetration; the Malayan Communist Party (MCP) had a radio station and newspapers whilst the British used these mediums as well as leaflet drops, mobile film units and loudspeaker planes.[84] Both sides understood the importance of perception in an irregular struggle. Internationally, however, the Emergency received little media coverage and subsequently little public attention in New Zealand.[85] The British were careful to limit offshore exposure of the insurgency and New Zealand followed this line closely. The NZ Government committed its forces to the Malayan Emergency due to its Commonwealth defence arrangements; the British reasons for confronting the MRLA were, whilst influenced by the worldwide effort to contain international communism, initially centred on internal security, and latter, with the decision to grant independence, focussed on collective security.[86]

Consequences

At the general level, the conflict in Malaya was representative of the more complex and variegated operational environment that had begun to emerge in the second half of the Twentieth Century as the world decolonised and the Cold War shaped the geopolitical environment. The British strategy against the MRLA is still widely referenced as the acme of counterinsurgency and the lessons learned are frequently, if oft inappropriately or ineffectually, applied. Specifically, and illustrative of the Emergency's influence on military thinking, it is considered by some that the US applied- inappropriately- the lessons of Malaya to the conflict in Vietnam, with the strategic hamlet program.[87] The NZA's commitment in Malaya "had a defining influence [,]…. shaping the role, organisation and equipping of New Zealand's armed forces."[88] One of the major consequences was the NZA's realisation it would have to learn how to combat irregular

[84] Herbert A. Friedman, "Psychological Warfare of the Malayan Emergency," *The Institute of Communications Studies*, accessed on 3 February 2009, available from http://ics.leeds.ac.uk/papers/vp01.cfm?outfit=pmt&folder=64&paper=2648.
[85] Susan Carruthers, "Two Faces of 1950s Terrorism: The Film Presentation of Mau Mau and the Malayan Emergency," in *Terrorism, Media, Liberation*, John David Slocum, ed. (New Brunswick, NJ: Rutgers University Press, 2005), 70; Pugsley, *Kiwis in Conflict*, 273.
[86] Pugsley, *From Emergency to Confrontation*, 7, 202;
[87] James M. Higgins, *The Misapplication of the Malayan Counterinsurgency Model to the Strategic Hamlet Program* (Masters Thesis: US Army Command and General Staff College, Fort Leavenworth, Kansas, 2001).
[88] Ibid., xi.

techniques, with training programs instigated both during and after the conflicts.[89] Another consequence was the realisation that any future conflict would need to be fought by a wholly professional regular force rather than a needs-based ad hoc territorial force officered by professionals.[90] While the Korean War was the final volunteer territorial force, the Emergency marked the transitional phase, where volunteers enlisted as regular soldiers, with every operation since involving a regular, professional standing army.[91]

Vietnam

Conflict

The Vietnam War was a watershed moment in international conflict, in perception as much as in actuality, for even though many of the attributes of the war were not new, they came together in a dramatic and potent fashion and brought a superpower to its knees.[92] Its impact is revealed in Krepinevich's near plaintive question at the beginning of his influential book, *The Army and Vietnam*: "[h]ow could the army of the most powerful nation on Earth, materially supported on a scale unprecedented in history… fail to emerge victorious against a numerically inferior force of lightly armed irregulars?"[93]

The conflict was fought against a non-Western foe that was actually both regular and irregular and utilised guerrilla and insurgent techniques to break the political will of their tangibly stronger and strategically deluded adversary.[94] The NZA commitment over roughly six years started with an artillery battery, which was joined by one infantry company which then swelled to nearly battalion size until the last contingent left at the end of 1971.[95] There was a cultural gulf between the Vietnamese and the Western forces

[89] Ibid., 389-393
[90] Pugsley, *From Emergency to Confrontation,* 122, 124-125.
[91] McGibbon, *New Zealand and the Korean War,* 366; Pugsley, *From Emergency to Confrontation,* 204.
[92] Smith, *The Utility of Force,* 237.
[93] Andrew F. Krepinevich, *The Army and Vietnam* (London and Baltimore: The Johns Hopkins University Press, 1986), 4.
[94] Smith, *The Utility of Force,* 237; Dale Andrade and James H. Willbanks, "CORDS/Phoenix: Counterinsurgency Lessons from Vietnam for the Future," *Military Review* (March-April 2006): 9- Whilst the North did use conventional techniques these were relatively limited, though the Tet Offensive, one of the most major conventional operations by the North, while a military failure was a political success due to the effect it had on the US population.
[95] http://www.army.mil.nz/culture-and-history/nz-army-history/historical-chronology/1954.htm.

and troops serving there suffered from a degree of culture shock that permeated from the lowest to highest ranks; in short, the Western troops did not understand their Vietnamese opponents and many of the mistakes of the conflict have their origin in this lack of cultural empathy.[96] The Vietminh and Viet Cong generally avoided direct military confrontation, preferring a protracted conflict in the complex natural environs that would sap the US, and its allies, willpower.[97] Like the MRLA before them the Vietnamese preferred to fight in the abundant jungles of their country, using the natural complexity of the land drain to the morale and conventional strength of their adversary.

In comparison to WW2 and Korea, the Vietnam conflict, like the Emergency before it, was a battle for the allegiance of the local populace.[98] In this it was political in a manner unlike conventional war, where two armed forces battle for decisive military victory. Like Malaya, the conflict was fought "amongst the people" and had no clear and defined front, instead it was fought across "44 different provinces, 260 districts, and 11 000 hamlets".[99] Though the Vietminh wore uniforms the Vietcong did not, and rather than being almost all young men such as in regular armies, they could be anyone, from old women to young children.[100] This is a critical point; in Vietnam the NZA faced a population rather than an army. Vietnam marked a significant change in operation for the NZA; they were now fighting a near indistinguishable enemy who used largely irregular techniques, such as ambushes, in a battle without a front. This left NZA personnel in a constant state of stress, in contrast with previous conventional conflicts where the stress was sporadic and interspersed with long periods of downtime.[101] While Malaya introduced the concept of 'hearts and minds' to the NZA, Vietnam, being the longest and most contentious deployment in NZA history that was an obvious failure, had a potent

[96] James E. Westheider, *The Vietnam War* (New York: Greenwood Publishing Group, 2007), 102.
[97] Smith, *The Utility of Force*, 237.
[98] Thomas C. Thayer, *War Without Fronts: The American Experience in Vietnam* (Boulder and London: Westview Press, 1985), 4.
[99] Thayer, 4.
[100] Andrade and Willbanks, 17; New Zealand Army, "Vietnam Remembered," *Army News* 351 (April 2006): 11.
[101] Claire Loftus Nelson, *Long Time Passing: New Zealand Memories of the Vietnam War* (Wellington: National Radio, 1990), 26; http://www.vietnamwar.govt.nz/memory/going-home-memoir-david-roberts.

impact on NZA thinking, with a comprehensive lessons learned programme after the conflict.[102]

Deployment

Vietnam marked a turning point in NZA operational history, placing them under US rather than British command, a transition that caused many difficulties, especially in the doctrine and logistics.[103] Both the artillery and the infantry units that served in Vietnam were attached to Australian units, another source of friction, especially over the Australian conscripts' better pay and conditions in comparison to the professional, regular NZA personnel.[104] Despite these issues though there was a relatively high degree of *esprit de corps* between the NZA, the US and Australian troops. At NZHQ NZA personnel were serving with a number of nationalities including Korean, Thai, Philippine and Nationalist Chinese, though this was not the case in the field.[105] The NZA was the only service to send significant numbers of personnel to Vietnam and most NZA personnel had little contact with other services except for the few who operated as forward air coordinators.[106] Because the Vietnam War was fought amongst the people on a dispersed battlefield, the NZA came into contact with locals and in general proved successful at winning the 'hearts and minds'; contact with NGOs and non-Vietnamese citizens was limited but occurred, in comparison with the earlier conflicts where this type of interaction was rare at best.[107] Along with heightened irregularity was the increased criticality of contact between NZA and Vietnamese: each contact mattered more.

Both the artillery and infantry units in Vietnam were engaged in primarily combat tasks, either providing the combined Australian and American unit with supporting fire, in the

[102] McGibbon, *The New Zealand Army in Vietnam.*
[103] Bob Breen, *First to Fight; Australian Diggers, NZ Kiwis and US Paratroopers in Vietnam, 1965-66* (Sydney; Wellington, N.Z: Allen & Unwin, 1988), xiv; Ian McGibbon, *The New Zealand Army in Vietnam, 1964-1972: A Report on the Chief of General Staff's Exercise 1972* (Wellington: Ministry of Defence, 1973), 67- the NZA had of course been under US command in the Pacific, but this was for one brief operation; the importance here is that it marks the move from British to American partnership.
[104] Nelson, 23.
[105] McGibbon, *The New Zealand Army in Vietnam*, 53.
[106] Ibid., iv.
[107] http://www.vietnamwar.govt.nz/photo/the-dewan-family-hoa-long-village-circa-1966-1967; "Vietnam Remembered," *Army News* 351, 10.

case of the former, or jungle patrols and cordon and search operations, in the case of the latter, however, in 1971 the NZA commitment changed from combat to training of the South Vietnamese Armed Forces; a precursor to the expanded mandate operations it would undertake in the future.

The Vietnam War was a media event like no other conflict before it, marking a dramatic turning point both because of the critical content and the near instantaneous broadcasting. New Zealand media, and NZ newspapers in particular, offered an independent, objective and newly critical perspective, although it should be noted that the New Zealand Broadcasting Corporation coverage was limited by both governmental control and a degree of self-censorship.[108] The Vietnam War saw the first large-scale antiwar protests in New Zealand, which was a product of, *inter alia,* the new and critical manner in which the conflict was portrayed in the media.[109] The NZA was aware of the new power of the media on public opinion, as can be seen from the introduction to their lessons learned publication: "[t]he political ramifications of apparently military matters invariably altered normal consideration. Public reactions, actual or potential, were at all times important influences."[110] The New Zealand Government, as with Korea and Malaya, justified its involvement in Vietnam on containing communism and the principle of collective security; also however, in contrast to previous conflicts, bar Korea, New Zealand was now acting at the behest of a new patron, America, rather than for its traditional Commonwealth master, Britain.[111]

Consequences

In some senses one of the most important consequences of the Vietnam War was an appreciation of the 'new' nature of the conflict and a desire to assimilate the lessons learnt and build on them and the similar, in some ways, experience in Malaya- this was

[108] Nelson, 38-39.
[109] http://www.nzhistory.net.nz/war/vietnam-war/anti-vietnam-war-movement.
[110] McGibbon, *The New Zealand Army in Vietnam,* iv.
[111] Rupert Granville Glover, *New Zealand in Vietnam: A Study of the Use of Force in International Law* (Palmerston North: The Dumore Press, 1986), 14.

true, at least, for the NZA to a degree.[112] Important, however, was the converse reaction, which was especially prevalent in America, in which the military saw irregular conflict as secondary and of lesser importance than preparing for the expected global conflagration with the USSR. This logic was valid, to a point, as any conflict with the USSR would likely have far more portentous consequences; however, the loss to a 'numerically inferior force of lightly armed irregulars' was a source of embarrassment and anger to many in the military establishment and for this reason many of the lessons of Vietnam were not learnt.[113] Instead, irregular conflicts were seen as less important and even irrelevant to the larger strategic picture despite their continuing growth throughout the world.[114] To the astute observer though, Vietnam was the klaxon call that heralded the increasing potency of irregular warfare, and a lesson that militaries ignore at their peril. Furthermore, like the Korean War before it, Vietnam was a proxy war and was thus limited in the same 'artificial' manner. The politico-military desire to limit the war so that it did not escalate to mutual nuclear annihilation meant that all military action was governed by this overarching principle. Another consequence was the revelation of the emerging power of the media and public opinion on military affairs and the end of near unquestioning public support for military operations.[115] Many in the US military blamed the media for 'losing' the war, ignoring the multitude of mistakes they had made throughout the conflict.[116] These indignant howls were not completely misplaced, as the Tet Offensive proved: bloody, visceral images played on television sets across the US as the Vietcong launched a nation-wide set of co-ordinated attacks sharply contradicting official reports that the US was winning the war and would be able to withdraw victorious. Although Tet was a military failure for the Vietcong, easily defeated by the US, it had been a political triumph, striking the democracy in its soft, public, underbelly. Military opprobrium, however, should have been self-reflective rather than directed at the

[112] See McGibbon, *The New Zealand Army in Vietnam*- the NZA's effort to distil and assimilate the lessons from Vietnam.
[113] Robert M. Cassidy, *Counterinsurgency and the Global War on Terror: Military Culture and Irregular War* (New York: Greenwood Publishing Group, 2006), 119-120.
[114] Ibid.
[115] Puglsey, *Kiwis in Conflict*, 273.
[116] Gray, *Irregular Enemies and the Essence of Strategy*.

media, as it was their misunderstanding of the nature of the conflict that facilitated such an upset.[117]

Zimbabwe

Conflict

The former British colony of Rhodesia (renamed Zimbabwe after intervention) had been riven by a fourteen-year civil war between the white minority government and the nationalist Patriotic Front, who themselves were composed of two separate and antagonistic irregular, uniformed forces, when in 1979 the sides meet in London to negotiate.[118] The conflict that led to the London negotiations was relatively representative of the post-colonial struggles that occurred across much of the globe during this period, with "no set-piece battles, but rather a series of small-unit actions, ambushes and counter raids" similar to Malaya and Vietnam.[119] In December 1979, 74 NZA personnel were deployed to Zimbabwe for just over two months as part of the Commonwealth Monitoring Force (CMF), whose task was to observe the cease-fire that had been agreed upon in London.[120] They arrived in a country decimated by years of civil war with a limited infrastructure and large amounts of displaced people. The NZA personnel felt alienated from all three sides, and there was a strong contrast between New Zealand and Rhodesian cultures and attitudes, both native and colonial.[121]

The cease-fire came into effect days after the NZA arrived so the threat level was relatively low. It was far from safe and stable though, as they were operating in small groups among Patriotic Front guerrillas who "had no intention of being disarmed" in a situation "where the wrong look or reaction could have led to bloodshed".[122] The nature of the operation was political rather than military, in that NZA personnel had to gain the

[117] Belknapp, 102-103.
[118] Crawford, 24.
[119] Matthew Preston, "Stalemate and the Termination of Civil War: Rhodesia Reassessed," *Journal of Peace Research* 41.1 (Jan 2004): 68.
[120] http://www.army.mil.nz/culture-and-history/nz-army-history/historical-chronology/1972.htm.
[121] http://www.britains-smallwars.com/RRGP/Agila/index.htm; Pugsley, *Kiwis in Conflict*, 280.
[122] Judith Martin, "Rhodesia- Monitoring a Cease Fire in a Far Off Land," *Army News* 390 (August 2008), accessed on 12 February 2009, available from http://www.army.mil.nz/at-a-glance/news/army-news/390/rmacfiafol.htm; Crawford, 26; Puglsey, *Kiwis in Conflict,* 280.

trust and allegiance of the guerrilla fighters, who initially opposed New Zealand involvement due to sporting ties with South Africa; they proved adept at this, even sharing their own supplies to ameliorate tension over deficiencies at the Assembly Points.[123]

Deployment

The CMF comprised of mostly British personnel with minor contingents from Australia, Kenya and Fiji, though the NZA personnel generally operated in small, isolated groups with little interaction with other national contingents and none with other services.[124] In contrast, the NZA mixed with a number of civilians during the CMF operation, including a small number of NGOs who were involved in refugee resettlement and the refugees themselves.[125] NZA interaction with civilians was effective, Crawford concluded his analysis stating that "[c]entral to the success New Zealand teams was the good relationship they established with the Zipra (Patriotic Front faction) forces".[126]

During the brief operation the NZA personnel carried out a number of diverse tasks: disarming, or at least attempting to, comparatively large numbers of unwilling fighters; handing out limited humanitarian aid; and mediating between belligerents.[127] The NZA successfully completed these tasks, or managed them in the case of disarmament, despite the ad hoc nature of the operation.[128]

The CMF was a traditional peacekeeping operation, in that it was consented to by all parties, required neutrality and was limited by stringent rules on the use of force; its role was to "monitor and report on observance of the ceasefire by both sides" and it had no enforcement jurisdiction.[129] New Zealand's involvement in this peacekeeping operation,

[123] Crawford, 24-25.
[124] Crawford, 25; Pugsley, *Kiwis in Conflict*, 280.
[125] Martin, "Rhodesia- Monitoring a Cease Fire in a Far Off Land,"; Mike Subritzky, "Rhodesia: The Ceasefire," accessed on 12 February 2009, available at http://www.britains-smallwars.com/RRGP/Agila/ceace.htm.
[126] Crawford, 26.- parenthesis in original
[127] Ibid.
[128] Ibid.
[129] Peter Londey, *Other People's Wars: A History of Australian Peacekeeping* (Sydney: Allen & Unwin, 2004), 129

like the conflicts before, was predicated on Commonwealth duty and allegiance to collective security.

Consequences

The CMF was seen as a relatively successful operation; possibly because it "seemed to fly in the face of logic. Its composition and mandate went against conventional wisdom concerning the centrality of impartiality, the requirement to disarm the warring parties, the necessity for at least a minimal enforcement capability and the inevitability of a long-term presence in theatre."[130] The UN took many lessons from the CMF and the operation can be seen as one of the transitional moments leading up to the dramatic shift at the end of the Cold War.[131] It was a transitional operation, which did not fit into the traditional mould as did UNMOGIP and others, yet was still relatively limited in comparison to later operations.[132] Though not a direct consequence of the CMF operation, it was at this point in time that peacekeeping operations began to be viewed as a primary function of the NZA by both command and personnel; during the 1960s and 1970s participants had come chiefly from the Territorial Force, though by the 1980s this had ended and the operations were largely manned by NZA Regulars showing both the growing diversity and scope of peacekeeping operations and the perception of their importance.[133] This stands in contrast to UNMOGIP, one of the NZA first peacekeeping operations, where the initial deployment of three was composed of Territorials. This change in perception was fuelled by both the growth in the size and scope of the operations and an expanded appreciation of the wider security agenda. Essentially then, it was both a practical and philosophical comprehension of the growing centrality of peacekeeping operations.

Cambodia

Conflict

[130] Stuart Griffin, "Peacekeeping, the UN and the Commonwealth," *Commonwealth & Comparative* 39.3 (November 2001): 158.
[131] Griffin, 159-160.
[132] Thakur, 4.
[133] Pugsley, *Kiwis in Conflict,* 278.

Cambodia had suffered through decades of violence when in 1992 the United Nations Transitional Authority Cambodia (UNTAC) was deployed to take control of the country in the lead up to the UN organised national elections.[134] Troops in Cambodia experienced a degree of culture shock, not just due to its non-Western aspect but also because of the intense isolation and devastation the country had experienced since 1975.[135] The Khmer Rouge had been fighting a retrograde guerrilla war since losing power in 1979 and by 1992 the largely irregular force did not wear uniforms, making them virtually indistinguishable from other Cambodians.[136] The fragile Cambodian peace collapsed as the Khmer Rouge broke the Paris Accords, taking a number of UNTAC personnel hostage, including New Zealanders, and trapping a group of NZA personnel in a building and firing at them with small arms.[137]

The Khmer Rouge adhered to standard irregular techniques, generally "causing widespread disorder and chaos" and specifically taking hostages with the intent of destroying the political will of the UN and its constitute nations.[138] The situation in Cambodia was exceedingly complex, with a rogue army who refused to subscribe to the Paris Accords sniping at UNTAC forces, who were highly constrained in their action by stringent ROE; the political took primacy, both because of the legal constraints and because of the need for UNTAC to present itself as a just force so as to win the allegiance of the populace. The political nature of the situation, and particularly the battle for perception, was apparent to the Khmer Rouge, who attempted to cause schisms within UNTAC by labelling various contingents 'good' or 'bad', a strategy that was relatively effective and split the heterogeneous force until counter measures were emplaced.[139]

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[134] Crawford, 48.
[135] Padre Watson, "Padre's Note," *Sok Sapbaay*, Edition No. 1, 11 May 1991, accessed on 13 January 2009, available from http://www.untac.com/Downloads/Sok-Sapbaay/Sok-Sapbaay-Edition-1.pdf.
[136] Benny Widyono, *Dancing in Shadows: Sihanouk, the Khmer Rouge, and the United Nations in Cambodia* (Lanham: Rowan & Littlefield, 2008), 104.
[137] Crawford, 51.
[138] Clare Hollingworth, "Empower the UN to Block Khmer Rouge Anarchy," *International Herald Tribune*, 17 April 1993, accessed on 4 March 2009, available from http://www.iht.com/articles/1993/04/17/edcl_2.php.
[139] J.M. Sanderson, "UNTAC: Successes and Failures," in *International Peacekeeping: Building on the Cambodian Experience*, Hugh Smith, ed. (Canberra: Australian Defence Studies Centre, 1994), 26.

Deployment

UNTAC was "the most ambitious operation in the history of UN peacekeeping" and this is reflected in the composition.[140] The NZA was part of coalition that comprised of 16 000 military personnel from 45 countries representing all five inhabited continents.[141] There were a number of issues relating to the multinational facet of UNTAC. Inequities of pay caused tension; as did differences in discipline, risk aversion and ROE.[142] As Ryan writes "the military component of UNTAC was plagued with internal problems that can be ascribed to the 'wide disparities in the training, equipment and competence of various national contingents'" and that "[a]t the worst this inconsistency within the force threatened the ability of the UN to achieve its mission."[143] Added to the armed forces were the almost 140 international NGOs active in Cambodia during UNTAC, a proliferation that would be a defining characteristic of post-Cold War operations in contrast to previous operations where NGOs were virtually non-existent.[144] Also, there were 4 000 police, 1 149 international UN civilian staff and 465 UN Volunteers from a variety of nations.[145]

At the time UNTAC was the expanded mandate peacekeeping operation *sine pari*, with near sovereignty over Cambodia. Military personnel conducted a large number of different tasks including: the cantonment, disarmament and demobilization of the various armed factions; the supervision, monitoring and verification of withdrawal and non return

[140] Trevor Findlay, *Cambodia: The Legacy and Lessons of UNTAC* (Oxford: Oxford University Press, 1995), 14.
[141] Crawford, 50.
[142] Judy L. Ledgerwood, "UN Peacekeeping Missions: The Lessons from Cambodia," *Asia Pacific* 11(March 1994): accessed on 11 August 2008, available from http://www.seasite.niu.edu/khmer/Ledgerwood/PDFAsiaPacific.htm.
[143] Alan Ryan, *Multinational Forces and United Nations Operations* (Duntroon, ACT: Land Warfare Studies Centre), 7.
[144] Francis Kofi Abiew, *From Civil Strife to Civil Society: NGO Military Cooperation in Peace Operations* (Ontario: The Norman Patterson School of International Affairs Occasional Paper, No. 39, 2003), 12; F.Z. Brown, *The Future of NGO's in Cambodia* (Washington: Washington Center, 1997), accessed on 4 July 2008, available from http://www.ciaonet.org/conf/asoc_spch97/brf01.html; Pamela R. Aall, *NGOs and Conflict Management* (Washington: United States Institute of Peace), 1, accessed on 19 February 2009, available from http://www.usip.org/pubs/peaceworks/pwks5.pdf.
[145] UNTAC Facts and Figures; Asian Development Bank, *Overview of Civil Society: Cambodia* (Manila: Asian Development Bank), accessed on 4 July 2008, available from http://www.adb.org/Documents/Reports/Civil-Society-Briefs/CAM/CSB-CAM.pdf.

of foreign military forces; mine clearance; and military security.[146] This expanded mandate stands in stark contrast with the traditional peacekeeping role of monitoring and supervising a cease-fire of pre-Cold War operations.[147] However, NZA personnel were still constrained within the traditional peacekeeping framework and beholden to strict traditional peacekeeping ROE so that when the Khmer Rouge fired upon them they were only able to fire warning shots over their heads.[148]

UNTAC was "given more control over media than any previous UN mission" and displayed the media-savvy characteristics of a modern operation, operating its own radio station and newspapers and carefully controlling the formation of opinion within Cambodia; at the international level the operation received widespread attention, which both the military and civilians heads thought was negative.[149] UNTAC, like most peacekeeping operations before it, was mandated under Chapter VI of the UN Charter, and in the eyes of the international community was therefore justified under the principles of collective security, though underlying guilt over previous inaction and the dire situation in the country provided powerful reasoning.[150] Nonetheless, while the justification for the operation still conformed to Cold War principles of international security, the reality of the operation was that it had many similarities to the humanitarian interventions of the post-Cold War era, though the UN was invited in by the various warring Cambodian groups.[151]

Consequences

UNTAC, whilst a major operation for the UN as a whole was not highly significant for the NZA as only a small number of non-combat troops were deployed, namely mine clearance, engineering and communications teams. One important element was the

[146] Findlay, *Cambodia: The Legacy and Lessons of UNTAC,* 14.
[147] Findlay, *Cambodia: The Legacy and Lessons of UNTAC,* 15.
[148] Crawford, 54; Findlay, *Cambodia: The Legacy and Lessons of UNTAC,* 16.
[149] Mark Thompson and Monroe E. Price, "Intervention, Media and Human Rights," *Survival* 45.1 (Spring 2003): 184 Ingrid A. Lehmann, *Peacekeeping and Public Information: Caught in the Crossfire* (London: Routledge, 1999), 51-83; Findlay, *Cambodia: The Legacy and Lessons of UNTAC,* 151.
[150] Terence Duffy, "Toward a Culture of Human Rights in Cambodia," *Human Rights Quarterly* 16.1 (February 1994): 82; Derek McDougall, *Humanitarian Intervention and Peacekeeping as Issues for Asia-Pacific Security* (Singapore: Institute of Defence and Strategic Studies, Working Paper 20, 2001), 20.
[151] McDougall, 20.

development of the NZA mine clearance team as a world class group who went on to a number of other operations including Afghanistan.[152] For UNTAC as a whole, as both a qualitative and quantitative break with Cold War peacekeeping operations, there were a number of lessons learned. One of the most critical with regard to this thesis was the obvious importance of correct conduct and the maintenance of discipline in modern and ambitious peacekeeping operations in areas that are still experiencing significant tension. Due to its size and the resultant discrepancies between national contingents, there were serious cases of misconduct in Cambodia that had deleterious effects on the perception of the mission as a whole.[153] The second lesson was that personnel would have to be of a higher-than-previous standard because the expanded mandate increased demands on the troops, both in regards to discipline as mentioned above and in general skills and proficiency, particularly in such areas as negotiation and mediation, and language as well as knowledge sets relevant to cantonment and humanitarian aid dispersal.[154] The size and scope of UNTAC bought the issues of troop quality into focus and found many contributors wanting, particularly conscripted personnel.

Furthermore, it was found that to be effective in accomplishing increasingly extensive tasks in such a chaotic and fluid situation, peacekeepers would need less restrictive and more explicit ROE. [155] Closely allied to this was a realisation of the necessity of post-Cold War peacekeeping operations being backed up with the military capability to prevent or respond to any escalation of conflict. Also of note was that with the expanded mandate operations of the post-Cold War period, and their growing complexity and interagency nature, there had to be a unity of effort and a high degree of coordination both between military contingents and between the military and civilian components of an operation for a successful outcome.[156]

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[152] Judith Martin, "Cambodia-Helping Rebuild a Nation," *New Zealand Defence Force,* accessed on 24 February 2009, available from http://www.nzdf.mil.nz/news/publications/defence-update-newsletter/2005/32/chran.htm.
[153] Ibid.
[154] John B. Haseman, "Garuda XII: Indonesian Peacekeeping in Cambodia," *Joint Forces Quarterly* (Summer 1996): 94.
[155] Findlay, *Cambodia: The Legacy and Lessons of UNTAC,* 139-141.
[156] William J. Doll and Steven Metz, *The Army and Multinational Peace Operations: Problems and Solutions* (Pennsylvania: Strategic Studies Insitute, 1993), 5, accessed 20 April 2009, available from www.strategicstudiesinstitute.army.mil/pdffiles/pub343.pdf.

Former Yugoslavia

Conflict

The NZA's large-scale commitment in the Balkans began in 1994 when a 250-man infantry company was deployed with the UN Protection Force (UNPROFOR) for fifteen months.[157] Kiwi Company, the single largest contingent deployed since the Korean War and the first combat unit committed to a UN peacekeeping operation, was sent into what was at the time "the most complex regional conflict" since the end of the Cold War, and unlike traditional peacekeeping missions, operated in a "hostile environment" amongst a plethora of regular militaries and irregular militias and paramilitaries who were not consistently respecting any of the various cease fire or peace agreements.[158] Adding to the confusing melange of actors, action took place across a diverse AO that included both rural and urban areas between Byzantine networks of adversaries using both regular and irregular techniques.[159] With respect to urban operations, the siege of Sarajevo is considered to be one of the most diverse in history, involving a number of different factions, lasting three years and ranging from low-to-high-intensity combat- with UN forces all the while attempting to bring humanitarian aid and mediate.[160]

Critically, the numerous irregular groups were not beholden to international law nor did they prescribe to the Western moral paradigm, with the UN identifying a number of violations including: "killings, torture, inhuman treatment, inflicting great sufferings, injuries to physical integrity or health, forcible displacement, conversion to other religion, forcing to prostitution, application of measures of intimidation and terror, taking hostages, confining to concentration camps and other illegal forms of detention, forcing to serve the enemy's army, starving the population out, looting of property, [and]

[157] http://www.nzdf.mil.nz/operations/deployments/bosnia-herzegovina/factsheet.htm. NZA personnel had been in the former Yugoslavia for several years prior to this but in the interests of brevity only the major deployment will be covered.
[158] Paul Bensemann, "The War With No Enemy," *New Zealand Defence Quarterly* (Summer 1994): 2, 7; Crawford, 62; Dick A. Leurdijk, "Background Paper: United Nations Protection Force (UNPROFOR)," in *Humanitarian Action and Peacekeeping Operations: Debriefing and Lessons,* Nassrine Azimi, ed. (Singapore: The Institute of Policy Studies, 1997), 69.
[159] Crawford, 55-67; Smith, *The Utility of Force,* 371.
[160] Curtis S. King, "The Siege of Sarajevo," *Urban Operations: An Historical Casebook* (Fort Leavenworth, KS: Combat Studies Institute, 2002).

destruction of towns and other settlements."[161] The DePaul University International Human Rights Law Institute list of militias and paramilitaries operative in the former Yugoslavia during the conflict has forty-one groups identified.[162] Though occurring in a European environment, the diverse ethnic and religious mix of the actors in the conflict offered the potential for culture shock; the situation was so complex that the Kiwi Company Commander stated that "the longer you are here the more confusing [the conflict] becomes" and that even many locals did not understand the complexities of the conflict.[163]

UNPROFOR's mission was inherently political, constrained by stringent traditional peacekeeping ROE and with no specific enemy, "the Steyr [was] not the main personal weapon- the Kiwis' ease in forming friendships [was]."[164] Despite the restrictions imposed on the NZA personnel, they were still operating amongst a mid-intensity conflict where at least 300 peacekeepers had been taken hostage by various groups and "17 were being used by the Bosnian Serb Army as human shields against the return of NATO jets."[165] The difficulties in achieving success were manifold as "the gap between the UN's pretensions and its capabilities" increased throughout the operation and the pressures and demands on the peacekeepers grew while their ability to act contracted.[166] In short, the NZA were caught in a deteriorating situation in which their range of actions was limited by increasingly irrelevant political constraints with the dual result that they were unable to deliver the requisite security for the locals or themselves.[167]

Deployment

[161] United Nations Human Rights Commission, *Documents Submitted in Compliance with a Special Edition of the Committee: Bosnia and Herzegovina. 11/04/95*, International Convention on the Elimination of all Forms of Racial Discrimination, accessed on 25 February 2009, available from http://www.unhchr.ch/tbs/doc.nsf/0/422b5d220fa0fde68025655b00384a15?Opendocument.
[162] DePaul University International Human Rights Law Institute, "S/1994/674/Annex III. A" accessed on 25 February 209, available from http://www.law.depaul.edu/centers_institutes/ihrli/downloads/IIIA_b.pdf.
[163] Major Dave Gawn, quoted in Hank Schouten, "Battling to Keep the Peace," *The Evening Post*, 27 March 1995, in *Newztext* [database on-line], accessed on 25 February 2009.
[164] Bensemann, 2.
[165] Smith, *The Utility of Force*, 337; Schouten, "Battling to Keep the Peace,".
[166] Leurdijk, 69.
[167] Ibid., 69-70.

Though Kiwi Company largely operated on their own, they were attached to a number of British battalions during the operation, whose military culture surprised some NZA personnel.[168] Also, the NZA worked closely with Dutch and Canadian units as well as patrolling along the confrontation line with Bosnian Croat and Bosnian Government military forces.[169] Amongst the NZA contribution to UNPROFOR were a number of Tactical Air Control personnel who operated with air forces, which was the only inter-service contact during the operation.[170] With such a diverse array of contributing nations UNPROFOR suffered from a number of the same problems as UNTAC. Beyond the military interactions in the AO, NZA personnel operated amongst a diverse variety of actors ranging from the various warring factions, locals and a large number of NGO personnel from over 530 separate organisations as well as the Western media.[171]

UNPROFOR's mandate became increasingly ambitious as the situation in the Balkans deteriorated, making fulfilment of the recognised objectives of deployment increasingly difficult. The UN antagonised various combatants by breaking its traditional peacekeeping principles, even though the ROE remained relatively static.[172] The lack of support for the expanded mandate of UNPROFOR caused anger, frustration and disappointment amongst serving soldiers, caught between the reserve of traditional ROE, which were extremely complex, ineffectual and confusing, and new, limited, enforcement measures.[173] The NZA's principle task was monitoring the compliance to the agreements between Bosnian Croat and Bosnian Government authorities, they placed an emphasis on "undertaking humanitarian activities such as creating medical clinics for local civilians, developing a mine awareness programme, rebuilding damaged schools, digging pipelines,

[168] Bensemann, 2.
[169] Crawford, 64-65.
[170] Ibid., 64.
[171] Crawford, 64-67; Larry Wentz, ed., *Lessons From Bosnia: The IFOR Experience* (Washington: DoD Command and Control Research Program, 1998), 135.
[172] Heje, 5; Jane Boulden, *Peace Enforcement: The United Nations Experience in Congo, Somalia, Bosnia* (New York: Greenwood Publishing Group, 2001), 97.
[173] Eva Johansson, "The Role of Peacekeepers in the 1990s: Swedish Experience in UNPROFOR," *Armed Forces and Society* 23.3 (Spring 1997): 463; John F. Hillen, "Killing with Kindness: The UN Peacekeeping Mission in Bosnia," *Cato Institute*, Foreign Policy Briefing Paper No. 34, accessed 19 February 2009, available from http://www.cato.org/pubs/fpbriefs/fpb-034.html; Bruce D. Berkowitz, "Rules of Engagement for U.N. Peacekeeping Forces in Bosnia," *Orbis* (Fall 1994): accessed on 26 February 2009, available from http://findarticles.com/p/articles/mi_m0365/is_n4_v38/ai_16443484.

filling pot holes, moving rubble, disarmament, restoring utilities such as electricity and water, and delivering seeds, toys and aid to refugees."[174]

As would be expected for a modern operation in a developed area, the media were "highly influential on public opinion in the former Yugoslavia during the country's terminal crisis and violent disintegration."[175] UNPROFOR was deployed in AO with "relatively sophisticated media" and local governments who sought to "exploit [their] formal and informal control over the most influential media outlets to frustrate the actions and purposes of the international mission."[176] At the international level the conflict and UNPROFOR were the contemporary *cause célèbre* and both received intensive and instantaneous media coverage, which became increasingly negative as the situation deteriorated.[177] The international media by this stage were armed with a "lap-top computer, a Marisat telephone, and a portable 'up link' satellite", allowing for real time coverage of the conflict.[178] Gowing, though questioning the power of the CNN effect, does illustrate how the media created and maintained a degree of Western resolve toward the crisis, which is an opinion confirmed by Gen. Rupert Smith, who served as UNPROFOR British Force Commander.[179] The power of the modern media was such that UN Secretary General Boutros Boutros-Ghali said, in reference to the conflict, "[t]oday, the media do not simply report the news. Television has become a part of the events it covers. It has changed the way the world reacts to crisis."[180] UNPROFOR,

[174] http://www.nzdf.mil.nz/operations/deployments/bosnia-herzegovina/factsheet.htm.
[175] Mark Thompson and Dan De Luce, "Escalating to Success/ The Media Intervention in Bosnia and Herzegovina," in *Forging Peace: Intervention, Human Rights and the Management of Media Space*, Monroe E. Price and Mark Thompson, ed. (Edinburgh: Edinburgh University Press, 2002), 201.
[176] Thompson and De Luce, 202.
[177] Smith, *The Utility of Force*, 337.
[178] Peter Brock, "Dateline Yugoslavia: The Partisan Press," *Foreign Policy* 93 (Winter 1993-1994): 152. Nik Gowing, *Real Time Television Coverage of Armed Conflicts and Diplomatic Crises: Does it Pressure or Distort Foreign Policy Decisions* (Cambridge, MA: Harvard University, Joan Shorenstein Center on the Press, Politics and Public Policy Working Paper Series, 1994-1), 2.
[179] Gowing, 4-5- his issue with the CNN Effect is that it is not as direct and causational and with regard to the conflict in the former Yugoslavia, he writes that the media coverage did not force governments to prevent the ongoing conflict but rather to manage it in a limited manner; Smith, *The Utility of Force*, 355-356.
[180] Boutros Boutros-Ghali, quoted in Brock, 155.

whilst still predicated to a degree on collective security, was the first humanitarian intervention, ushering in a new era of PSOs.[181]

Consequences

UNPROFOR is often cited as one of the UN's post-Cold War failures, where capability fell short of ambition and it was an important lesson for the troop contributing nations, including New Zealand, regarding ends and means.[182] In particular, the deteriorating situation outpaced the mandate and the ROE, which were perceived by many militaries as being too restrictive, left the troops constrained when circumstances changed; the necessity for clear and cohesive objectives and flexible means to achieve these objectives became apparent during UNPROFOR.[183] Also, the lack of cohesive political will and commitment from contributing nations, another issue tied up with the gap between ambition and capability and the changing OE, meant that the operation was not conducted as a unified whole but rather by separate entities with similar, though not the same, objectives.[184] As Gen. Rupert Smith commented on UNPROFOR, "[t]here was no strategic direction… all acts were tactical."[185] The conflict in the Former Yugoslavia was representative of contemporary conflict, with a diverse set of actors from local paramilitaries to military contingents from across the globe as well as a multitude of journalists and aid workers; it had such an impact on Gen. Rupert Smith that it led him to develop his new paradigm, the 'war amongst the people'.[186] UNPROFOR suffered from the same disparities in quality of personnel as UNTAC and further illustrated the necessity of high quality professional troops in post-Cold War peacekeeping operations. Allied to this was, as the then NZA Chief of General Staff Maj. Gen. Reid, identified, the criticality of the discipline and morale of the junior leaders in the post-Cold War peacekeeping environment.[187] This is a clear echo of Krulak's strategic corporal concept

[181] William J. Lahneman, *Military Intervention: Cases in Context for the Twenty-First Century* (Lanham: Rowman & Littlefield, 2004), 54.
[182] Griffin, 152.
[183] Smith, *The Utility of Force*, 336.
[184] Ibid., 335,338.
[185] Ibid., 339.
[186] Ibid.
[187] Gilbert Wong, "Where Force Wouldn't Work," *New Zealand Defence Quarterly* 12 (Autumn 1996): 18.

and is indicative of the added responsibility placed on all personnel in the modern operation.

Conclusion

The NZA's operational environment has seen significant changes since WW2. The form of the conflict has moved from conventional interstate warfare that saw two Western, or Western influenced, regular armed forces fighting to defeat the other militarily in a well-defined battlespace to nebulous irregular conflicts that are conducted amongst local populations from non-Western locations requiring political rather than military solutions. As conflict has become increasingly irregular it has been drawn into increasingly complex terrains; witness the difference between the 'clean' battlefield of North Africa versus the frontless battlespace of Vietnam. Opponents have become increasingly intangibly asymmetrical, and correspondingly, the weaker has adopted irregular techniques such as ambushes and hostage taking. Similarly, the adversary has become harder to identify, from the massed and uniformed, invariably young and male, Western militaries, familiar in physical and mental form, to the non-Western irregular forces that are dispersed, unidentifiable and not beholden to the Western moral/legal paradigm.

Political success- 'hearts and minds'- has become increasingly common and important; from Malaya on the NZA have been deployed to situations where the military defeat of the enemy has not been as important as gaining the populations allegiance; though this is a truism for traditional peacekeeping operations, over the relevant period it was also a trend in conflict-oriented operations as well. Closely related to this, and particularly so for peacekeeping operations, is the dominance that the political has gained over the military levels, so that military considerations are often secondary to political realities; whereas in WW2 and Korea the military issues were relatively separate, such that in North Africa General Montgomery had relative autonomy from British High Command, while in comparison the various leaders of UNPROFOR were constrained by stringent and irrelevant ROE, the individual political considerations of the various national contingents and the allegiance of the various adversaries and their constituent populations.

NZA deployments have always been multinational, the major change has been that the coalition partners have become increasingly diverse and that, in part due to the nature of the operation, the interaction between the national contingents has increased. The inter-

service interaction up to UNPROFOR has not changed significantly. The reason for the lack of change to that point is twofold; first, is that the conceptual changes that the NZDF went through during the late 90s and early 00s had not been implemented and, secondly, the operational tempo of the NZDF as a whole only began to increase dramatically at the turn of the millennium. At the civil-military level the growth in actors in the AO was enormous over the half-century period covered; the relatively barren AOs of WW2, Korea, Kashmir and Malaya stand in stark contrast to the highly complex and busy AOs of the modern operation, which are populated by militias, guerrillas, civilians, journalists and literally hundreds of different NGOs. For example, the contrast between Korea, where the AO was consciously cleared of non-military personnel, to the Former Yugoslavia, where there were at least forty irregular groups and over 530 different NGO organisations and three separate populations, is vast and is indicative of the complexity faced by the NZA.

Comparisons between early operations tasks, be they conventional conflict or traditional peacekeeping, and the modern mission's expanded mandate are interesting; while high-intensity conflict could never be called narrow in scope, the modern operation involves a number of non-combat tasks, including humanitarian aid delivery, disarmament and demobilisation, force cantonment and election-monitoring, whilst also including low, and maybe mid, -intensity combat, although up to UNPROFOR this was a symptom to be ameliorated rather than confronted. During the historical scope of this chapter the conflict lowered in intensity whilst the peacekeeping operations became more ambitious and were deployed in areas that were increasingly unstable; in this way military operations have begun to fuse the two so that the contemporary mission is usually a hybrid form- the Three Block War paradigm- where the NZA has to face the full spectrum of operational tasks from SASOs to CO. Correspondingly, the ROE for modern operations have become increasingly complex as the mandate has expanded, adding another layer of intricacy to the operation.

The media is another area that has seen massive change in the relevant period; coverage during WW2 was limited by both technology and censorship in a manner that the modern

operation is not, though it should be noted that many governments still dictate coverage to differing degrees. Despite this, the general trend has been for the continued growth in freedom of the media. By the late stages of this period the journalist was armed with a panoply of technological devices that gave instant global access and, in the examples of both UNTAC and UNPROFOR, the freedom to express negative views.

Finally, the justification for deployment, though remaining fairly constant, has expanded beyond the traditional Cold War rationale of collective security to include humanitarian issues. The end of the Cold War allowed for expanded justification and this will be illustrated in full in the two case studies, as the period covered in this section ends at the dawn of this new era. One final note is that though New Zealand has ostensibly prescribed to the principle of collective security throughout this period, we have followed a clear trend of patronage and allegiance, starting out as a Dominion of the British Empire, then as a loyal member of the Commonwealth and finally as somewhat reluctant vassal of the US.

Summary of NZA OE Continuum and Implications for Military Ethics

Characteristic	Historical OE	COE	Constructive	Preventative
Location	Intra Western, even if fought in non-Western areas, clear battlefield	Non-Western/Underdeveloped/Complex battlespace	Culture shock/ Terrain and infrastructure issues	Non-Western: different moral/legal paradigm
Technique	Regular/Clausewitzean	Irregular, asymmetric	Critical: techniques intended to break morale and discipline	Distinction/Proportion/ LOAC/ROE harder to apply
Combatant	Regular/Western	Irregular, disparate and multitudinous, non-Western	Complexity: discipline	Distinction/Proportion/ LOAC/ROE harder to apply/More important
Multinational	Limited/ Commonwealth	Extensive/Diverse	Culture shock/Material grievances/Complexity/Command issues	Different ROE: application complexity
Joint	Limited interaction/ Defined division	Common/Integrated	Inter-service clash/Complexity	---
Civil-Military	Hermetic/Similar/Non-critical	Integrated/Diverse/ Critical	Culture shock/Complexity / Clash between military and civilian ethoi	Distinction/Proportion/ LOAC/ROE harder to apply/More important
Expanded Mandate	Rare/Combat oriented operations	Common/Diverse concurrent and coterminous operational tasks	Boredom/Frustration/Political interference/Complexity/Clash or adaptation of Warrior ethos	Dynamic ROE/ Politically inhibited
Communication/Media	Delayed/ Limited/ Controlled	Instant/Pervasive/ Uncontrolled	Complexity/Extra responsibility	Conduct amplified: more critical
Justification	Security based	Morally justified	---	Means and ends must be commensurate

Chapter Five

Timor-Leste: INTERFET and UNTAET

"We are dying as a People and as a Nation."

Bishop Belo, Timorese Nobel Laureate, in a letter to the UN Secretary General.[1]

"New Zealand was prepared to match our words with our deeds and the military contribution made by our nation to this operation was our most significant since the Korean War. That New Zealand took this action is entirely consistent with our long history of strongly supporting the United Nations, the principles of collective security and the rights of small states."

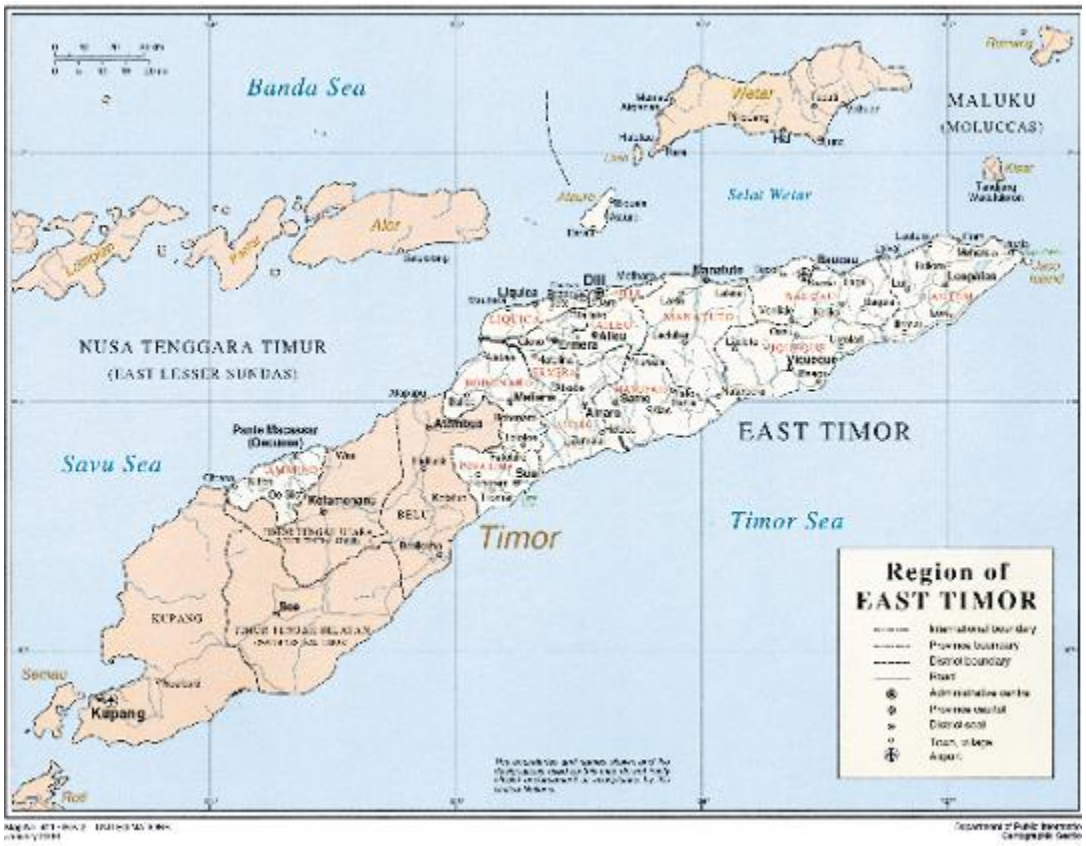
The Honourable Dame Cartwright, Governor-General and Commander-in-Chief in and over New Zealand.[2]

Introduction

This chapter will focus on the international intervention into Timor-Leste (formerly known as East Timor) that began on the 20th of September 1999, as "wave after wave" of C-130s flew through the acrid smoke of the burning capital of Dili, landing the first echelon of Australian, British and New Zealand troops and equipment at Komoro airfield.[3] Timor-Leste would be the NZDF's largest military operation in nearly half a century; a total commitment of over 6000 Defence Force personnel, with the NZA contributing six battalion rotations over the course of the deployment.[4] The United Nations Assistance Mission in East Timor (UNAMET) had been mandated to conduct a ballot regarding Timor-Leste's political future, three months before the International Force East Timor (INTERFET) was deployed, which, in the interests of expediency, was only UN-sanctioned; it was not until February 2000 that INTERFET was replaced by the

[1] Peter Carey, " Introduction" in *East Timor at the Crossroads: The Forging of a Nation,* Peter Carey and G. Carter Bentley, eds. (New York: Social Sciences Research Council, 1995), x.
[2] Dame Silvia Cartwright, "Foreword" in *Operation East Timor: The New Zealand Defence Force in Timor-Leste 1999-2000,* John Crawford and Glyn Harper (Auckland: Reed, 2001), 6.
[3] Crawford and Harper, 26-27, 59.
[4] Ibid, 8; http://www.army.mil.nz/culture-and-history/nz-army-history/historical-chronology/1997.htm.

UN-led United Nations Transitional Administration in East Timor (UNTAET), whose mandate ended in May 2002 when the country declared its independence. This chapter will utilise the whole operation for examination, from the initial phases of UNAMET, the whole of INTERFET through to end of UNTAET.[5]



Specific Operational Environment

The situation in Timor-Leste was largely the product of clumsy decolonisation and perfidious Cold War politicking.[6] After the 1974 Carnation Revolution ended Salazar's authoritarian *Estado Novo* and, following subsequent promises of independence made by Portugal, a civil war broke out between Timor-Leste's political parties.[7] As Portugal's interest and influence over its charge waned, Indonesia invaded with covert international

[5] UNAMET will only be covered in the Specific Operational Environment due to its limited mandate and the small number of personnel involved.
[6] Smith and Dee, *Peacekeeping in East Timor*, 52.
[7] Ibid., 11.

approval and overt international indifference, though it should be noted that a number of international organisations publicly condemned the incursion.[8] The invasion was ordered by Indonesia's military dictator, Suharto, a tyrant who had come to power in 1965 by "unleashing a bloodbath that left an estimated one million dead".[9] On the 17th July 1976, Timor-Leste was incorporated as a province of Indonesia, heralding the beginning of a "long, bloody and disastrous occupation" by the Indonesian Army (TNI).[10] The TNI ruled Timor-Leste as a near fief and, while the local populace was subjected to random and tailored violence and their general situation deteriorated, the TNI avariciously profited.[11] Although a third of the pre-invasion population had been "put to the sword… the guerrilla resistance… survived, maintaining… an effective presence in East Timor's [sic] rugged mountains. It [was] a case unparalleled in the history of guerrilla warfare, especially when one considers that the theatre of war was a small island territory without the benefit of sanctuaries over contiguous borders."[12]

Most of the international community, with a few exceptions including New Zealand and Australia, never gave *de jure* recognition of Indonesia's sovereignty over Timor-Leste but for 24 years their *de facto* hold over the territory was complete.[13] Again it would be the vicissitudes of their ruler that would offer Timor-Leste a chance for independence, when in 1999 Suharto was replaced by a caretaker president, Habibie.[14] At the beginning of 1999 Habibie announced there would be a referendum on the status of Timor-Leste and in May of that year Indonesia, Portugal and the UN signed an agreement for the UNAMET to supervise the vote.[15] Habibie's decision had been unexpected both

[8] William Burr and Michael L. Evans, eds., *Ford, Kissinger and the Indonesian Invasion, 1975-76* (National Security Archive Electronic Briefing Book, No. 62, 2001), accessed on 27 August 2008, available from http://www.icai-online.org/xp_resources/invasion_of_east_timor.pdf; Craig A. Collier, "A New Way to Wage Peace: US Support to Operation Stabilise," *Military Review* (January-February 2001): 2.
[9] Carmel Budiardjo, "Militarism and Repression in Indonesia," *Third World Quarterly* 8.4 (October 1986): 1219.
[10] Burr and Evans, 1.
[11] Damian Kingsbury "East Timor 1999," in *Guns and Ballot Boxes*, Damian Kingsbury, ed. (Victoria: Monash Asia Institute, Monash University, 2000), 20-23.
[12] Antionio dos Santos Ramalho Eanes, President of Portugal, 1982-1986, "Foreword," in Carey and Bentely, x.
[13] Smith and Dee, *Peacekeeping in East Timor*, 39.
[14] Ibid, 41.
[15] Ibid, 42.

internationally and domestically. The TNI, long a pampered and independent institution under Suharto, had developed strong psychological and economic links with the territory and was unwilling to relinquish its hold; it began to prepare accordingly, supporting and arming militias across the region.[16]

UNAMET had around a thousand international personnel including 240 UN staff, 270 civilian police, 50 military liaison officers and 425 UN volunteers.[17] It was an "outstanding achievement" in "terms of planning and execution" of the ballot it was mandated to conduct and which it managed to complete on the 30th of August 1999, despite a background of rising violence instigated by TNI-supported anti-independence militias.[18] In the lead up to the vote, the pro-Indonesian militias were determined to disrupt the process, and when it became clear that the referendum would probably result in a decisive vote for independence, they became increasingly intimidatory and violent.[19] After the referendum results were announced, revealing that 78 percent of voters had rejected autonomy within Indonesia and had voted for total independence, the militias unleashed a "systematic campaign of destruction and terror" upon the populace, infrastructure and the UNAMET staff.[20] During this period of violence a number of NZA personnel displayed high degrees of personal bravery and were awarded various distinctions, including the NZA senior national officer (SNO) Col. Reilly who drove through five kilometres of militia-controlled territory to rescue a trapped colleague.[21] Reilly, who had also served in Bosnia, would later say he had never seen such anarchy.[22] As the UNAMET staff were evacuated amidst an increasingly volatile and unstable situation, plans for a multinational PKO were already underway.

[16] Smith and Dee, *Peacekeeping in East Timor*, 42; David Dickens, "The United Nations in East Timor: Intervention at the Military Operational Level," *Contemporary Southeast Asia.* 23.2 (August 2001): 215.
[17] Crawford and Harper, 26.
[18] Smith and Dee, *Peacekeeping in East Timor*, 43; Crawford and Harper, 26-30.
[19] Crawford and Harper, 29-30.
[20] Smith and Dee, *Peacekeeping in East Timor*, 44; Crawford and Harper, 31; Jarat Chopra, "The UN's Kingdom of East Timor," *Survival* 42.3 (Autumn 2000): 28.
[21] Crawford and Harper, 41.
[22] Judy Lessing, "When Militias Ran Riot," *New Zealand Defence Quarterly* (Summer 1999): 6.

UNAMET was a relatively standard UN mission. In contrast, INTERFET and UNTAET, though to different degrees, were substantively different from past, traditional, peacekeeping operations.[23] INTERFET was one of the new post-Cold War 'muscular' peacekeeping operations and the strongly worded UN mandate provided it with "all necessary measures" to restore security; premised on a worst-case scenario, it "unambiguously allowed for security to be restored and maintained using all necessary and legitimate force, including the use of deadly force."[24] What made it significant was not only the near-unprecedented 'teeth' given it by the UN, but because it was Australian and not UN-led, was formed with such speed and that it assumed *de facto* responsibility for governance and rule of law until the UN's presence could be established.[25]

If INTERFET was significant as one of the new, and most 'muscular', peacekeeping operations, then UNTAET was a landmark for international relations, marking the most ambitious UN project to date, one that aimed at no less than the creation of a viable sovereign state.[26] Under Security Council Resolution 1272, UNTAET was "endowed with overall responsibility for the administration of East Timor [sic] and [was] empowered to exercise all legislative and executive authority, including the administration of justice" with a mandate that demanded it: "provide security and maintain law and order"; "establish an effective administration"; assist in the development of civil and social services"; "ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance"; "support capacity building for self-government"; and "assist in the establishment of conditions for sustainable development".[27] As Maj. Gen. Michael Smith, Deputy Commander of the UNTAET PKF, described it, "UNTAET was to be the de jure [sic] government of a broken country."[28] Chopra, former head of the UNTAET Office of Direct Administration,

[23] Crawford and Harper, 26.
[24] Smith and Dee, *Peacekeeping in East Timor*, 45.
[25] Ibd., 48; Ryan.
[26] Paulo Gorjao, "The Legacy and Lessons of the United Nations Transitional Administration in East Timor," *Contemporary Southeast Asia* 24.2 (August 2002): 314; Nicola Dahrendorf et. al., *A Review of Peace Operations: A Case for Change: East Timor* (London: King's College, Conflict Security & Development Group, 2003) Paragraph xi.
[27] Smith and Dee, *Peacekeeping in East Timor*, 169, Annex B.
[28] Ibid., 59.

described UNTAET's scope thus: "[t]he organisational and juridical status of the UN in East Timor [sic] is comparable with that of a pre-constitutional monarch in a sovereign kingdom. UNTAET is in all aspects the formal government of the country. Both legislative and executive powers are in the hands of a single individual, the Special Representative of the Secretary-General and Transitional Administrator… UNTAET's full legislative and executive powers make it unique among experiments in transitional administration, since it is the first time sovereignty has passed to the UN independently of any competing authority."[29]

The UNTAET PKF was one of three 'pillars' intended to nurture the gestation of a nation, the other two were the Governance and Political Administration and Humanitarian Assistance and Emergency Rehabilitation.[30] Together these three pillars were to take on one of the most ambitious projects in the UN's history: the construction of a functioning state from the ashes. This monumental goal, described by Maj. Gen. Michael Smith as the "UN's… greatest challenge to that date", was the culmination of half a century of peacekeeping and, more specifically, nearly a decade of expanded mandate operations- particularly in Cambodia and the near simultaneous operation in Kosovo.[31]

The scope and scale of operations in Timor-Leste were of a magnitude that the mission had a portentous and ambitious *raison d'etre,* the salvation of a deprived people and the creation of a sovereign state. This can be seen in the speeches of the two relevant New Zealand Prime Ministers. When addressing the first wave of NZA personnel deployed Jenny Shipley said, "[t]he people of East Timor [sic] are looking to you and your counterparts from Australia and many other nations to restore order and convince them that one day they will be able to get on with their normal lives".[32] Helen Clark, in a speech to the sixth and final rotation of troops, said:

[29] Chopra, 29.
[30] Smith and Dee, *Peacekeeping in East Timor*, 62-63
[31] Ibid., 158.
[32] Anonymous, "Eighty-eight on Way to Timor," *The Press*, 21 September 1999, 1, in *Newztext* [database on-line], accessed on 12 September 2008.

> "Enormous progress has been made since the peacekeepers from New Zealand and other nations went to East Timor [sic]. We have helped restore a degree of peace and stability to a people who have suffered terribly. The contribution of New Zealand Defence Force personnel and civilians has been outstanding. Order has been restored in East Timor [sic], allowing the safe distribution of humanitarian relief. The enormous task of supporting the East Timorese [sic] in the re-building of every aspect of their new country's infrastructure and civil society is well under way. East Timor's [sic] first president has been elected and next month this new nation will gain the independence for which its people have long struggled."[33]

The operational environment in Timor-Leste would go through several phases and it is of use to identify these here so they may be referred to in the first two sections. The first of these phases covers the initial deployment of INTERFET troops into Dili and will be referred to as the influx; the next phase covers the period of consolidation of Timor-Leste by INTERFET through to the handover and initial operations of UNTAET and will be termed consolidation; the final phase, identified here as the upsurge, will focus on the period of intense militia activity during UNTAET's tenure. The rest of the chapter, from the deployment perspective, will discuss the entire operation from the onset of INTERFET to the end of UNTAET because the NZA deployment did not change significantly and also due to limitations of information on the various characteristics.

[33] Helen Clark, "PM's Speech at the NZBATT6 Farewell Parade," (Parliament Wire; Military and Defence Issues; Government Press Releases, 23 April 2002).

Context: Conflict

Location

In general, Timor-Leste largely fits the expected mould with regard to location; the fledgling nation was politically, physically and economically isolated for decades and, even after years of UN and international aid, could be classified as a weak state.[34] During the influx INTERFET troops were operating in the capital city of Dili, which had a population of 100 000.[35] Force planners had anticipated potential high-intensity urban operations, though upon arrival Dili was found near deserted of its civilian population, as were all other major populated areas, having been abandoned as the militia and TNI went on a destructive rampage.[36] Dili was not, however, devoid of people- with eleven battalions of TNI and numerous militia members still in the city- or free from friction; NZA SNO Colonel Dunne "was conscious of…. a high degree of tension in the air, and a significant amount of firing at night heightened the feeling that serious conflict could break out at any time."[37] The militia and TNI had destroyed much of Dili-some estimates are as high as 80%- and the city was still ablaze as the soldiers alighted. As they consolidated their hold on the city against varying degrees of resistance, INTERFET commanders realised they "were stretched… in a city that size [and that they] need[ed] more infantry people than [they] had"; for example, Victor Company (VC), the first NZA regular unit on the ground, were given an AO which had been previously covered by a battalion.[38] The period of consolidation was, although ultimately relatively benign, one of great stress and potential for a high degree of violence, to which a number of incidences attest.[39]

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[34] Robert I. Rotberg, *State Failure and State Weakness in a Time of Terror* (Cambridge, Mass.: World Peace Foundation; Washington, D.C.: Brookings Institution Press, 2003), 19.
[35] Phil Gibbons, "The Urban Area During Stability Missions Case Study: East Timor," Appendix D in Russell W. Glenn, ed. *Capital Preservation: Preparing for Urban Operations in the Twenty-First Century* (Arlington; VA: RAND Corporation Arroyo Center, 2000), 129-130.
[36] Gibbons, 129-130.
[37] Crawford and Harper, 66.
[38] NZA Brigadier Mark Evans, quoted in Crawford and Harper, 71-72.
[39] John Blaxland, *Information-era Manoeuvre: The Australian-led Mission to East Timor* (Duntroon, ACT: Land Warfare Studies Centre, Working Paper No. 118, 2002), 30-32- One particular incident involved approximately 500 Timorese Territorials and a platoon of INTERFET troops, with the Timorese acting rather belligerently.

The influx was a period of uncertainty; as Crawford and Harper wrote, it was "a leap in the dark".[40] The location of the OE for the NZA during the influx shows the utility of the constructive function; a tense, if not overly violent, destroyed urban environ populated with a large number of potential adversaries for which INTERFET was undermanned. The stressors on the NZA were significant and the maintenance of morale and discipline critical; the utility of the constructive lay in ensuring that despite the flux and violent potential of the situation the NZA remained an effective and efficient force. That they did is evidenced in Blaxland's analysis of the operation for the Australian Land Warfare Studies Centre, where he writes that once deployed in Dili "INTERFET troops exercised remarkable restraint, resulting in… a speedy elimination of the threat from armed militia members… The troops' self-discipline, restraint under provocation, and focus on the higher commander's intent… proved a noteworthy feature [of the operation]."[41] As discussed, comradeship and *esprit de corp* are critical in urban operations, the 'mateship' (as it is colloquially known in the NZA) ameliorating the mental anxiety that is implicit in such a stressful context. Also, courage and commitment in the face of the unknown would have been vital, for, although the AO was relatively benign in the end, the soldiers had no idea of what could happen.

The two following phases, consolidation and upsurge, saw the NZA operating in the mountainous jungle area of Cova Lima. As stated in the *FLOC*, the Cova Lima AO was a far larger area than was traditional for a battalion group and has been described as "uncompromising and uncomfortable", so much so that the environmental rigours were etched into the memories of many who served there.[42] The landscape of Cova Lima was characterised by disruptive, mountainous terrain that was "ideal for insurgent or guerrilla activity".[43] The infantry completed an average of three patrols a day, aggressively pursuing the increasingly active militia, who were terrorising the local populace and making it hard for refugees to return home, as well as projecting a highly visible presence

[40] Crawford and Harper, 59, 71.
[41] Blaxland, 6.
[42] Ryan, 76; *FLOC*, 2-29.
[43] Smith and Dee, *Peacekeeping in East Timor*, 35.

across the region.[44] Responding to hundreds of militia sightings, the soldiers had to cover large expanses of difficult terrain and lie in wait for days at a time, a task which Crawford and Harper state "require[d] strong discipline, mental and physical toughness and patience"; in other words, the constructive function was of utility as the NZA were operating against an 'unknown' adversary across a large AO, in which the militia had the advantage, for long periods of time.[45]

The "harsh operational environment", described as "hostile", "steamy and fetid" proved extremely difficult, with rain often occluding transportation and communication across an already underdeveloped and overstretched infrastructure.[46] The road network was sparse and fragile, with few roads and those that were usable becoming virtually impassable during monsoon season.[47] The inadequate roads caused the deaths of two NZA soldiers in separate incidents. In the first of these, the first death during INTERFET, Warrant Officer Walser's truck rolled down an embankment after the road collapsed; his loss was demoralising to his fellow soldiers and all those "who served alongside Walser were deeply moved by his untimely death."[48] The second death several months later was described as "a shock for the camp community, the second time we've been through it and doubly hard coming on Anzac Day, and so close to them coming home."[49] Operating in underdeveloped areas creates risks that would otherwise not exist and can be a stressor, and sometimes a killer. The deaths of two fellow NZA personnel from such accidents would strain morale and the constructive function, especially values such as service, loyalty and commitment, is critical in maintaining morale after such 'pointless' deaths.

[44] Crawford and Harper, 112.
[45] Ibid., 113.
[46] Michael G. Smith and Moreen Dee, "East Timor" in *Twenty-First-Century Peace Operations*, ed., William Durch (Washington: United States Institute of Peace, 2007), 419; Ryan, *Primary Responsibilities and Primary Risks*, 76; Smith and Dee, *Peacekeeping in East Timor*, 35; Alpaslan Ozerdem, "Peacekeeping in Asia: Lessons Learned from Afghanistan, Cambodia and Timor-Leste," in Utley, 124
[47] Asian Development Bank. *Report on a Project Grant from the Trust Fund for East Timor to the United Nations Transitional Authority* (Manila: Asian Development Bank, 2000, accessed on 12 September 2008), available from http://www.adb.org/Documents/RRPs/TIM/rrp-tim-r10300.pdf.
[48] Tony Potter, "A Soldier's Soldier Well Respected by All Ranks," *Sunday Star Times*, 5 December 1999, in *Factiva* [database on-line], accessed on 1 December 2008.
[49] Quentin Clarkson, "Comrades Mourn East Timor Crash Death," *The New Zealand Herald*, 27 April 2000, in *Newztext* [database on-line], accessed on 1 December 2008.

There is no clear evidence regarding culture shock during the two years the NZA were deployed, this could be because, as one NZA soldier said, "[t]he place is so foreign and yet within it we are so confined that you feel detached."[50] However, the lack of convincing evidence would suggest there were no significant incidents, though this is just conjecture.

Techniques and Combatants

In the months preceding INTERFET's arrival the pro-Indonesian forces had undertaken a campaign of intimidation, terror, destruction of property and widespread displacement after being issued specific orders from the TNI, though this last fact was not clear at the time.[51] This rampage by the militia is typical of irregular techniques, creating a turbulent atmosphere of fear, uncertainty and dislocation strengthens the irregular actor by creating an environment that is advantageous. Following numerous deaths and the destruction of 80% of properties, nearly a third of the population had escaped over the border to West Timor while almost another third were internally displaced.[52] When INTERFET troops touched down they did so in an area that had suffered chronic and acute intimidation and dislocation and found the burning capital Dili almost devoid of civilians, though not empty.[53]

During the influx the Timor-Leste AO was a complex mixture of combatants, including regular TNI troops, TNI *Kopasuss* Special Forces, local police, Indonesian backed militias and pro-independence militias.[54] As the situation deteriorated, the farrago had

[50] Platoon Commander Craig Wilson, quoted in Kim Batchelor, "Taranaki Soldiers Keeping the Peace," *The Daily News*, 11 December 1999, in *Newztext* [database on-line] accessed on 3 December 2008.
[51] United Nations Office of the High Commissioner for Human Rights (UNHCHR). *Report of the International Commission of Inquiry on East Timor.* New York: UNHCHR, 31 January 2000, accessed on 12 September 2008, available from http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.54.726,+S.2000.59.En; Chopra, 27.
[52] Centre for Strategic Studies. *Strategic and Military Lessons from East Timor* (Victoria University, Wellington: Centre for Strategic Studies, Strategic Briefing Papers, Volume 2, Part 1, February 2000), 1; United Nations Office of the High Commissioner for Human Rights (UNHCHR). *Report of the International Commission of Inquiry on East Timor*
[53] Crawford and Harper, 61, 71.
[54] Dickens, 220-221; B. Lagan, et al. "Peace Force General Talks Tough," *The Age*. 17 September 1999, in *Factiva* [database on-line], accessed on 12 September 2008.

intensified and distinction between various groups had become increasingly difficult.[55] There were more than a dozen pro-Indonesian militia groups operating in Timor-Leste in 1999 and while at the beginning of that year there were approximately only 1900 men in these militias, by the referendum, following a period of often coercive recruitment involving threats or bribes, the numbers had swollen to around 25 000.[56]

Clear distinction between combatants was difficult, not just due to the number of different actors but because: a.) some militia were wearing TNI uniforms, some TNI soldiers were wearing militia clothing and many militia were not wearing any uniforms, b.) TNI regulars and *Kopassus* were training, supplying and leading militias, c.) whilst officially the TNI were supposed to be aiding INTERFET they were not acting in a consistent fashion but rather showed widely variant displays of amity and enmity, d.) locals were wearing militia colours and identification as protection, e.) the police force had mixed loyalties, f.) a large number of the populace were displaced and transient, though Dili itself was largely clear of non-combatants.[57]

In the report for the UN Office of the High Commissioner for Human Rights, Robinson writes that in late 1999 UN Special Rapporteurs observed "on many occasions no distinction could be made between members of the militia and members of the TNI, as often they were one and the same person in different uniforms."[58] Others were not wearing any uniforms and in a simple and direct illustration of the asymmetry between the INTERFET troops and the militia, a local women said, "[i]t is easy for [the militias]

[55] Kingsbury in Kingsbury, 72.
[56] Crawford and Harper, 28.
[57] Dickens, 220-221; Lagan; Joseph Nevins, "The Making of "Ground Zero" in East Timor in 1999: An Analysis of International Complicity in Indonesia's Crimes," *Asian Survey* 42.4 (Jul- Aug 2002): 624; Noam Chomsky, *Rogue States: The Rule of Force in World Affairs* (London: Pluto Press, 2000), 57-58; Tamrat Samuel, "East Timor: The Path to Self-Determination," in *From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict,* ed. Chandra Lekha Sriram and Karin Wermester (Boulder, CO: Lynne Rienner, 2003), 214; Hamish McDonald, "Masters of Terror: Indonesia's Findings," in *Masters of Terror: Indonesia's Military and Violence in East Timor in 1999,* ed. Hamish McDonald et al (Canberra: Australian National University, Strategic and Defence Studies Centre, 2002), 7; John Martinkus, *A Dirty Little War* (Sydney: Random House, 2001), 354.
[58] Geoffrey Robinson, *East Timor 1999: Crimes against Humanity* (Report Commissioned by UN Office of the High Commissioner for Human Rights, 2003), 99, accessed on 21 November 2008, available from http://www.etan.org/etanpdf/2006/CAVR/12-Annexe1-East-Timor-1999-GeoffreyRobinson.pdf

to hide, because they look like everybody else -- there is no uniform".[59] This array of combatants stands in stark contrast to the traditional adversary, who was uniformed, distinct and acted with a cohesive and consistent *modus operandi*; with the disparate groups in Dili acting erratically, application of the principle of distinction would have been difficult; yet because of the delicacy of the situation- trying to avert an all-to-possible escalation with Indonesia- distinguishing, or at least making every appearance that this was the case, between militia and TNI was critical, despite the confusing reality.

It is useful to expand upon an incident that occurred during influx that was relayed by the INTERFET Commander, Maj. Gen. Cosgrove. A platoon of INTERFET soldiers confronted a battalion of TNI soldiers who were acting belligerently and were "[d]ressed in a mixture of military and civilian clothing… Their dress added to the tension as the TNI had agreed that their troops would wear uniform and not mix items of civilian clothing. As they had arrived unannounced, it was difficult to determine whether the convoy contained troops or militia."[60] Fortunately the TNI Battalion backed down and a major confrontation was averted. This incident reveals the difficulty of distinction for the INTERFET troops, dealing with ostensibly 'rogue' and belligerent TNI units who were indistinguishable from militia.

The first New Zealand contingent to arrive in Timor-Leste during influx was the NZ SAS, followed closely by VC. The SAS secured Dili, then moved out to reconnoitre and partially secured much of Timor-Leste in long-range operations.[61] VC Commander, Major Howard, described Dili thus, "[t]here was a threat, every now and again there would be shots somewhere…. There were definite threats. You felt something could happen at any minute."[62] The ambiguity and inherent threat of the situation are characteristic of irregular warfare. Added to the perception of threat were the pre-deployment intimidatory menaces directed at Australian and New Zealand troops by the

[59] Philip Shenon, "U.N. Bolsters Border Troops in East Timor," *The New York Times,* 11 October 1999, A.4.
[60] Ryan, *Primary Responsibilities and Primary Risks,* 71.
[61] Searle, 240-241.
[62] Crawford and Harper, 72.

militias, that many of them would die on Timor-Leste with their hearts ripped out.[63] This illustrates a moral asymmetry: the believability of the threat was heightened by the irregular and foreign nature of the militias, who were not bound by the same moral and legal rules, thus imbuing the threat with a potency it would otherwise not have. This disparity was clear during the influx as "TNI trucks loaded with Indonesian troops… and Militia… cruised through Dili firing indiscriminately whenever out of sight of INTERFET troops. The TNI was playing with INTERFET's ROEs. The ROEs limited INTERFET's mandate to situations where a soldier was being 'personally' threatened or was acting to protect civilians who were in the process of being threatened… The shooting party was obviously well planned and thoroughly reccied, shooting at East Timorese [sic] only when they were out of view of the [soldiers] and therefore outside the ROEs."[64] Furthermore, even though the INTERFET commanders had a level of trust with their TNI counterparts, the TNI units were an unpredictable quality, with many operating in an ostensibly 'rogue' fashion and, as the Director of the Centre for Strategic Studies described, the *Kopassus* were using "tactics of a kind countries like New Zealand would never use."[65]

This intangible asymmetry was further emphasised during the influx, when the soldiers discovered mutilated corpses, placing pressure on the NZA military ethics.[66] As NZA Platoon Commander Wilson stated, "[t]hey are quite dignified people and when you see some of them with their families butchered only weeks ago, it makes us want to march over to West Timor and sort out the perpetrators personally. It's hard knowing we can't."[67] The necessity of maintaining the moral and legal high ground was critical in this type of situation, which was facilitated by both the constructive and preventative functions. This can be seen in Wilson's statement; whilst empathy and compassion pull towards retribution the personnel knew that this was not an appropriate action, the

[63] Crawford and Harper, 59.
[64] John Hunter Farrell, *Peace Makers: INTERFET's Liberation of East Timor* (Rocklea, QLD: Fullbore Magazines, 2000), 17.
[65] Chomsky, 57-58; Samuel, 214; David Dickens, quoted in Patrick Smellie, "Making Peace," *Sunday Star Times*, 19 September 1999, in *Newztext* [database on-line] accessed 3 December 2008.
[66] Martinkus, 363-364.
[67] Ibid.

preventative provided the reasoning and the constructive provided the discipline and the motivation to adhere to that reasoning.

Of interest however, was that as the civilians returned during the influx the persistent presence of the TNI became a point of tension and INTERFET forces had to mediate, This alienated the local populace, as in the interests of pacifying the situation the NZA had to associate or side with the TNI: the taint of the TNI's unethical legacy and continued lack of professionalism, in effect, tarnishing the coalition forces.[68] In some cases the forces had to co-man road blocks; the INTERFET troops having to passively watch as the TNI "shook down East Timorese [sic] passing through, taking what little cash and goods the survivors had."[69] Similarly, NZA Private Harris described a situation where he and other NZA soldiers saved two militiamen from being "bailed up by angry locals."[70] These two cases suggest that the preventative function is not always useful in winning allegiance, at least in a localised and short-term sense, though it should be added that during the influx INTERFET's priority was short-term security rather than allegiance and, even so, the operation was riding a wave of genuine and widespread Timorese appreciation.[71]

Nonetheless, the importance of maintaining moral and legal parameters can be seen in the NZDF considerations over arming the armoured personnel carriers configured as ambulances. Although it was New Zealand's position that INTERFET forces was not beholden to the LOAC, the NZDF, as a matter of policy, honoured the LOAC; furthermore, even "though there is no specific rule in LOAC which says that .50 calibre weapons may not be mounted on ambulances… It was considered that placing the (red cross) on any item of material which is ostensibly in war-fighting configuration can be

[68] Crawford and Harper, 84.
[69] Farrell, 15.
[70] Private Scott Harris, "Soldier's Tour of Timor an Eye-Opener," *Waikato Times,* 23 May 2000, in *Newztext* [database on-line], accessed on 3 December 2008.
[71] Crawford and Harper, 84; V. Tjahjadi, "Pro-Independence Timorese Pour Joyfully Out of Hills into Dili," *Agence France-Presse.* 21 September 1999, in *Factiva* [database on-line], accessed on 12 September 2008.

seen as inviting non-respect for the symbol by opposing forces."[72] In this case by observing the preventative aspect the NZA were attempting to ameliorate a possible deterioration in conduct by the TNI and militias.

During the influx it was found that the "local populace were more reassured by four-man patrols, alert but with weapons held casually, than larger units on high alert with weapons trained."[73] Placed into practice, this would have intensified the pressure on the constructive function, requiring the soldiers to compromise their safety for the overall good of the operation and demanding physical courage and commitment as well as a higher sense of service: the political constraints of the operation impinging on military considerations.

The influx period, while not actually involving much combat, was a tense and ambiguous time, with numerous groups of combatants who were acting erratically and were not beholden to the same moral/legal precepts as the NZA. The TNI and militia had created a tempestuous, chaotic AO in which the constructive function had remaining utility by ensuring that the NZA were a controllable and useful force. In such an environment discipline is critical, as NZA Sergeant Sturm commented, "the uncertainty [played] a big part in mental fatigue".[74] The complexity and resultant stress during influx is evident in Farrell's concluding remarks:

> "The ADF and NZDF's successful handling of the situation belied the difficulty and complexity of the task. Operating in such close proximity with the TNI, within strict ROEs and a confining mandate made the [soldiers'] situation on the ground stressful to say the least."[75]

[72] Kevin Riordin, "Peacekeeping Operations in East Timor: A New Zealand Legal Perspective," *New Zealand Armed Forces Law Review* (October 2001): 24.-parenthesis in original
[73] Findlay, *The Use of Force in UN Peacekeeping Operations,* 292.
[74] Anonymous, "Tour of Duty in a Tropical Hell Hole," *The Nelson Mail,* 12 January 2000, 17, in *Newztext* [database on-line] accessed 23 March 2009.
[75] Farrell, 69.

In their report for the Australian Land Warfare Studies Centre report Breen and McCauley also describe the heightened levels of tension during influx: "[t]he tense, unpredictable situation over-stimulated INTERFET troops, leaving them edgy, apprehensive, sleepless and alert."[76] It is in combating the effects of mental fatigue and stress that the constructive function retains utility. In another Australian Land Warfare Studies Centre report, Ryan emphasises the importance of discipline:

> "The discipline displayed by INTERFET forces was admirable throughout the entire operation. Although the cross-border incursions by militia and the sometimes-poor fire control displayed by Indonesian forces resulted in a number of incidents, INTERFET troops exercised remarkable restraint and thus avoided fighting, which might have escalated the situation."[77]

Furthermore, when operating against an adversary who does not subscribe to the same moral/legal paradigm, moral and physical courage become even more critical because the fear of personal consequences is higher and the possibility of torture and mutilation is an added stressor. Another contributing factor is the expertise inherent in professionalism, where the training and knowledge give the soldier the ability to act effectively in the stressful environ, providing the skills to operate under pressure. The constructive function also prevented the NZA from contravening the rules of the preventative function, as the quote from Wilson shows: witnessing the effects of the terror campaign caused retributive thoughts which, if acted upon, would have breached the preventative function's parameters. The preventative function showed utility during influx because it drew the lines of permissible conduct for the NZA, even when those they were not legally beholden to, with the result that, as the above example regarding arming ambulances, partially ensured that the conduct of the TNI and militia did not degenerate further.

[76] Bob Breen and Greg McCauley, *The World Looking Over their Shoulders: Australian Strategic Corporals on Operations in Somalia and East Timor* (Duntroon, ACT: Land Warfare Studies Centre, 2008), 110.
[77] Ryan, *Primary Responsibilities and Primary Risks*, 75.

The consolidation period saw the NZA move out to the Cova Lima region, arriving in Suai, the regional capital, on 10 October 1999 to find a "ghost town" and evidence of numerous killings.[78] The discovery of a number of mutilated bodies and of a woman in a "deranged state", who had obviously been tortured and screamed constantly at night, "brought home the savagery of the East Timor [sic] crisis to New Zealand troops."[79] Once the town of Suai had been secured the NZA began patrolling and securing the entire region, as previously described in the location section. Though the soldiers often heard rifle fire they rarely came into direct contact with militia groups during the consolidation, causing frustration.[80] When militia had been apprehended during patrol, the NZA had to adhere to the strict LOAC and ROE surrounding the capture of prisoners, even though sometimes because of their actions against their fellow Timorese, in the words of NZA Cpl. Mumby, they "[w]ould love to give them a hiding but [instead] we maintain our professionalism"[81] In sum, though the situation during the consolidation was at its most placid, it was still tense and reminders of the brutality of their adversaries were still present. Morale and discipline, as well as values such as commitment, loyalty and service would have been vital in the exasperating months of chasing shadows through the jungles. They became equally important when, on the rare occasion, militia were caught and the soldiers had to show them every courtesy provided by the LOAC and ROE despite their conduct towards the Timorese. The day-to-day reality however, was of long and testing patrols and ever increasing non-military tasks, which will be discussed in the expanded mandate section.

The upsurge period started in March 2000, just after INTERFET had handed over to UNTAET, with increased militia sightings and exchange of fire incidents between militia

[78] Crawford and Harper, 92- the consolidation period was relatively quiet with regard to combatant and technique and will be covered in lesser detail than the other two periods.
[79] Ian Stuart, "Grisly Scenes Greet Kiwi Soldiers in East Timor," *New Zealand Press Association*, 20 October 1999, in *Factiva* [database on-line], accessed on 19 September 2008.
[80] Crawford and Harper, 94; Mike Hull, *The New Zealand Defence Force as an Agent of Change* (Trentham, Upper Hutt: Military Studies Institute, Occasional Paper Series, No. 8, May 2005), 15; initially only Victor Company were deployed to Cova Lima but they were joined by the rest of their battalion, NZ BATT 1 and from that point on the NZA had a battalion deployed throughout the operation.
[81] Corporal Grant Mumby, quoted in Batchelor.

and UNTAET forces.[82] Through this increased contact, it became evident that the militias were better trained, armed, skilled and determined than had been originally assessed.[83] During the upsurge, distinction between militia and non-combatants remained difficult, as can be seen from these remarks by NZA Pte. Brockman-Palmer, "[r]emember that time we came across those guys in red t-shirts[?]" he asks the others… Militia often wore red, and for a while locals were wearing Coca-Cola shirts which looked similar. "We had our guns up so fast they almost shat themselves." It ended ok."[84] The fact that most people carried machetes and the widespread availability of TNI uniforms in Timor markets, and that many locals were still wearing them as late as the upsurge, also added to the problem of distinction.[85] The ambiguity of the situation, with militia sometimes wearing ad hoc uniforms and many locals wearing TNI uniforms and carrying machetes, reveals how difficult identifying combatants was for the NZA.

On the 24 July 2000 militia, and possibly members of *Kopassus*, ambushed a NZ patrol, killing a soldier and mutilating his body.[86] This event appears to have revealed an insufficiently inculcated constructive function, as the rest of the platoon "pretty much refused" to go back and check to see whether the soldier was dead or just injured; the reason for this reluctance and apparent insubordination was that the possible number of militia they would have to face intimidated them, though in reality they outnumbered the militia two-to-one.[87] The apparent chaos that followed the incident shows a distinct inadequacy of the constructive function's cultivation, especially with regard to the expertise inherent in professionalism and also in the military values like comradeship, loyalty, commitment, courage and service. Ron Smith highlighted the lack of expertise

[82] Dale G. Stephens, *The Use of Force in Peacekeeping Operations – The East Timor Experience* (Randwick Barracks, Sydney: Asia Pacific Centre for Military Law Monograph, 2005), 49.
[83] Ibid., 50.
[84] Private Philip Brockman-Palmer, quoted in Geoff Taylor, "The Peacebrokers," *Waikato Times*, 31 March 2001, in *Newztext* [database on-line] accessed on 3 December 2008.
[85] Lyns Humphreys, "Postcards from the Edge… of War," *The Daily News*, 4 November 2000, in *Newztext* [database on-line] accessed on 23 December 2008.
[86]Anonymous, "Australia Trains Indonesian Troops Linked to Kiwi's Death," *New Zealand Press Association*, 20 December 2005, accessed on 23 November 2008, available from http://www.etan.org/et2005/december/17/20aust.htm.
[87] Ron Smith, "A Manning Update," *New Zealand International Review* 30 (2005): 29-31. The events following the shooting of Private Manning are contentious. One of the other issues in the aftermath were the ROE for UNTAET, which will be discussed in the Expanded Mandate section.

when he discussed the limited training of NZA before the deployment, particularly that live fire training had been suspended several years before deployment.[88] As NZA Lt. Col. Burnett said regarding the NZA deployment: "[w]e have a lot of young soldiers who have only been in the army for a year or so."[89] The lack of expertise and general inexperience was also emphasised by Rolfe, an expert on the NZA; he pointed at the "spate of 'unauthorised discharges'… [as] a sign of inexperienced and inadequately trained troops."[90]

The mutilation of the NZ soldier's body, which shocked NZ troops in Timor-Leste, reiterated the intangible moral asymmetry that existed between militia and the multinational force as well as how important constructive function was at combating this asymmetry.[91] This can be seen in the statement by Lt. Col. Dransfield when asked for how his battalion would react to the mutilation, "[o]ur soldiers are professionals and we are proudly from a nation which represents certain values."[92]

This ambush, and another that resulted in the death of a Nepalese soldier attached to NZA, marked the zenith of militia activity, who were practicing classic irregular methods, choosing the time and place for a confrontation then disappearing.[93] Furthermore, the militias were aware of the restrictive UNTAET ROE and "had developed tactics to exploit the constraints imposed, such as… having the lead man in a militia patrol unarmed, with the remainder following behind remaining armed in order to deceive UNTAET troops."[94] The militia used the UNTAET soldiers' limitation, that they could not shot unarmed people, against them, using subterfuge to turn the ROE into an offensive tactic. The use of ROE as an intangible asymmetric advantage reveals the

[88] Smith, "A Manning Update," 31.
[89] Judith Martin, "You Can't Let It Get to You," *New Zealand Defence Quarterly* (Autumn 2000): 11.
[90] Jim Rolfe, "Operation East Timor: How Did We Do?" *New Zealand Defence* (Winter 2000): 3.
[91] New Zealand Press Association, "Hunt on for Killers Who Mutilated NZ Soldier's Body," *New Zealand Press Association,* 26 July 2000, in *Factiva* [database on-line], accessed on 24 September 2008.
[92] New Zealand Press Association, "Militia Hunting Timorese Leaders, Not Peacekeepers- Dransfield," *New Zealand Press Association,* 26 July 2000, in *Factiva* [database on-line], accessed on 24 September 2008.
[93] Ruth Wedgwood, "Trouble in Timor," *Foreign Affairs* 79.6 (November/December 2000): 199; Crawford and Harper, 138.
[94] Crawford and Harper, 127; David Horner, David Jean Homer Bou and Jean Bou, *Duty First: A History of the Royal Australian Regiment* (Sydney: Allen & Unwin, 2008), 314

complexity of the COE and the criticality of the dual functions of military ethics in delineating acceptable conduct and ensuring that it is upheld. It reveals the intricacy of the relationship between the constructive function and the preventative function: in this case the preventative function was prohibitive and endangered the safety of the soldiers, yet the ROE had to be maintained to ensure moral and legal authority, which was facilitated by the constructive function. Following the upsurge in activity the Falintal commander gave the advice that "too much movement by UNTAET patrols allowed the militia to attack on grounds of their choosing", and once the patrols had changed tactics there was a considerable decline in militia activity.[95]

Allied to the change in patrol tactics was UNTAET Commander Lt. Gen. Niumpradit's recognition that the militia's success was directly related to their ability to intimidate and/or win support from the local population, and he therefore changed the military force of UNTAET's centre of gravity from a direct focus on militia activity to maintaining the support of the local population, a change commensurate with the change in mandate from INTERFET to UNTAET.[96] This meant that more emphasis was given to constabulary-civil-military affairs (CMA) activities, there was increased utilisation of Falintal skills and knowledge and, most importantly, UNTAET troops made efforts to become closer to the people and, in particular, community leaders.[97] The results of this were that "the PKF was perceived by a traumatized population to be an *honest, professional,* and friendly military force *free from major human rights violations* and intent on maintaining their security and support."[98] More specifically, UNTAET forces received increasing intelligence relating to the militia, showing a clear relationship between trust of the populace and defeat of the adversary.[99] As Maj. Gen. Lewis, commander of the western sector, including Cova Lima, stated: "[y]ou could see if we were doing well in certain areas because the information would start to flow about the location and activities of the militia; whereas, if you were not cutting it so well in any particular village, the

[95] Crawford and Harper, 138.
[96] Smith and Dee, *Peacekeeping in East Timor*, 72.
[97] Ibid.
[98] Ibid. -emphasis added.
[99] Crawford and Harper, 143; Major General Duncan Lewis, "Lessons from East Timor," in *Future Armies, Future Challenges: Land Warfare in the Information Age*, eds. Michael Evans, Russell Parkin and Alan Ryan (Crows Nest, Australia: Allen & Unwin, 2005), 272; Hull, 21.

information flow would just dry up."[100] This is an obvious illustration of the importance of both the preventative and constructive functions in irregular warfare: by conducting themselves in a professional, moral and legal manner, the NZA were able to gain the trust of Timorese, which in turn facilitated intelligence on militia, as the local perception that UNTAET troops respected human rights and conducted themselves professionally was of utility to overall operational success. By early 2001 the militia were a "spent force" because their "support base, which [was] the East Timorese [sic] people, [had] now turned their backs on them".[101]

The period of upsurge further revealed the importance of the constructive function, particularly when under fire, when acting amongst the people and in its role as the facilitator of the preventative. The incident in which Pte. Manning died shows how the shock of action irregular warfare has to be countered by expertise, commitment and courage. Also, the constructive function was of utility when interacting with the Timorese because of the importance of being viewed as professional force, especially in comparison to the TNI. To win the local population's allegiance after decades of corrupt occupation by the TNI was crucial in overall operational success and this could only be done by, *inter alia,* convincing the Timorese that the UNTAET soldiers were amenable to control and operating in service of their nations. Finally, the constructive function was critical in ensuring the maintenance of the preventative function under the trying conditions where the militia were using the ROE against the soldiers; any transgression on the part of UNTAET forces would have been counter productive in convincing the Timorese that UNTAET was different from Indonesia and, especially, the TNI.

The preventative revealed its increasing utility in the upsurge period, which saw the international force concentrate on the political solution over military successes against the militia. By showing the Timorese that the UNTAET troops adhered to the LOAC and the ROE, and more generally that they were a morally and legally upstanding force with integrity, the preventative had a utility that was absent from the NZA's historical OE. By

[100] Lewis, "Lessons from East Timor," 272.
[101] NZA Major Grant Motley, quoted in Anonymous, "Militia in East Timor are a 'Spent Force'- Kiwi Peacekeepers," *Stuff*, 2 April 2001, in *Newztext* [database on-line] accessed on 3 December 2008.

upholding the moral principles and legal rules the NZA, and the rest of the UNTAET forces, convinced the Timorese that it was worth supporting and aiding them in the interests of their country's security and future. This was especially critical for a population that had been suppressed by an unprofessional and unethical- by Western standards- military for decades. This was a conclusion supported by NZA Lt. Col. Hayward, a NZ BATT Commander, who wrote that to offset the years of TNI-rule the NZA "had to act as a role model for the local community, displaying how a professional military force should conduct itself".[102]

[102] Antony M. Hayward, *East Timor: A Case Study in Humanitarian Intervention* (Trentham, Upper Hutt: Military Studies Institute, Occasional Paper Series, No. 2, 2003), 17.

Response: Deployment

Multinational

Both operations were multinational. 22 countries supplied troops for INTERFET whilst the PKF element of UNTAET was composed of 30 armed forces, with the main combat forces coming from 10 countries.[103] For the first time ever, various rotations of NZ BATT had sub-units from other countries embedded, including a French Canadian company, a platoon of Irish Rangers, a Fijian company, a Singaporean platoon and a Nepalese company. This degree of multinational integration at battalion level for the NZDF was unprecedented.[104]

Within the battalion there were several issues that arose. In a statement that possibly under-emphasised the tensions, Lt. Col. Burnett said that "[h]aving a large group of independent-minded, French-speaking Canadians under their command was an arrangement that created 'a few challenges'".[105] Another issue that arose from the composite nature of the battalion was that the 2000 Fijian coup occurred during operations, resulting in the 185 Fijians being distracted for a number of weeks before the situation settled down.[106] In effect, this reduced the operational efficacy of the battalion even though for the New Zealanders the event was largely irrelevant. The necessity of the constructive function is clear, the soldiers had to look beyond personal irritation and annoyance at the compromises and conflicts inherent in a composite multinational battalion and do their duty to the best of their ability, which is what military values, such as service, loyalty, integrity and commitment enable. Despite problems, Maj. Gen. Cosgrove claimed that the Canadians, Irish, Fijians, and Nepalese "had all been warm in their praise of the Kiwi leadership".[107]

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[103] Smith and Dee, *Peacekeeping in East Timor*, 68; Ryan, *Primary Responsibilities and Primary Risks*, 127-130.
[104] Ballard, 92; Crawford and Harper, 111.
[105] Crawford and Harper, 120.
[106] Lewis, 268.
[107] Maj. Gen. Peter Cosgrove, "NZ Troop Chosen for 'Toughest Area," *The Press*, 17 March 2000, in *Newztext* [database on-line] accessed on 3 December 2008.

At the theatre level there were a number of problems engendered by the multinational composition. Variance in pay was one of these. Following the death of Pte. Manning, a paper reported there was contention over pay rates in light of the death; the soldiers were "reported to have said their pay reflected a lower security rating."[108] Although the chief of army general staff said the pay rates were generous he also admitted that NZ troops were getting paid less than their Australian counterparts and a number of NZA personnel held meetings in Timor-Leste and threatened to resign because of pay disparities.[109] Again, the multinational aspect of the operation created a tension that would not have existed in a more hermetic environment.

Furthermore, the multinational composition caused problems due to the individual political limitations each contingent had, whereby some contingents were not able to be deployed in combat roles, intelligence was not shared or national contingents disobeyed orders from the military chain of command due to national imperatives.[110] In one case the NZ BATT Commander and the commander of the western border sector, Australian Maj. Gen. Lewis, attempted to move the Irish Rangers from one hill to another when they stopped halfway after Dublin intervened, demanding that the Rangers stayed on the original hill.[111] Finally, there were a number of language problems: for example, when working in the headquarters personnel section Lt. Kaio was the only person who spoke English as a first language and the level of English that was spoken in the section was of a low standard, thus causing difficulties.[112]

The constructive function has a remaining utility in finessing difficulties created by the multinational element of the operation. All three elements of the constructive function, professionalism, ethos and values, demand that the NZA soldier overcome such issues in

[108] New Zealand Press Association, "Pay Complaints Demean Work of NZ Troops in Timor- Dodson," *New Zealand Press Association,* 26 July 2000, in *Factiva* [database on-line], accessed on 24 September 2008.
[109] Richard Trow, "Angry Soldiers Threaten to Quit Over Pay," *The Dominion*, 4 September 2000, in *Newztext* [database on-line] accessed on 23 March 2009.
[110] Lewis, 269; Rachel Lea Heide, Jaime Phillips and Alexandre Dumulon-Perrault, *Peacekeeping Intelligence: New Players, Extended Boundaries* (Carleton University, Ottawa: Centre for Security and Defence Studies, Conference Report, 2004), 22.
[111] Lewis, 270.
[112] Crawford and Harper, 129.

the interest of duty to their country and provide motivation in the form of morale created through the worth and the higher purpose of duty. Professionalism requires soldiers to have responsibility, but also that they have the requisite expertise to cope with the situation, so that even if they don't have particular skills, such as language, they have the ability to overcome the stress created by such a situation. The NZA ethos demands that soldiers not only have a commitment to complete any task but that they overcome all odds to do so, challenges to adversity that clearly entail overcoming problems derived from multinational operations. The particular military values that are pertinent are service, loyalty and commitment, which all empower the individual to overcome problems through dedication to the greater good.

Though comradeship for the NZA is inclusive of other allied nationalities to differing degrees depending on shared history, common values and other relevant factors, this multinational *esprit de corps* was tested by variance in pay and differing political imperatives, among many other smaller and unreported issues. Each NZA soldier would have had to make individual adjustments to this sense of comradeship depending on context, so that to have utility it must remain relatively fluid. Similarly, the multinational aspect creates tension for service and loyalty, as duty to New Zealand lies at the heart of both, yet within such a diverse multinational coalition there are divergent sets of obligation and responsibility that go beyond the simple relationship between a soldier and his or her country. Obviously the core allegiance and duty to New Zealand remains the same but to retain utility the soldier would have to have a certain flexibility wherein service and loyalty has several, nested, nodes beyond the traditional state-centric, something the NZA has been doing since its inception, though arguably the UN *etcetera* are more nebulous associations than was the British Empire. Conversely however, the multinational element would also facilitate the adaptation of the warrior ethos, as the presence of numerous other militaries would enhance the perception of collective action as a global citizen. Operating with a relatively representative section of the world provides a visceral mechanism that aids the widening of duty to encompass a higher entity than New Zealand.

Joint

INTERFET was a joint operation, which was in keeping with its overt invasive purpose. New Zealand contributed, besides its land forces, one frigate, one tanker, one destroyer, one cruiser and at least 17 support vessels for a total of 21 maritime assets and two C130 transports and six Iroquois helicopters for a total of 8 airframes.[113] Interactions between the three NZ services were not always satisfactory and, as Crawford and Harper wrote, "it was obvious they did not know enough about each other."[114] Other evidence regarding problems between the NZA and the Royal New Zealand Air Force (RNZAF) can be found in the Auditor-General's report, *New Zealand Defence Force: Deployment to East Timor-Performance of the Helicopter Detachment,* which writes that NZA "lessons learned material noted that some Army personnel in East Timor [sic] were not fully familiar with working with Iroquois [and also that] [s]ome Army Commanders were also unfamiliar with how to use the Iroquois to achieve their tactical objectives."[115] The same report listed a number of other issues regarding joint interaction between the two services, particularly at the practical level, having problems with, for example, loading the helicopters.[116] Relations between the Royal New Zealand Navy (RNZN) and the NZA appeared to have been relatively cordial, with crew from the *HMNZS Canterbury* sending shore parties to "assist with reconstruction work and humanitarian relief projects" and helping VC set up accommodation.[117] As the commander of *Canterbury* put it: "[a]ll of the sailors that go ashore have really enjoyed the contact they've had with their Army brothers, and that's exactly how they see it."[118]

Though there is limited evidence regarding inter-service interaction, the little there is suggests a mixed result. Clearly the available information on NZA-RNZN interaction suggests that it was positive while that that on the NZA-RNZAF suggests that there were

[113] Ryan, *Primary Responsibilities and Primary Risks,* 128; Centre for Strategic Studies, 2.
[114] Crawford and Harper, 170.
[115] K. B. Brady, *New Zealand Defence Force: Deployment to East Timor-Performance of the Helicopter Detachment* (Wellington: Office of the Auditor-General, Report of the Controller and Auditor-General, 2001), 17.
[116] Brady, 101-102.
[117] Crawford and Harper, 103-104.
[118] Ibid., 104.

some problems. Even though these were of a practical nature, this is relevant with regard to the expertise facet of professionalism. The NZA personnel did not have the requisite skills needed to integrate with their RNZAF brethren. This issue would have presumably created friction between the two services, necessitating the other elements of the constructive to ensure operational harmony, namely military values such as service, loyalty, commitment, and especially comradeship, for the same reason they are of utility for the multinational problems.

Civil-Military

The UN had 737 international staff in Timor-Leste working for UNTAET and there were around 80 NGOs active in Timor-Leste during INTERFET and UNTAET, relations between the military and NGOs were strained from the start, with widespread criticism from the humanitarian community that Maj. Gen. Cosgrove's 'conservative', security-oriented approach had "unnecessarily prolonged the suffering of the people of East Timor [sic]".[119] Conversely, a senior NZ officer made a guarded criticism of the agencies when he "suggested that in recognition of the "ad hoc" and disjointed nature of the development effort and the "lack of any linkage or overarching sense of why we doing this" among the various agencies, the NZDF attempted to provide some level of coordination among NGO players in the development area."[120] In his NZA Occasional Paper Hull notes that there was a "relatively poor opinion of NGOs among NZDF personnel" and that many soldiers saw the aid workers as ""wishy-washy liberals" who at times avoided making hard decisions and were out of their depth."[121] The criticisms are illustrative of the mutual suspicion and dislike that can characterise NGO-military relations.[122]

The constructive function has remaining utility by lessening the effects of frustration and stress that come from operating with NGO workers, with responsibility, expertise, service, commitment and integrity demanding the soldiers fulfil their duty to New

[119] Christopher McDowell, "East Timor: Humanitarianism Displaced?" Humanitarian Practice Network, accessed on 18 September 2008, available from http://www.odihpn.org/report.asp?id=2622.
[120] Hull, 18.
[121] Ibid., 26.
[122] Ibid., 14.

Zealand to the best of their ability despite problems. Aside from the tension created by this mutual distrust, what is interesting here is that the soldiers were not disparaging of *what* the NGOs were doing but rather *how* they were doing it. This is useful evidence for a possible pragmatic adaptation of the traditional warrior ethos, as the soldiers were more concerned with the NGOs' ability to complete the humanitarian work than disparaging its worth.[123] The soldiers' comments suggest that they believe the military ethic, with its values of loyalty, commitment, courage and integrity, rather than the NGOs 'wishy-washy liberal' ethic, is of greater utility in achieving humanitarian objectives. The NGOs' perceived inability to make 'hard decisions' contrasts with the moral courage and integrity implicit in the NZA ethos, which lists behaviours for these values as, "[m]aking and enforcing hard decisions" and "[a]lways completing a task to the standard required", respectively.[124]

Once Cova Lima was secure, the first NZ BATT began to establish *ad hoc* links with the local populace.[125] This was formalised with the arrival of NZ BATT 2 who used a mortar platoon in a specialist CMA role even though they were regular soldiers. CMA soldiers lived in villages alongside the locals for the duration of their deployment, enabling them to gain a level of trust and therefore enhancing the flow of intelligence from the Timorese, as was emphasised in the irregular section.[126] The CMA initiative was so successful at gaining the Timorese's trust that the Sector West Commander, Brig. Gillespie, urged the Australian battalion to adopt a similar approach.[127] The NZ contingent was seen as more successful in winning local allegiance because of their willingness to "share the risk" rather than staying behind security fences like other contingents.[128] To spend the entire operation living amongst locals with the aim of securing their allegiance meant that the NZ soldiers had to maintain a rigorous adherence to the constructive function, especially military values such as commitment and integrity as well as overall discipline and high morale, for any lapse would have had cascading

[123] Ibid., 21-22, 26.
[124] *The Way of the New Zealand Warrior,* 38-39.
[125] Crawford and Harper, 141
[126] Ibid.
[127] Ibid., 144.
[128] Hull, 25.

deleterious effects. By sharing the risks with the locals the NZA CMA personnel displayed the remaining utility of the constructive function; while it evolved to provide a efficient and effective fighting force in battle, it now has overall operational utility by enabling soldiers to live with locals and act in a manner that gains their trust. This adaptation reveals the flexibility of the constructive function as the traditional characteristics retain utility in new circumstances, though it should be stressed that what is occurring is largely an *adaptation* and not a *substantive change*. This adaptation can be seen in the opinion of an officer who, despite delivering a high standard of CMA work, said that he didn't "give a shit about the people really, and the sense of satisfaction I get out of doing this job is from following orders to the best of my ability".[129] In his case, the constructive enabled him to perform a task well despite his lack of empathetic motivation because the values of service, loyalty, commitment and integrity drove him to follow orders to the best of his ability.

Another indicator of the rigors of operating 'amongst the people' comes from Corporal Higginson, with NZ BATT 1. When they were aiding returning refugees across the border, Higginson, who had been at the task since 5am, told a reporter how difficult it was to watch the constant stream of people who "have had their lives ruined"; yet, at the same time, despite his sympathy, he had to be vigilant for any possible militia members.[130] This sustained intimacy is something that would never have occurred in traditional military operations where the battlefield was generally clear of civilians, and thus the utility of the constructive function remains as the mental demands increase. This can be seen in Higginson's statement regarding the inherent stresses: "you can't let it get to you… but sometimes you see children who are the same age as your kids back home. It makes you angry that people like that have had their lives ruined."[131] The utility of the constructive function in the COE is clear: whilst Higginson was affected by the plight of the people, and the children in particular, the knowledge that he has a duty and a responsibility to serve the operation and his country loyally and with honour, courage and commitment means that, as he said, he could not let it affect him. This is the utility of the

[129] Hull, 21.
[130] Martin, "You Can't Let It Get to You," 10.
[131] Ibid.

constructive function; it provides both the reasoning- service to the state- and the means- commitment, courage and expertise- that underpin the maintenance of an effective and controllable force. Again this is an *adaptation* of the constructive function rather than a *substantive change,* as the actual function remains the same.

Expanded Mandate

From the beginning of INTERFET, the international operation in Timor-Leste was expanded mandate. In the mission briefing for INTERFET, personnel were told that the "mission is to protect and support United Nations activities in East Timor [sic] including humanitarian aid in accordance with [the] United Nations mandate. INTERFET was given authorisation under Article 42 of Chapter 7 of the UN Charter, which enables INTERFET to use air, sea and land forces as may be required to restore and maintain peace, and achieve its mandated mission."[132] This briefing, taken from the Australian Defence Force (ADF)-issued *East Timor Handbook*, lays out the full scope of the operation from the outset: humanitarian tasks through to the application of force via air, sea and land forces. UNTAET would inherit this scope, though the focus would shift further toward the humanitarian.

Overall, as Crawford and Harper write, the Timor-Leste mission truly tested "the versatility and adaptability of the New Zealand soldier."[133] NZ soldiers took on tasks that ranged from SASO tasks such as education, humanitarian aid supply, infrastructure reconstruction, repatriation, allocation of donated goods, dissemination of information, lobbying and advocacy, and coordination with other development agencies to offensive COs.[134] The wide variety of SASO activities required a diverse set of skills and would have stretched the expertise of the regular soldier. Unheard of in traditional military operations, the NZDF even published a newspaper in Cova Lima, which was promoted as independent and designed to endorse democratic values, the rule of law and the benefits of a free market.[135] Soldiers working as publishers is a dramatic example of the expanded

[132] Dickens, 219.
[133] Crawford and Harper, 113.
[134] Hull, 16-18.
[135] Hayward, 15.

mandate nature of the operation, and also illustrates the potential issue between the professional tenet of expertise and the modern operational tasks as well as the clash between military values and liberal democratic values.

Also, the NZA conducted two fundamentally different types of patrols: there were "blue hat patrols", where they wore their UN berets with the intention of showing their presence in the region and "green hat patrols", where they wore camouflage paint and jungle hats and stealthily hunted militia.[136] The green hat patrols were demanding, sometimes scouting 50 kilometres for 16 days carrying at least 50 kilograms of equipment. [137] Even the more traditional tasks have expanded mandate aspects, with both 'hearts and minds' and 'classic' combat patrolling. In sum, both operations can be viewed as Three Block War operations, to use Krulak's terminology, as the soldiers had to swiftly switch between vastly different tasks and situations.[138]

The ROE, which have become a dynamic complication in expanded mandate operations, were a stressor for the NZA. The UN mandate for INTERFET ensured that the ROE were robust, with soldiers able to fire first at suspected militia. NZA issued soldiers with an "Orders for Opening Fire Card" which was based on a simplified version of the ROE.[139] At first UNTAET's ROE were problematic and required soldiers to challenge an armed militiaman who was "'patrolling in a tactical way with obvious intent'" before opening fire, which, given the operational environment along the border, were overly restrictive and threatened both operational efficacy and soldier safety.[140] It is believed that the ROE were partly responsible for the debacle that followed the killing of the NZ soldier, such that they were changed immediately afterward.[141] The graduated nature of the original UNTAET ROE was "recognised by senior PKF commanders as compromising force security."[142] Obviously the difficulty in interpreting and applying such graduated ROE in

[136] Crawford and Harper, 144 vi.
[137] Crawford and Harper, 144 i, x-xii.
[138] Paul T. Mitchell, *Reforming the Military Schoolhouse* (Singapore: S. Rajaratnam School of International Studies, Commentaries, 2007), 2.
[139] Riordin, 22.
[140] Crawford and Harper, 127.
[141] Smith, *A Manning Update*, 30.
[142] Stephens, 51.

dynamic and ambiguous situations is a significant stressor. As Maj. Gen. Michael Smith and Dee write, the strengthening of UNTAET ROE had "a positive influence on PKF morale", which suggests the converse: that the initial ROE had a negative influence on morale.[143] The fact that the militia were using the ROE as an intangible asymmetric advantage, as stated in the irregular sub-section, is illustrative of the difficulties of operating under such limiting strictures. In sum, the restrictive ROE that are issued for expanded mandate operations add another layer of complexity that makes the constructive function of remaining utility. Also, the ROE, as a facet of the preventative function, must be adhered to, even if overly prohibitive, as they are a source of legitimacy and any breach could be detrimental to overall operational success.

As mentioned in the civil-military sub-section, a number of non-specialised soldiers performed a CMA function, interfacing with the local community.[144] The CMA role is clearly divergent from traditional military activity and the martial spirit. Interestingly, however, Hull writes that rather than causing disillusionment or job dissatisfaction, the majority of CMA soldiers perceived expanded mandate roles as being of operational utility.[145] Essentially, aside from the personal satisfaction of helping the locals, the soldiers appreciated that by improving the Timorese situation they were "less likely to be influenced by elements within the community that may have a vested interest in stirring up trouble."[146] This appreciation hints at the possibility of a pragmatic re-imaging of the warrior ethos, as one senior officer of the NZA in Timor-Leste told Hull, "[d]evelopment was… a necessary component of a wider or more comprehensive view of what constitutes security."[147] Hull found this was a common perception, concluding that, "it is clear that the NZDF sees security as their primary role and that everything they do is aimed at achieving this… However… a broader concept of security was evident. There was a clear recognition of a linkage between assisting the community to reconstruct,

[143] Smith and Dee, *Peacekeeping in East Timor*, 71; Roger K.A. Allen, "A View from the Front: East Timor-Personal Reflections," *Australian Military Medicine* 13.1 (July 2004): 28.
[144] Crawford and Harper, 141, 154.
[145] Hull, 21-22.
[146] Ibid., 21.
[147] Ibid., 20-21.

move beyond the devastation to their infrastructure and to make steps toward a better future, and a more sustainable security situation."[148]

Another senior officer, again reinforcing the adaptability of the warrior ethos, said that the idea of CMA-type work "could be equated with the notion of ultimate victory suggested by Sun Tsu in his treatise on war. For him, the ultimate victory was one that did not involve conquering ones opponents by means of engagement in battle. The acme of brilliance instead was demonstrated by conquering an enemy without having to fight at all. Civil assistance and capacity building could therefore be seen as a way of increasing the effectiveness of the primary role of the military through building up the resilience of the community."[149] The CMA-role was perceived as being of primary operational utility, which could indicate a change in perception regarding the warrior ethos.

In further support of the constructive function adapting to current operational realities, NZA Platoon Commander Wilson's statement, regarding his opinion of the operation, is informative: "I am really proud to be here… I sum it up in one word—democracy. I think [it] is worth fighting for and people the world over deserve it."[150] The objective of the operation- the creation of a sovereign and democratic state- is a source of motivation and inspiration for Wilson, instilling pride and therefore enhancing morale. Wilson sees the democratic end point of the operation as validation. His choice of adjective is illuminating, in sense it encapsulates the argument regarding the adaptation of the warrior ethos. Although the word fighting can refer to any type of struggle or contest, physical, psychological or both, its most obvious and immediate connotation is that of a physical battle, of the type that the warrior ethos was traditionally premised on. Thus, Wilson's use of this adjective, in the stead other, less emotive, words, like 'working', is revealing. It shows how the aspects of the warrior ethos can be reinterpreted to fit current realities without compromising the core aspects. With reference to Janowitz, it shows the persistence of the fighter spirit.[151] His final statement, "people the world over deserve it",

[148] Hull, 31.
[149] Ibid., 21.
[150] Batchelor.
[151] Janowitz, 31.

suggests the proposed expansion of the warrior ethos by way of the international citizen is plausible at a certain level.

Lt. Col. Hayward, a battalion commander, said "[d]emocracy is a new concept [in Timor-Leste]… We have to encourage them to grasp the concept that those who lose out politically this time will have another chance at the next election- in other words, there is a political process to work through rather than settling matters through violence."[152] Hayward's comment, spoken with regard to the changing of priorities from the, short-term, cessation of violence to the, long-term, creation of a stable and democratic sovereign state, reveals an appreciation of the utility of the expanded mandate tasks and their ability to promote change. This appreciation would support the adaptation of the combat aspect of the warrior ethos from the narrow to expanded form that covers non-violent techniques to facilitate the desired outcome. It does, however, also signal a potential issue between military values, which are inherently undemocratic, traditional military expertise- the application of violence- and the overall operational goal of the creation of a democratic state.

The commanding officer of NZBATT 4's explanation as to why so many soldiers had volunteered to return to Timor-Leste also supports the possible adaptation of the warrior ethos: "[t]hey're in the Army. This is what we do… Part of it is peacekeeping. There's a whole range of operations and I think any opportunity to do something- to be part of a NZA operation overseas- is worthwhile."[153] There is an understanding that peacekeeping, and indeed "a whole range of operations", are a "worthwhile" part of the NZA soldiers' profession. Finally, the aforementioned Cpl. Higginson, discussing an incident where his section chased, tackled and apprehended a militia member as he ran from them at their border crossing said, "[t]his is proper soldiering- the guys are alert and on to it, despite the heat and the conditions. It's a good feeling to get someone, even though he's probably not a big player."[154] That Higginson saw this as 'proper soldiering' shows a degree of

[152] Jill Worrell, "Peacekeeping, it's Tricky Work," *The Dominion,* 3 January 2002, Ed. 2, 10, in *Newztext* [database on-line] accessed on 4 February 2009.
[153] Cullen Smith, "Soldiers Lining Up to Fight the Good Fight," *The Evening Post,* 28 March 2001, 19.
[154] Martin, 10.

adaptation, as guarding a border and tackling a militia member does not fit the traditional warrior ethos. Although by no means universal, increasing with rank, the appreciation of the utility of expanded mandate tasks in the COE indicates the possible adaptation of the traditional warrior ethos.[155]

As expected, boredom was a problem in Timor-Leste, especially during consolidation; as Longmore wrote, "[i]f war is long periods of boredom punctuated by moments of sheer terror, then peacekeeping [for the NZA in Timor-Leste] is long periods of boredom punctuated by scorpions, mud, heat, breakdowns and dreams of home."[156] The combination of low-intensity conflict, prohibitive rules, such as no alcohol or sex, and the hostile locality engendered ennui in the NZA.[157] Longmore, there during the consolidation period, described soldiers looking "very eager when reports filter through of the odd cattle theft or armed confrontation near the border" and the reality during the slow period is that "one day is much like another."[158] The utility of the constructive function in ameliorating the effects of boredom can be found in professional responsibility and

Media and Communication

For geographic, economic and, fundamentally, political reasons, "[f]ew countries in the contemporary era have been so hermetically sealed as East Timor [sic]" with regard to both media and communications.[159] Throughout the Indonesian occupation the island was under tight censorship and telecommunications infrastructure was sparse and inadequate.[160] The invasion brought with it a flood of journalists and the promise of an

[155] Hull, 22.
[156] Mary Longmore, "The Bore War," *The Evening Post*, 15 July 2000, in *Newztext* [database on-line] accessed on 12 January 2009.
[157] Ibid.
[158] Ibid.
[159] Rodney Tiffen, *Diplomatic Deceits: Government, Media and East Timor* (Sydney: University of New South Wales Press, 2001), 27. It should be mentioned that there was an 'opening up' in 1989 of media access.
[160] David T. Hill, "East Timor and the Internet: Global Political Leverage in/on Indonesia," *Indonesia* 73 (April 2002): 44.

unfettered fourth estate and upgraded infrastructure.[161] This section will examine several issues regarding the media and communication: internal media and communication effects on local populace; Indonesian media; and international media. Each of these levels of media focus could have potential effects on, and ramifications for, military ethics because of both the strategic corporal and CNN effect.

Essentially there was very little in the way of indigenous media or communication because as the TNI withdrew from Timor-Leste they destroyed the scant media outlets and communication infrastructure that existed, leaving little to build on.[162] Nonetheless, by mid-May 2000 the UN publication *Tais Timor* listed four independent newspapers and two independent radio stations as operational.[163] It was one of these papers, *Suara Timor Lorosae*, which ran a front-page headline, "Investigations Into Suspected Sexual Misconduct Ongoing", on 10 August 2001.[164] The headline relates to a series of incidents of sexual misconduct by Jordanian troops several months earlier with young boys and goats.[165] The soldiers were sent home injured and in disgrace and the incidents "caused outrage among East Timorese [sic]", though considering the severity of the case there was limited exposure, probably due to a combination of scant media and resources and active suppression by the UN.[166] The event was reported, but the coverage was minimal, as a 2005 Australian newspapers headline "Hushed Rape of Timor" attests.[167] Worse however, for the integrity of the PKF as a whole, was that due to Jordan sensitive position in the Middle East peace process, the resulting investigation was suppressed and no

[161] Michael O'Connor "Ignorance is Bliss: The Media and East Timor," *Institute of Public Affairs* 52.1 (March 2000): 4.
[162] Yll Bajraktari and Emily Hsu, *Developing Media in Stabilization and Reconstruction Operations* (Washington: United States Institute of Peace, Stabilization and Reconstruction Series No. 7, 2007), 4; A. Lin Neumann and Jeanne du Toit, *An Assessment of the Media Sector in East Timor* (Washington: USAID, 2002), 7, accessed 22 March 2009, available from http://www.etan.org/etanpdf/pdf2/medassess.pdf.
[163] United Nations, *Tais Timor,* 15-28 May 2000, accessed on 10 October 2008, available from http://www.un.org/peace/etimor/untaetPU/newsletter7E.pdf.
[164] Suara Timor Lorosae, "Investigations Into Suspected Sexual Misconduct Ongoing," *Suara Timor Lorosae,* 10 August 2001, accessed on 10 October 2008, available from http://www.etan.org/et2001c/august/05-11/10ethead.htm.
[165] The reason for focussing on the Jordanian misconduct is twofold, firstly, there was no cases of NZ misconduct to examine and secondly, as part of the same PKF the negative effects of the misconduct would have impacted on the NZA too.
[166] Mark Dodd, "Hushed Rape of Timor," *The Weekend Australian,* 26 March 2005, accessed on 10 October 2008, available from http://www.etan.org/et2005/march/20/26hushed.htm
[167] Ibid.

charges were ever laid.[168] This scandal was one of a number of alleged sexual violations by the PKF, none of which resulted in charges, due to the status-of-forces agreements (SOFAs) that meant contributing states retained exclusive jurisdiction over their military.[169] Though limited, the Jordanian case is illustrative of the increasing utility of the preventative function when operating 'amongst the people' under the media's glare; the problem was compounded by the lack of justice and the apparent hypocrisy and double standards which would make the means incommensurate with the ends.

This odious affair reveals a certain negative proclivity created, or at least enhanced, by the increasing utility of the preventative function. As the success of the mission hinged upon both the international communities support and winning the allegiance of the Timorese populace and this involved convincing them that the interventionary force was composed of moralistic and law-abiding professionals, the UN chose to suppress and dissemble rather than risk the consequences of a honest and open examination of the accusations. Though this may be successful in the short term, and especially at the international level, it does not bode well for achieving overall operational success, nor does have positive consequences for the constructive function. By not punishing the soldiers, it condones their actions and weakens the constructive function's potency.

One final note on internal communications and media regards the extensive media apparatus set up by INTERFET and UNTAET in what Cotton terms "information operations".[170] Both operations had newspapers and radio stations as well as distributing leaflets and posters in an effort to "project the message to the population that they had the ability and authority to protect them and deal with any future threats."[171] As mentioned, the NZDF even printed a newspaper in the Cova Lima region. The importance lies in the

[168] Vijaya Joshi, "Creating and Limiting Opportunities: Women's Organising and the UN in East Timor," *Challenges and Possibilities: International Organisations and Women in Timor-Leste, A Weekend of Reflection, Dialogue and Collaboration*, RMIT, Melbourne: Conference Paper, September 2005, 34, accessed on 10 October 2008, available from http://www.sourcesofinsecurity.org/events/Challenges_and_Possibilities_report.pdf.
[169] Florian Hoffman and Frederic Megret, "Fostering Human Rights Accountability: An Ombudsman for the United Nations?" *Global Governance* 11 (2005): 47.
[170] James Cotton, *East Timor, Australia and Regional Order: Intervention and its Aftermath in Southeast Asia* (London and New York: Routledge, 2003), 131.
[171] Ibid.

overt recognition of the criticality of the media in controlling local perception and opinion and its resultant effect on operational success.

The Indonesian media took an aggressive and critical stance toward INTERFET. Within a week of the initial intervention a number of papers were accusing the PKF of unprofessionalism and misconduct, with one paper, *Detik,* claiming that INTERFET troops were "over-reacting", whilst another stated that many of the Australian soldiers were "unprepared for the situation" and the *Indonesian Observer* ran the headline "Australian troops torture militias".[172] Indonesian TV made similar allegations and also claimed that INTERFET troops were restricting Indonesian journalists movements and that the Western media were unfairly demonising the TNI and the Indonesian occupation.[173] Indonesian media were attempting to discredit the operation by stressing supposedly unethical conduct and an apparent lack of professionalism. As a counter the Australians accused the Indonesian media of "waging a disinformation campaign to discredit Australia".[174] Further highlighting the power of perception, Hugh White, the Deputy Secretary for Strategy in the Australian DoD in 1999, wrote that "[t]he most important strategic issue that arose for Ministers as the operation unfolded was the very negative way in which INTERFET was presented in the press in Indonesia."[175] Intrinsically linked with this 'most important strategic issue' was the *conduct* of the soldiers; in essence, the ethicality of conduct and concordant professionalism of the soldiers was used, via the media, as ammunition during the operation by the Indonesians.

As the intervention commenced, Timor-Leste was flooded with journalists and the world's attention was firmly fixed upon the small proto-state.[176] At the international level the strategic corporal/CNN effect aspect of the operation was apparent. In a clear

[172] BBC News, "Indonesian Media Targets Interfet," *BBC World MediaWatch,* 29 September 1999, accessed on 10 October 2008, available from http://news.bbc.co.uk/2/hi/world/monitoring/460965.stm; http://www.etan.org/et99b/september/26-30/29icont.htm.
[173] Ibid.
[174] Jau, footnote 14.
[175] Hugh White, "The Road to INTERFET: Reflections on Australian Strategic Decisions Concerning East Timor, December 1998-September 1999," *Security Challenges* 4.1 (Autumn 2008): 84.
[176] Hill, 44; Michael O'Connor "Ignorance is Bliss: The Media and East Timor," *Institute of Public Affairs* 52.1 (March 2000): 4.

illustration of this, Dickens wrote that developments in Timor-Leste were "the focus of intense international attention" and that the "smallest of incidents could have provoked an international incident".[177] Reaffirming this, Maj. Gen. Cosgrove, retrospectively contemplating INTERFET in particular and the changing nature of operations in general, wrote:

> "In my day, as a junior leader, my decisions had an immediate impact on my troops and the enemy. In today's military operations the decisions of junior leaders still have those immediate impacts, but modern telecommunications can also magnify every incident, put every incident under a media microscope, and send descriptions and images of every incident instantly around the world for scores of experts and commentators to interpret for millions of viewers and listeners. Thus the decisions of junior leaders and the actions of small teams can influence the course of international affairs."[178]

Further emphasising the increasing utility of the preventative function in the media saturated COE, Maj. Gen. Cosgrove wrote that "[i]n an operation that was being broadcast to the world, our morale and *ethical ascendancy* was as important as our military superiority."[179] This is a clear affirmation of the new power that the preventative function has in securing overall operational success; the commander of the operation saw ethical ascendancy to be as important as military superiority. It also shows the remaining utility of the constructive function, for as Ballard concludes regarding Maj. Gen. Cosgrove's opinion on the importance of the force's morale and ethical ascendancy, "[s]uch an approach depended greatly on the maturity of soldiers trained for war, yet capable of acting with the flexibility and professionalism in an environment that was something very different from, but as dangerous as, war."[180] Such was Maj. Gen.

[177] Dickens, 213-214.
[178] Cotton, *East Timor, Australia and Regional Order,* 131.
[179] Peter Cosgrove, quoted in Ballard, 81- emphasis added.
[180] Ballard, 81.

Cosgrove's appreciation of the power of the media in the COE that he began his first full day in the Timor-Leste with what would become daily press conferences.[181]

Despite the contributing countries ostensibly strong resolve and INTERFET's overwhelming conventional superiority, the multinational coalition's success was contingent upon, *inter alia,* vastly different levels of domestic support that were themselves dependent upon the perception of the operation.[182] The positive focus and high frequency coverage of INTEFET and UNTAET in the New Zealand media improved the "NZ Army's profile", having a positive effect on morale and being a "contributing factor to the success of…. East Timor [sic] deployments."[183] New Zealand public opinion polls taken in late September 1999 found that 82 percent of respondents disapproved of Indonesia's actions, that 80 percent of those surveyed supported New Zealand's decision to join the UN peacekeeping mission and 60 percent approved of sending troops to Timor-Leste even with a significant risk of casualties.[184] The New Zealand public's support of involvement in Timor-Leste was based on, amongst other factors, a moral outrage at Indonesia's actions which was encouraged by local activists.[185] As public support was based on moral outrage it stands to reason that any moral or legal misconduct by the NZA would have had a negative impact on public opinion. Media coverage was the ultimate arbiter of the public's perception; a concept at the forefront of operational thinking, with White emphasising the Australian interdepartmental task force's position on the importance of "projecting a positive image of INTERFET".[186] A positive image that was reliant on the coalition forces conducting themselves in a moral and legal manner. Maj. Gen. Cosgrove understood the power of perceptions, "sending a message for both internal (Australian) and international (including Indonesia and Timor-Leste) media consumption concerning the power and righteousness of his force and its United Nations mandate for peace. Information was understood to be a powerful

[181] Ibid.
[182] Smith and Dee, *Peacekeeping in East Timor*, 99.
[183] Evan Williams, 70.
[184] Stephen Hoadley, "Diplomacy, Peacekeeping, and Nation-Building: New Zealand," in *Southeast Asia and New Zealand: A History of Regional and Bilateral Relations,* Anthony L. Smith ed. (Singapore: Institute of Southeast Asian Studies, 2005), 133.
[185] Hoadley, 133.
[186] White, 84.

weapon."[187] Blaxland, in his analysis of information-era manoeuvre in Timor-Leste, pithily described the INTERFET approach as "tactics and television".[188]

Justification

As with most operations, there was no simple single justification; Dunne and Wheeler saw Timor-Leste as a representative of the emergent "use of force for humanitarian purposes" that has come about since the end of the Cold War, whilst Cotton believes that the humanitarian justification for the intervention was ambiguous, with humanitarian issues serving as a trigger for addressing other long-standing international and regional issues.[189] INTERFET and UNTAET were both mandated under Chapter VII and therefore at the overarching level were justified on the maintenance or restoration of international peace and security.[190] UN Resolution 1264, adopted on 15 September 1999, stated that the Security Council was "appalled by the worsening humanitarian situation in East Timor [sic]" after which it authorised "the establishment of a multinational force…. To facilitate humanitarian assistance operations."[191] Also, though it was motivated by humanitarian concerns, because Indonesia had given permission it could be argued that the operation was not technically a humanitarian intervention.[192] A counter argument could be made that Indonesia never had the authority to grant permission and that Timor-Leste was without any legitimate authority able to give such permission. What was particularly important, however, was the public perception at both the Timor-Leste and, to a lesser degree, international level.

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[187] Ballard, 79.
[188] Blaxland, vii.
[189] Nicholas J. Wheeler and Tim Dunne, "East Timor and the New Humanitarian Interventionism," *International Affairs* 77.4 (2001): 805. James Cotton, "Against the Grain: The East Timor Intervention," *Survival* 43.1 (Spring 2001).
[190] Richard Leaver, "Introduction: Australia, East Timor and Indonesia," *Pacific Review* 14.1 (March 2001): 2.
[191] United Nations Security Council Resolution 1264, 15 September 1999, accessed on 4 December 2008, available from www.unmit.org/UNMISETwebsite.nsf/p9999/%24FILE/1264.pdf+un+resolution+1264&hl=en&ct=clnk&cd=1.
[192] Centre for Strategic Studies, *Humanitarian Intervention: Definitions and Criteria* (Victoria University, Wellington: Centre for Strategic Studies, Strategic Briefing Papers, Volume 3, Part 2, June 2000), 1.

INTEFET and UNTAET were seen as morally justified, though within Timor there existed scepticism of the international communities' reasons for the intervention; nonetheless, the Timorese understood that INTERFET had been justified on humanitarian grounds.[193] This is why the local populace were so critical of the overall UN project in Timor-Leste; as the Timorese resistance group member Ajiza Magno said when asked if she believed whether people in Timor-Leste thought the international community had been motivated by humanitarian concerns: "[i]t may be called humanitarian intervention, but if the United Nations really cared about human rights, it would be doing more right now to prosecute people responsible for human rights violations."[194] Though not related directly to the military force, this quote shows the reasoning behind the increasing utility of the preventative function: to win the respect and allegiance of the local population the operation must be conducted in a manner commensurate for the overarching justificatory principles. The sentiment is supported by the "frustration and disillusionment" many Timorese began to feel under the UNTAET due to the lack of local involvement in the process of creating a stable and secure independent state.[195] The apparent hypocrisy between the justification of the operation, to create a democratic state, and the domination of the process by non-elected UN officials antagonised the Timorese.[196] Intimately involved during this period, Chopra writes: "the UN had no inclination of share the power… during the transition, or to include [local Timorese] in any decision-making beyond perfunctory consultation."[197] A Political Affairs Officer with UNTAET, Della-Giacoma, described the "foreboding signs of growing frustration among East Timorese [sic] who [felt] excluded from the U.N. operation" as early as June 2000.[198]

[193] Carnegie Council Human Rights Dialogue, "The Success and Failures of UN Intervention in East Timor," Interview with Ajiza Magno, member of Timorese resistance movement, 6 January 2001, accessed on 19 November 2008, available from http://www.cceia.org/resources/publications/dialogue/2_05/articles/883.html.
[194] Ibid.
[195] Mark Riley, "East Timor tells UN to Hurry Transition," *Melbourne Age*, 24 May 2000, accessed on 4 December 2008, available from http://www.globalpolicy.org/security/issues/etimor/00-05-24.htm
[196] Chopra, 31-32.
[197] Ibid., 31.
[198] Jim Della-Giacoma, "The Next Step: East Timor Deserves Democracy," *Asian Wall Street Journal*, 22 June 2000, 7.

Further to this is the disparity in wages between international and local staff, with the former earning $US95 a day whilst the later received $US5 a day.[199]

At the international level, despite other justifications, the moral aspect was clear with both the INTERFET and UNTAET mandates containing humanitarian reasoning.[200] The UN mission in Timor-Leste was driven by "global moral outrage" and the lofty rhetoric that surrounded operations on Timor-Leste was extensive; UN Secretary-General Annan, on the eve of the intervention said: "East Timor [sic] is at a moment of great crisis, danger and uncertainty. But let us not forget that its people have been able to register and vote in overwhelming numbers to decide, for the first time in their history, what they want their future to be. The international community has a responsibility to see that their wishes are respected and that violence is not allowed to dictate the outcome."[201] More prosaically New Zealand Prime Minister Jenny Shipley said of INTERFET, "[t]he force's initial task will be to help ensure peace returns to East Timor [sic] to enable humanitarian assistance to be provided to those in need".[202] Australian Prime Minister John Howard's 'Address to the Nation' speech shows the same moral slant that surrounded INTERFET, "our soldiers go to East Timor [sic] as part of a great Australian military tradition, which has never sought to impose the will of this country on others, but only to defend what is right."[203] Despite any other reasons, the message the public was given, to both the Timorese and international community, was one of a morally justified intervention.

[199] Jenny Denton, "Democracy and Its Discontents," *Arena* (August 2001): accessed 4 March 2009, available from http://findarticles.com/p/articles/mi_hb6469/is_2001_August/ai_n28855884.
[200] Smith and Dee, 45, 62-63.
[201] Wheeler and Dunne, 820; Kofi Annan, "Transcript of Press Conference of Secretary-General Kofi Annan At Headquarters, 10 September," *United Nations Information Service*, 13 September 1999, accessed 7 April 2009, available from http://www.unis.unvienna.org/unis/pressrels/1999/sg2360.html.
[202] Anonymous, "NZ Contributes Initial 420 Personnel to E Timor Force," *Dow Jones International News*, 16 September 1999, in *Factiva* [database on-line], accessed on 12 September 2008.
[203] John Howard, quoted in Katharina P. Coleman, *International Organisations and Peace Enforcement: The Politics of International Legitimacy* (Cambridge: Cambridge University Press, 2007), 261.

Conclusion

Analysis of both INTERFET and UNTAET lends credence to the increasing utility of the preventative function. The requisite characteristics were present: humanitarian and reconstruction orientated-tasks and as well as irregular conflict, all conducted with the aim of gaining the 'hearts and minds' of the local populace, media influence and moral justification. However, the main problem is that without any gratuitous breaches of conduct this utility can only be assumed rather than identified. There are a number of important characteristics and examples present that suggest an increasing utility. Overall operational success rested in winning the Timorese's allegiance, for achieving both the short-term goal of defeating the militia, by denying them support and ensuring intelligence was passed on to the NZA, and the long-term goal of creating a stable and secure independent Timor-Leste. Lt. Gen. Niumpradit's transition of the PKF's centre of gravity from direct focus on the militia to gaining and maintaining the support of the local populace reveals the criticality of the Timorese's support. This allegiance was reliant on, among other factors, the conduct of the PKF, after almost a quarter century of oppression at the hands of the TNI, the multinational force had to represent itself as the paragon of morality and legality, otherwise they would have been seen as no different. This can be seen in the taint acquired by associating with the TNI. NZA Lt. Stallworthy gives an illuminative example of the importance of perception of conduct in Timor-Leste: "[t]he first time we arrived, the village men took all the women into the bush and hid them from us. The militias or [the Indonesian military] had spread a rumour that Kiwi soldiers killed and ate people. They were quite terrified."[204] Militia and TNI-propagated misinformation was widespread and many of the Timorese were originally afraid because of propaganda claiming that INTERFET forces were raping, beating and shooting locals.[205] Perception and opinion were paramount; INTERFET and UNTAET forces had to be seen as respecting human rights and observing the moral and legal operational parameters. This was central to success, to requote Maj. Gen. Michael Smith, "the PKF

[204] Philip English, "NZ Troops Keep Eye on West Timor Border," *New Zealand Herald*, 3 January 2001, in *Newztext* [database on-line], accessed on 24 March 2009.
[205] Greg Ansley, "Timor Kiwis Change Guard," *New Zealand Herald*, 1 May 2000, in *Newztext* [database on-line], accessed on 24 March 2009; Breen and McCauley, 124.

was perceived by a traumatized population to be an *honest*, *professional*, and friendly military force *free from major human rights violations* and intent on maintaining their security and support."[206] Influential Timorese saw the conduct of the PKF as critical; Ramos Horta "lauded the operation as "'almost flawless': 'I haven't heard of a single peacekeeping operation in the world that matches Interfet [sic] in the way it conducts itself. All the contingents remain extremely popular with everybody'" and he vetoed Malaysia's bid to command UNTAET because of its "extremely poor record in upholding human rights in East Timor [sic]" in the years of Indonesia domination and "warned of 'total civil disobedience' if a Malaysian were appointed."[207]

The media and communication, present at both the domestic and international level, magnified the criticality of moral and legal conduct, though this is far more relevant at the international level, as Timorese coverage was, due to decades of suppression, underdevelopment of infrastructure and the wholesale destruction that preceded the intervention, quite limited. This highlights an important issue, which is that as most operations are likely to be in areas at the edge of the global economy and will have been in a certain degree of turmoil and unrest, the scope and penetration of media and communications networks within the AO are likely to be minimal, as they were in Timor-Leste. It is supposed here that media and communications within many contemporary AOs probably only become advanced enough to have a potent influence near the end of any period of relevancy, once the operation has built or rebuilt the media and communications infrastructure. Another important element at both levels is that the near-suppression of the Jordanian peacekeepers deviant behaviour by the UN suggests while it cannot be completely sublimated any misconduct will only come to light despite rather than because of official channels. Taken together these two issues suggest that this increasing utility is not as advanced as originally posited. However, while these are both critical issues, the media and, to a far lesser degree in this case, communications, still have potency, even if this is not as fully developed as may be expected. That UNTAET set up numerous radio stations and newspapers as part of their information operations

[206] Smith and Dee, *Peacekeeping in East Timor*, 72.
[207] Jose Ramos Horta, quoted in Trevor Findlay, *The Use of Force in UN Peacekeeping Operations* (Oxford, New York: Oxford University Press, 2002), 291.

affirms this, as does the Indonesian media's efforts to malign the operation's conduct. At the international level the media focus was far more potent, with the eyes of the world, albeit briefly, focussed on the operations in Timor-Leste. As there was no 'incident' at the international level, the full impact of any such occurrence can only be guessed at; however, it can also be surmised that possibly there was no 'incident' precisely because of the commanders' awareness of the criticality of conduct and perception, thus creating a self-fulfilling cycle.

The moral justification of the intervention and the desired outcome- democracy- reinforced the necessity for commensurate conduct, as can be seen in the comments by the Timorese resistance group member Magno. The international community's use of humanitarian terminology to justify the intervention and the desired end state of the operation, the creation of a stable and secure democratic sovereign state, set a precedent for behaviour. The NZA conducted itself within the legal and moral parameters leaving only a speculative capacity, though a parallel can be drawn regarding the heavy criticism levelled at the civil column of the UNTAET operation over the limited local representation and the lack of retributive justice. The apparent hypocrisy of the UN operation, premised on the creation of a democratic state yet run along authoritarian lines in a situation that has an ironic mirror in the relations between a democratic state and its authoritarian military, shows the importance of aligning means with ends.

The Timor-Leste operational environment had many of the characteristics that argue for the remaining utility of the constructive function: a non-Western, failed (or non-existent) state with complex operational geography, ranging from a razed conurbation to mountainous tropical jungles; irregular warfare, with its indistinct actors and ambiguous tactics; a multinational composition that included five separate armed forces integrated into the NZA battalions at different times; a diverse array of actors in the AO, from rogue TNI forces, numerous militias, recalcitrant local police and internally displaced Timorese as well as a number of NGO workers with different perspectives and objectives; and wide-ranging task from humanitarian work to extended combat patrols.

These operational environment attributes can be seen as both physical and mental stressors, necessitating the positive role that the constructive function plays in alleviating negative stress. The constructive had utility in maintaining morale and efficacy in the numerous difficult conditions and situations, be they geographic, cultural or operational: the Timorese AO was ambiguous, fluid, complex and interconnected through actors, motives and manoeuvres. NZA personnel operated in an extirpated city and through jungle-clad mountains against an adversary whose numbers, locations, motivations and capacities were unknown. Values such as commitment, comradeship, loyalty and service and professional responsibility all embody the ideal that a soldier must overcome trying situations, for their country, their army and their fellow soldiers. Integrity, honour and courage are necessary values in irregular warfare, particularly when faced with an intangibly asymmetrical opponent who mutilates comrades' and non-combatants' corpses and uses the preventative function as a weapon, as the militia and TNI did with the PKF's ROE. The unheralded level of multinational integration at the battalion level added complexity to the operation. Forgoing even the limited luxuries of the NZA camp to live amongst the Timorese for the overall good of the operation also reveals the remaining strength of the constructive function, the sacrifice of personal comfort and safety beyond the limits of fellow comrades driven by, amongst other qualities, commitment, courage and service. The expanded mandate meant that soldiers were required to do a wide variety of tasks they had limited training for, particularly CMA roles but also reconstruction and border control, all in a fluid and threatening AO.

Though far from conclusive, the NZA personnel's comments regarding NGO workers and expanded mandate tasks were revealing. They showed an appreciation of the utility of such tasks, perceiving their inherent value in achieving overall operational success. Though this pragmatic alteration of the warrior ethos is not altogether surprising from NZA personnel, it is of interest because it shows the adaptive nature of ethos, able to adjust to contemporary realities to remain effective. It is of no surprise that the higher the rank the greater the appreciation: the logical flow of this cognisance would be that it descends through the ranks and, thus, the assumption is that this attitude would permeate down. That the entire operation was premised on and propelled by an altruistic and

humanitarian purpose also instilled a degree of worth in the operation that would have further facilitated the adaptation of the warrior ethos. This just purpose is a vital aspect in ensuring the maintenance of the constructive function, particularly morale and it is obvious in Wilson's statement, quoted in expanded mandate, when he said, "I am really proud to be here… I sum it up in one word—democracy. I think [it] is worth fighting for and people the world over deserve it." The sense of worth embodied by a just cause, or at least the perception of a just cause, empowers the constructive in the same manner that the preventative does and seems to have aided the in the re-imagining of the warrior ethos. Also the multinational aspect of the operation would have facilitated the adaptation, the action of 30 states in creating a new democracy providing a collective legitimacy and expanding the duty beyond the national to the international.

The Timorese OE, whilst not the medium to high-intensity operation that most armies train for and have historically expected, had an ambiguity, diversity and complexity that ensured the remaining utility of the constructive function in ensuring that the NZA was a effective and efficient force that maintained a professional demeanour and were true to the military values and ethos.

The constructive and preventative functions' utility is apparent in the relative success of INTERFET and UNTAET, though the increasing utility of the preventative function is possibly not as evident as expected because of the limited media within Timor-Leste. Nonetheless, INTERFET and UNTAET media efforts in theatre, Indonesian media coverage and the international media focus were sufficient to suggest that there is an increasing utility. In assessing the factors that contributed to the success of INTERFET Maj. Gen. Michael Smith emphasised the importance of the "professionalism, discipline and restraint shown by the INTERFET forces"[208]

One fascinating, and concerning, issue for the ethical conduct of any future NZA coalition is highlighted in Martinkus' book, Martinkus, a correspondent with many years experience covering Timor-Leste, described how his fellow correspondents had found the

[208] Smith and Dee, "East Timor,"419.

body of another foreign journalist mutilated, with both his lips and nose cut off in a purposeful manner with a sharp object, he continued, writing "[t]he body *had* been mutilated, but in the official report of the incident released later by INTERFET, and in all the official statements at the time, INTERFET continued to claim the mutilation was caused either by wild dogs or the motorcycle accident. It was *official lies* like these, told by INTERFET only to save face for the Indonesian forces, that chipped away at their *credibility* from the start."[209] The complex political nature of the situation- namely that the UN forces had to placate Indonesia as both a strategy to avoid the escalation in Timor-Leste and because the composite states of the coalition had their own political interests- meant that INTERFET actually suppressed information regarding immoral/illegal conduct by the militia/TNI. This suppression was both immoral on their part and counter-productive, in that it eroded their credibility. The political nature has an internal conflict, the domestic situation in Timor-Leste required one course of action whilst the coalitions relations with Indonesia and its actions within Timor-Leste demanded another, chosen, course of action. This incident has many parallels with the suppression of the Jordanian soldiers' misconduct and has many of the same implications.

[209] Martinkus, 363-emphasis added.

Conclusion

To Define and Control

"Great power involves great responsibility." Franklin Delano Roosevelt.[1]

This thesis took as its main focus the utility of military ethics in the NZA's contemporary operational environment. Underpinning this focus was an appreciation of the reciprocal relationship between conflicts, militaries and forms of control. Alongside numerous internal and external reasons for change, all three influence each other and adapt to one another. Conflicts usually reflect the societies that wage them, their history, structure, mores and values. Similarly, militaries reflect their client societies, and shape the conflicts they fight. Military ethics, as the tool of internal and external definition and control, reflect the client societies and the conflicts they wage. The process is imperfect, as most real world developments are, and thus, there are periods of relative disjuncture between the three, as there are periods of relative harmony. The NZA's COE has undergone a number of changes in recent history, from conventional war in defence of the empire conducted in relative isolation to morally justified 'three block' operations conducted 'amongst the people' by polyglot coalitions under the scrutiny of a global media. However, military ethics, which originated several hundred years ago, remain relatively unchanged. This was the disjuncture that propelled the thesis.

Summary of Findings

The initial step for this thesis was to ascertain what the functions of military ethics were in order to provide a conceptual starting point, whilst simultaneously fixing the origins and development of military ethics into a holistic historical perspective. The current conception of military ethics has its origins in Europe during a period of intense internal conflicts and as such they reflect those conflicts and the societies that fought them. Military ethics were the product, and a reflection, of nascent, industrialising, nation-states, with all the political, societal and economic issues that connotes, and the conflicts

[1] Franklin Delano Roosevelt, undelivered Jefferson Day Address, 13 April 1945, accessed on 21 November 2008, available from http://www.ibiblio.org/pha/policy/1945/450413b.html.

they fought, namely conventional large-scale, industrial war. Military ethics have two functions, serving as both a preventative and constructive influence on behaviour, with the purpose of creating and maintaining an efficient and controllable military (and individual soldier) that acts within established moral and legal parameters.

The underlying logic for the thesis was then provided by giving a brief synopsis of the relatively dramatic changes to conflict that have occurred, with particular focus on those brought to the fore at the end of the Cold War. The concept of utility and, of military ethics' specific utility, was discussed and the hypotheses given.

This thesis had two hypotheses, which were assessed in relation to the germane characteristics of the NZA COE. The first of these hypotheses was to examine whether the preventative function has an increasing utility. The preventative function's utility is on the psychological plane and resides in its ability to convince all parties- neutrals, adversaries, and the soldiers themselves- of the justness and legitimacy of action and, thus, provides the intangible strength behind such action. For the soldiers this instils worth and therefore morale, and for others it acts as an effecter of perception. This hypothesis was premised on the effects of the growing irregularity of conflict and the combatants who conduct it, the soldiers increasing proximity to the indigenous population and their increasing involvement in expanded mandate tasks, the increasing focus and reach of the media and communications and the rise in morally justified operations. These characteristics mean that the preventative parameters are both harder to apply, yet more critical to operational success.

Comparisons drawn from the NZA's historical OE, especially between World War Two (WW2), and the Timor-Leste OE supports the first hypothesis. All the relevant indicators have changed significantly, though the media influence within Timor-Leste itself was less than expected. However, the media's role in the increase in utility is as an amplifier rather than as a fundamental instigator so its relatively limited influence within Timor-Leste does not fundamentally alter the hypothesis. This does suggest that, considering conflicts are expected to occur in the least developed parts of the world, the impact of

international media and communications will be less than assumed, though with the proliferation of cheap cell phones, which are allowing underdeveloped states to bypass landline development, this will probably not be true for long. Perhaps more revealing was the suppression of the Jordanian soldier's misconduct, which, while also illustrating the UN's understanding of the criticality of perception, hinted at a negative solution: a bureaucratic smokescreen. Though possibly effective in the short-term, and at the international level, this can only have detrimental consequences for the overall success of the mission. Though not widely publicised, word of the Jordanians actions spread through Timor-Leste and the resultant opinion and perception of the operation, already reduced because of the incident, must have dropped when it became clear that the incident was being actively suppressed.

The logic of the first hypothesis is based on a set of interconnected characteristics in the OE: the irregular nature of the combatants and their resultant techniques, the operational tasks conducted by the NZA, the overall justification and desired outcome of the operation and the media scrutiny focussed on the operation. These factors all make the populace's allegiance, or at least the denial of the irregular adversary's support, central to success and it is in this situation that the preventative function has an increased utility, as it is 'weaponised' beyond that of conventional war. The preventative function is a force multiplier in the NZA COE, as it has increasing power in effecting the outcome of an operation because opinion and perception have become more critical.

Timor-Leste showed this clearly, the troops' conduct, and the perception of their conduct, was critical in convincing the populace that they should trust the interventionary force and, despite threats and intimidation, provide intelligence regarding the militia. Thus, the preventative function's utility has increased in comparison to its utility in WW2, where the main utility of military force was in its ability to directly defeat other military forces in decisive battles and the preventative had a lesser function in aiding overall operational success. Malaya marked the beginning of the NZA's preventative function's rise in utility, though its power as an affecter of perception was largely limited within theatre because of the lack of international media focus, the limited nature of the NZA's

operational tasks in comparison to later operations and the security-oriented justification of the operation. The Vietnam War brought the international media focus on military conduct to the fore, though the NZA performed traditional military tasks and the operation was premised on collective security. During this period peacekeeping operations were getting more ambitious, evolving from traditional military observer missions to cover more diverse and difficult operations. UNTAC was another landmark, with a broad mandate that gave it virtual sovereignty and intense international media focus, it represented the new milieu of operations in which the preventative function's utility was enhanced, though the NZA's limited role in the operation meant that it was of relatively limited scope.

As the largest and most ambitious NZA operation in decades, as well as one of the UN's most comprehensive missions ever, Timor-Leste took this enhancement further. The operation was morally justified and had the overall aim of creating a stable and democratic sovereign state. In Timor-Leste, this meant that the conduct of the soldiers was critical, the moral justification and the goal of a democratic state created a situation whereby to succeed, the soldiers had to act in a manner commensurate with the logic behind the intervention and the values that would facilitate the desired end state, if the operation was to be a success. To do otherwise would have been hypocritical, at the least, and would have alienated the local populace. In Timor-Leste the population's allegiance, and thus their individual and collective positive opinion and perception, was the centre of gravity of the operation, without which there could be no real or lasting success. This truism lies at the heart of irregular warfare, yet it is also a centrality created by the overall operational goal of creating a democracy. Timor-Leste showed this centrality, and the utility of the preventative function in securing this allegiance. It did this by providing the parameters of moral and legal conduct, which ensured that NZA personnel acted, and just as critically, appeared to act, as an honest and professional force that respected human rights and international law. Expanded mandate tasks were a tool in securing the population's allegiance and in creating a stable democracy. Both the irregular nature of the conflict and the expanded mandate meant that the soldiers were operating 'amongst the people', making conduct all the more critical as the constant interaction with

Timorese increased the chances of misconduct. The media presence was important as a tool of amplification of conduct and transmission of perception, as predicated by both the CNN effect and strategic corporal theories. In the case of Timor-Leste, this function was only used as a tool for the intervening force and the Indonesians to alter opinion and perception and was not present in any significance at the indigenous level, mostly because of the TNI's occupation and the destruction surrounding their withdrawal. Nonetheless, at the international level the importance of the media was shown, with force planners and commanders using it to gain and hold opinion and perception both domestically and internationally, as can be seen in Maj. Gen. Cosgrove's previously quoted belief that for INTERFET, "[i]nformation was understood to be a powerful weapon".

Underlying all the aspects that give the preventative function increased utility are opinion and perception. The centrality of opinion and perception was obvious in Timor-Leste, the need to win the allegiance of a population, who had been ruled by a military who had disrespected moral and legal parameters for over a quarter of a decade, meant that to gain their trust the NZA had to convince them they were upstanding moral and legal actors. Opinion and perception were also important with respect to the internationally community in general, and the NZ populace specifically. Just as conduct was important for convincing the Timorese of the overall validity of the operation, it was also necessary in ensuring the vital support of the NZA's home populace and the international community at large. Finally, the conduct of the NZA was also critical in facilitating the constructive function, as being a morally and legally valid actor instils worth, thus creating and sustaining morale. This can be seen in the comments made by NZA personnel, which were quoted in the expanded mandate section. The fact that the NZA were conducting themselves in a morally and legally upstanding manner, on a mission that was morally justified and had the creation of a democratic state as its overall goal, gave the operation worth. Opinion and perception were paramount across the spectrum as a means of convincing every involved party of the worth of the operation and also, through that worth, as a means of empowering the constructive function.

The NZA and the operation as a whole were, as far as documentation shows, perceived in a generally positive manner by the Timorese, NZ and the international community, and themselves. This was no serendipitous occurrence, but was because it was part of the overall strategy as the NZA and its coalition allies were cognizant of the preventative function's increased utility in the Timor-Leste OE. This was why the NZA were particularly conscientious in their adherence to the preventative function, operating with a heightened restraint and in some cases going beyond legal requirements to ensure a positive perception. This was in spite of an ambiguous and complex AO and adversaries who used the NZA and coalition partner's adherence to the preventative function to their advantage as an intangible asymmetry. As well as emphasising the increased utility of the preventative function, this highlights the constructive function's remaining utility in facilitating the former.

The second hypothesis, that the constructive function has a remaining utility, is based on the decreasing intensity and growing irregularity of conflict and the growing complexity, fluidity, diversity and interconnectivity of the OE. The constructive function's utility lies in its ability to maintain an effective and controllable military force against internal and external pressures and stressors by giving military service a worth and purpose and outlaying a set of behaviours, attitudes and skills required to fulfil that worth and purpose, and as a facilitator of the preventative function it has retained utility. Also however, it was argued that even though the stress from actual combat may have decreased, the pressures of operating in the COE mean that it has a remaining utility. Again, comparison between WW2 and Timor-Leste supports this hypothesis, WW2 encapsulated high-intensity combat and, aside from logistics, the majority of soldiers were engaged in combat oriented tasks and operated in relatively hermetic manner, whereas Timor-Leste was mostly low-intensity irregular conflict with soldiers involved in numerous non-combat tasks, acting with numerous actors under the glare of the international media spotlight.

The evolution can be seen through the NZA's history, though in a dual track, with combat becoming increasingly irregular from Malaya onward and peacekeeping

operations becoming increasingly complex and diverse, particularly from UNTAC onward. In Malaya the techniques were irregular though the adversary was still relatively identifiable, in Vietnam the adversary was increasingly amorphous. On the other track peacekeeping operations developed from impotent, neutral and consent-based to encompass a diverse array of muscular missions. Now the distinction between peacekeeping and conflict operations is blurred beyond easy recognition and the NZA operate across the spectrum and soldiers are expected to be able to transition from humanitarian to combat tasks during one mission. Also, the NZA increasingly work with numerous other actors, including non-Commonwealth militaries, NGOs and IGOs, and locals under the ever-increasing focus of the media and in areas that are underdeveloped and often have significantly different local cultures. All these factors have made the OE increasingly complex, fluid and interconnected across numerous indices. These developments have meant that, although the constructive function's traditional utility has declined because of the abatement of high-intensity conflict, it has retained its utility by managing and ameliorating the new demands placed upon NZA personnel.

The Timor-Leste OE was complex, diverse, fluid and interconnected across the expected characteristics, and thus the constructive had a remaining utility. Though of limited duration and intensity, there was irregular conflict, fought in both difficult urban areas and complex natural locations, against an amorphous foe that used the intangible asymmetries. Though already an issue, this asymmetry was particularly obvious when the mutilated body of Pte. Manning was recovered. The NZA operated with a number of armies, several of which were integrated into the NZA Battalion (an unprecedented occurrence in NZA history), who, despite shared Commonwealth history, had significantly different ethoi and political objectives. They also operated in close proximity with the RNZAF and the RNZN, though admittedly there was a distinct lack of information, which meant this area was under-evaluated. At the civil-military level, there was a plethora of actors, from UN and NGO staff through to the TNI, militia and the local populace, all of whom the NZA interacted with in an intense and constant manner. The NZA worked with a varied and heterogeneous group of non-military actors and a number of the NZA personnel were unimpressed with the characteristics and values of

NGO workers, in particular. The diversity of tasks required to fulfil the NZA's expanded mandate in Timor-Leste covered the spectrum, from setting up a newspaper and handing out humanitarian aid through to offensive combat operations. Furthermore, soldiers were expected to be able to transition between these tasks instantly. The pressures of operating under media scrutiny were also present, with the strategic corporal phenomenon acknowledged by, amongst others, INTERFET's force commander as an issue in Timor-Leste. All these characteristics added to the mental and physical fatigue and stress of the operation, which meant that the constructive function had a remaining utility even though the actual conflict was relatively low-intensity. The constructive function utility, as a source of coherence, control and efficacy under pressure, translates to a diverse array of situations, and it has therefore retained its utility despite the decrease in high-intensity conflict.

The retention of utility by the constructive function appears to have been, at least in part, facilitated by the pragmatic adaptation of the warrior ethos, as shown in the comments by NZA personnel in Timor-Leste. The warrior ethos is deeply entrenched in military thinking, so much so that a number of commentators have perceived of a clash between the traditional warrior ethos and the nature of modern operations. This clash does not appear to have been too drastic in the NZA because it seems the warrior ethos is relatively malleable and has been able to adapt to current operational realities to remain of utility. It should be stressed that this is an adaptation only; the reinterpretation of what it means to be a 'warrior' in the 21st Century does not change the constituents of the warrior ethos but rather how they are viewed. The core aspects of the warrior ethos remain essentially the same, in that the values and motives that empowered it originally have not changed in essence but have been reinterpreted to suit modern conditions. The idea of service through combat has been expanded through the concept of New Zealand's position as an international citizen and the demands of wider, human security-oriented operations. Admittedly, Timor-Leste did have operational characteristics that would facilitate the adaptation of the warrior ethos, specifically, it was a broadly multinational operation with a robust mandate that involved both combat and wider SASO tasks and had as it desired outcome the creation of an independent democratic state. The operation

had an inherent worth because of its intended outcome, was conducted by a relatively representative cross-section of global society and, while not combat-orientated, used both violent and non-violent means to achieve its strategic goal. These attributes would, and did, assist in the adaptation of the warrior ethos. It is probably facilitated by, depending on the individual, an adjustment to the image of what the heroic encompasses, so that 'fighting' for democracy is heroic, or by the ability to have separate, compartmentalised personas, so that in Timor-Leste there was an emphasis on the managerial, because it was of relative utility, without the overall degradation of the heroic. The heroic can be either reconceived or de-emphasised dependent on the type of operation. Therefore, with respect to Janowitz, rather than the managerial and heroic working against each other, in the NZA they appear to be able to coexist in some fashion, probably because of this re-conception or de-emphasis of the heroic, as well as the fusion of conflict and peacekeeping supported by the unique characteristics of the NZA, which will be examined shortly.

In sum, analysis of the Timor-Leste OE has shown both hypotheses to be accurate, with respect to Timor-Leste, at least. Military ethics are relatively adaptive, retaining and even increasing their utility despite the remarkable changes in the OE since their development. The era in which they evolved contrasted markedly with both modern society and the COE and rather than being an archaic irrelevance or an oxymoron, are still of utility for the NZA in overall operational success.

Applicability

There are a number of implications for both the NZA and at the international level. To assess these implications, this section will examine the applicability of the findings from Timor-Leste to three other relevant contemporary NZA operations, Bougainville, Solomon Islands and Afghanistan, then it will list the NZA's unique characteristics, followed by an assessment of the general implications for the NZA's preventative and constructive functions and, finally, the international implications will be analysed.

The three relevant contemporary NZA operations, Bougainville, Solomon Islands and Afghanistan, provide a contextual backdrop with which to assess the differences and commonalities from the assessment of Timor-Leste. The conflict in Bougainville between the locals and Papua New Guinean (PNG) Government and mercenaries displayed many of the traits of irregular warfare and was fought across complex natural terrain. The NZA intervened as part of an international monitoring group, in which they served with Fijian, ni-Vanuatu and Australian personnel, on a mission that comprised a variety of relatively limited tasks with the aim of securing the locals' allegiance and returning the island to PNG with a negotiated autonomy.[2] It was a limited operation in comparison to Timor-Leste, in terms of mandate, size, duration and intensity, and media coverage, amongst many other lesser factors, however.

With respect to the preventative function, although there was prior irregular conflict, this was largely over by the time the NZA arrived and a number of the other factors that led to the increase in utility were not present in any significant manner, such as media coverage or expanded mandate tasks. That said, the NZA still had to operate amongst a traumatised population with the aim of securing the island for, if not independent democracy, a negotiated autonomy. This was however, not a coercive intervention but rather a consent-based monitoring group.[3] Bougainville did not have all the requisite characteristics that have increased the utility of the preventative function, though there were some changes that indicated there might be an incremental increase even for limited contemporary operations. Unlike traditional peacekeeping operations, Bougainville was an intervention into an intrastate conflict that was not intended to maintain the *status quo* and was conducted 'amongst the people'.[4] This contrasts sharply with Kashmir, where the NZA worked amongst regular Indian and Pakistani soldiers with the aim of maintaining the *status quo.*

[2] Bob Breen, "Reflections on the Truce Monitoring Group," *Conciliation Resources,* 2002, accessed on 28 April 2009, available from http://www.c-r.org/our-work/accord/png-bougainville/reflections.php.
[3] David Hegarty, *Peace Interventions in the South Pacific: Lessons from Bougainville and Solomon Islands* (Hawaii: Asia-Pacific Center for Security Studies Paper, 2003), 2, accessed 24 May 2009, available from http://rspas.anu.edu.au/papers/conflict/hegarty_interventions.pdf.
[4] Breen, "Reflections on the Truce Monitoring Group,"

The characteristics that argue for the remaining utility of the constructive function were in some cases present, such as the difficult natural environment and limited infrastructure, problems with multinational partners and close proximity to locals.[5] In general though, because of the limited nature of the operation there was not the degree of complexity, diversity or fluidity, or even the presence of all the various characteristics, for interconnectedness. This is not to say that the constructive did not retain a degree of utility under trying conditions, though in comparison to Timor-Leste the demands placed upon it were far less.

The two thousand personnel of the Regional Assistance Mission to Solomon Islands (RAMSI), which included the NZA and four other national military contingents, arrived in 2003 to enforce the Honiara Peace Accord and bring an end to the years of internecine conflict between two irregular groups that had ravaged the failing state.[6] Under police control the NZA operated with police and military personnel from Australia, PNG, Tonga and Fiji, mainly patrolling throughout the islands. Like Bougainville, the operation in the Solomon Islands was limited in terms of mandate, size and intensity and media coverage.

RAMSI took place in a less secure environment than Bougainville, with both irregular armed groups still fighting each other and resisting the intervention and, correspondingly, had more media coverage internationally and in NZ.[7] During the operation troops had to counter misinformation spread by their adversaries in a play to discredit them and one of the operational tasks was to ensure that the NZA came across as a capable but *non-threatening* force.[8] Furthermore, the short-term aim of the operation was "taking the moral and operational high ground" and the long-term aim was the stabilisation of the Solomon Islands and the re-creation of democracy, though, as with Bougainville, this was a consent-based operation.[9] Aside from expanded mandate tasks, RAMSI had the

[5] Ibid.
[6] Russell W. Glenn, *Counterinsurgency in a Test Tube: Analyzing the Success of the Regional Assistance Mission to Solomon Islands (RAMSI)* (Arlington, VA: RAND Corporation, 2007).
[7] Ibid.
[8] Ibid., xiii, xv.
[9] Ibid., xv; Hegarty, 2.

characteristics that give the preventative function an increased utility, and apart from the size and mandate of the operations, was similar in the base mechanics as in Timor-Leste.

The characteristics emphasised as important in the remaining utility of the constructive function were present in the Solomon Islands to a greater degree than in Bougainville. Ongoing irregular conflict, amongst two antagonistic groups, which created a degree of tension and ambiguity.[10] A high degree of interagency cooperation between a number of other militaries and other services, as well as police, foreign affairs personnel and aid agencies.[11] The NZA did not conduct expanded mandate tasks however, and due to the size and mandate of the operation the utility of the constructive function was probably not as significant as that in Timor-Leste, though it was perhaps more pronounced than that of traditional peacekeeping operations.

Finally, there is the ongoing operation in Afghanistan, which began in 2002 with the US-led invasion. Unlike the two preceding operations, the Afghani OE is as, if not more, complex as operations were in Timor-Leste. Also like Timor-Leste, Afghanistan has been wracked by conflict and occupied over the last quarter of a century. The NZA's original involvement in Afghanistan was through the NZSAS who took part in initial invasion. In 2003, the NZA provided a provincial reconstruction team (NZPRT) in Bamiyan that is still active.

The NZSAS have been involved in mid-level intensity, irregular conflict on at least three operational rotations. They have been working in close quarters with other Special Forces and the US Air Force. The NZSAS in Afghanistan, to a greater degree than in Timor-Leste, has borne the brunt of the actual combat, fighting in a number of high-intensity battles. For the NZSAS, most of the missions in Afghanistan have been fairly routine for Special Forces, though they have been used in larger-scale battles that would traditionally have been fought by regulars. For example, Operation Anaconda, which pitted around 1700 US-led Special Forces against about a 1000 Taliban and al Qaeda forces, was the

[10] Glenn.
[11] Ibid., xiv.

type of battle that in the past would have been fought by regular forces. The NZ Government has used Special Forces for combat and regulars for the peacekeeping in Afghanistan, creating a divide that has interesting implications for the future of both, with the potential for the role and identity of the regular armies to be confused and damaged by this division.

The AO in Afghanistan has many of the same germane traits as Timor-Leste, and, consequently, it is likely that the preventative function has a similarly increased utility. A complex natural environment with limited, but increasing irregular warfare occurring amongst, but not widely supported by, the local populace. The NZA, while living in a separate camp, are involved in a diverse array of tasks including reconstruction, education and patrolling, though these tasks are not as wide ranging as those in Timor-Leste so, although they are working among the people, there is a more of a divide than that in Timor-Leste. The justification for the coercive operation, while still largely premised on collective security, also has an increasing moral element and the overall operational goal is the creation of a stable democratic state. Unlike Bougainville and the Solomon Islands, Afghanistan belongs to the new muscular and ambitious operational paradigm. These new operations have fused peacekeeping and warfighting and are conducted with the intention of changing the *status quo* within a state by both destructive and constructive means. Afghanistan is subject to a large degree of media scrutiny, though, again like Timor-Leste, the majority of this scrutiny is international as Afghanistan, as another underdeveloped and conflict-torn country has an extremely limited indigenous media. The fulcrum of the NZPRT's operation is the locals' allegiance, and, like in Timor-Leste, the soldiers have to prove themselves as an upright moral and legal entity to gain this allegiance.[12] This would, along with the intense focus of the international media and the overall goal of the creation of a stable democracy, suggest that the preventative function would probably have a similar utility as it did in Timor-Leste.

[12] David Fisher, "Armed with Fresh Hope in Bamyan," *New Zealand Herald*, 5 August 2006, accessed on 13 January 2009, available from http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10394622&pnum=3

The constructive function probably has a remaining utility in Afghanistan in a similar manner as in Timor-Leste. While the actual combat is close to zero, for the regular NZA at least, the threat of it is ever-present and on the rise, and the NZA operates amongst the people, sharing the risks with the locals by living in small villages and isolated forward patrol bases "despite risks to personal health".[13] Bamiyan has been described as 'biblical' in its development levels. Although the NZA does not share its base at Bamiyan with any significant numbers of other national armies, there are a number of aspects that make the Afghan AO as complex as Timor-Leste, if not more so in the joint and civil-military categories. Firstly, there are many other personnel scattered through the AO, with 11 personnel operating at Bagram with over 12 000 US personnel, and as one of them joked, "they should have been prepared for culture shock in dealing with Americans, rather than Afghans."[14] Secondly, and more importantly, is the unprecedented joint nature of the mission, where all three NZDF services are operating together at the NZPRT. Such is the integration that RNZ Navy and RNZ Air Force officers are leading patrols, creating tension and causing stress, which according to a NZ Ministry of Defence report, "[arises] from the perceptions junior Army personnel [have] with respect to command and control at the patrol level".[15] Also, there are a number of NGO, IGO and US aid workers stationed with the NZPRT who have numerous different objectives and values. Finally, the NZA operate in close proximity with the local populace whose different culture has created several issues, especially surrounding the lack of gender equality in Afghanistan and the subsequent treatment of female NZA personnel.[16] In sum, the level of complexity and diversity of the AO argue for the remaining utility of the constructive function in Afghanistan. With regard to the adaptability of the warrior ethos, there was one illuminating remark from a soldier in Bagram, who asked a New Zealand Herald reporter,

[13] Bryan Dorn, "New Zealand Civil-Military Affairs Experience in Afghanistan," *Australian Army Journal* III.3 (Summer 2006): 170.
[14] David Fisher, "Clear and Present Danger for NZ Troops in Afghanistan," *New Zealand Herald*, 5 August 2006, accessed on 13 January 2009, available from http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10394622.
[15] Quoted in David Beatson, "Costly Combat," *The Independent*, 1 February 2006, in *Newztext* [database on-line], accessed on 25 February 2009.
[16] New Zealand Defence Force, "Our People- Afghanistan," *New Zealand Defence Update*, November 2004, accessed on 13 January 2009, available from http://www.nzdf.mil.nz/news/publications/defence-update-newsletter/2004/28/default.htm#opa; Corporal Ariana Finch, "An Administrator at the NSE, Bagram, Afghanistan," NZDF, 17 December 2008, accessed on 13 January 2009, available from http://www.nzdf.mil.nz/news/feature-stories/20081217-aaatnba.htm.

"[w]ill you call us peacekeepers?" "[i]ts been a long time since I've seen the Army referred to as soldiers".[17] The comments, spoken with regard to the dangers those in Bagram face and the lack of coverage they receive compared to the larger, 'hearts and minds' oriented NZPRT, are revealing. Clearly, the soldier is frustrated that the NZA personnel are constantly referred to as peacekeepers, especially when he feels that the work he is doing is soldiering. This would suggest that there are issues with the perception of the NZA and the work it does, and could indicate some potential problems for the warrior ethos.

Though these operations are clearly different, they can be placed in proximity on the NZA spectrum, existing in the no man's land between traditional peacekeeping and war that the modern operation inhabits. Most importantly, it is considered that though all different, there are enough similarities to consider them mongrel siblings, which, with the vast operational scope possible, is as close as they could get. Even though Bougainville and the Solomon Islands were relatively limited, they were not traditional Cold War peacekeeping missions. Afghanistan, like Timor-Leste, embodies the new operational paradigm and it is likely that in the foreseeable future the NZA will be deployed on operations that range from the Bougainville/Solomon Islands-type, small and relatively simple peace observer/enforcer, through to Timor-Leste/Afghanistan-type, complex and multifaceted missions. This operational spectrum places high demand, and thus utility, on both functions of military ethics. Because of the nature of these operations, with perception at the core, soldiers' conduct is crucial to overall success. The mandate is typically ambitious, yet the soldiers are restricted in their actions. The complexity of the AO- the diversity of actors, the proximity to locals, the demands of the mandate, the focus of the media, the nature of the combatants and the techniques they use- mean that the constructive function still has utility despite the drop in conflict intensity. The consequences for the NZA's warrior ethos are interesting. While it appears to be adaptable, the emphasis on peacekeeping, and the divide between the NZSAS and NZA regulars in Afghanistan, could cause a weakening in morale and retention of soldiers.

[17] Fisher, "Clear and Present Danger for NZ Troops in Afghanistan,".

Unique Characteristics of the New Zealand Army

The hypotheses appear to have a general applicability to the NZA and its COE and, consequently, general implications for the NZA can be drawn. First however, the unique characteristics of the NZA must be examined, to provide context for both the NZA-specific and general implications. The NZA is distinct in a number of interrelated measures, most of which stem from several fundamental truths: NZ is a proactive moral international actor that exists in a relatively benign security environment and the NZA is small in size and budget, as considered in both real and relative terms. Thus, the NZA has a multinational operational history, because of both its history as a British Colony and because of NZ's participation in collective security missions. As has been shown, it has a history of operating for purposes other than direct national defence due to NZ's benign strategic situation and collective security operations. It has a high operational deployment tempo, with most soldiers completing numerous deployments over their career because of both the NZA's size and NZ's proactive nature on the international scene. As an organisation it is relatively adaptable, as promoted in *The Way of the New Zealand Warrior*, due to its small size and high tempo, but also because traditionally NZA personnel have been sent into the field with few supplies and little training as well as the residual effects of the NZ colonial-era meme regarding its 'number eight wire' mentality'. The NZA has relatively low level of specialisation, including no specialist civil-military affairs personnel, also because of its small size. The NZA does not have a long-term officer's academy, with officers undergoing initial training of around a third of a year, meaning that there is less socialisation and therefore less corporateness. Finally, the NZA is relatively integrated with NZ society, mainly because of its small size and budget. With these unique characteristics given, the implications can now be examined

Implications: New Zealand Army

The most critical implication for the preventative function for the NZA is the increasing possibility and growing consequences of misconduct. Because of changes in the OE, the conduct of the NZA is one of the central aspects of operational success; yet, the average NZA soldier has an increasing amount of responsibility on his or her shoulders, with regard to the LOAC and ROE, as well as from the pressures of the Nuremberg Principle.

While the OE has become increasingly complex, fluid and interconnected across the indices, the rules proscribing the soldiers' behaviour and conduct have become increasingly prohibitive and exacting. The possibility for an incident is relatively likely for the NZA because of the high operational deployment tempo and low specialisation, meaning that more is demanded of soldiers, who may not have the requisite training. Although the possibility for an incident is significant, the real importance of this implication lies in the consequences of misconduct, which for the NZA would be disproportionate to the misconduct itself. This is not just due to the relevant characteristics that create and amplify the increased utility of the preventative function. It is also because NZ, and therefore the NZA, promotes itself as a moral actor on the international stage it, therefore, has a high degree of moral authority and prestige to lose, and also the small size of the NZA means that negative ramifications would be felt in a personal manner because there are few 'degrees of separation' between personnel, which would impact on the constructive function.

Though the constructive function has proven adaptable thus far, there is potential for its decline in utility through the erosion or diminishment of military values, expertise, corporateness, responsibility, and thus, morale, discipline and the consequent collapse of the warrior ethos. Numerous issues could trigger the breakdown of the constructive function. The two most critical are the 'demilitarisation' of missions and the clash between military values and the implementation of desired operational outcomes.

The 'demilitarisation' of missions refers both to the growing number of peacekeeping missions as well as the NZ Government's representation of these operations and the resultant public perception. Though, as argued in this thesis, NZA peacekeeping and conflict have fused to form a hybrid, new operational type, these are generally at the lower threshold of traditional conflict, with most being between low and mid-intensity. Furthermore, and critically for the constructive function, and morale in particular, the NZ Government has a vested interest in representing these as 'peacekeeping' operations because of NZ's status as a moral international actor and the pejorative implications that war and conflict sometimes have for democratic governments. Thus, there is the potential

for the constructive function to suffer because the government downplays the soldiering aspect of the NZA in favour of the peacekeeping role. Ironically, this deterioration of the constructive function could happen *as the combat aspect of operations increases.* This problem was clear in the soldier serving in Bagram's question. Afghanistan illustrates this issue clearly: while the government is keen to publicise the actions of the regular NZA at the NZPRT, it has kept NZSAS missions shrouded in secrecy, even beyond that of its coalition partners such as Australia and the US. By being disingenuous the NZ Government damages the core of the constructive function, for, although the concept of service to country with honour and loyalty does not demand an equal commitment from the state, has to be a level of respect and loyalty shown to empower the constructive function. The obfuscation of operational realities also denigrates the professional's expertise and thus calls their professionalism into question. It should be noted that the importance of 'war' as a key element of soldiering varies from soldier to soldier so this effect would not be general and that many in the NZA would not have a problem working, and being described, as peacekeepers. It has been an operational reality for the NZA for a long time. For those whom it is a problem, the danger would be that the leave the NZA and either join another army, or a private military company (PMC). Thus, the retention of personnel could be a problem for the NZA.

The second implication for the constructive function is the clash between military values and the implementation of desired operational outcomes, namely democracy. This is a problem that is mirrored in traditional civil-military relations in liberal democratic states; as is often stated, "liberalism customarily transmutes or extirpates military values".[18] To prevent this transmutation or extirpation, traditionally militaries were isolated and indoctrinated with a separate ethos and set of values from that of the liberal democratic society from which they were drawn. Historically, the nature of the operation-interstate war- necessitated martial values, as there was utility in the maintenance of an effective and controllable force that was disciplined and obeyed the chain of command. In this context, the corruptive danger to these values came from the home polity, not from the operational environment. The traditional operational environment actually reaffirmed the

[18] Murphy, 4.

values and ethos: their utility was obvious; under fire, comradeship became stronger as men were bound by the shared danger, in battle, the virtues of courage, honour and commitment were clear and during high-intensity conflict, the utility of a chain of command was obvious. The interstate nature of the conflict made the values of service and loyalty clear cut and obvious. The implication for the NZA in situations like Timor-Leste now is nearly the opposite, the modern deployment is such that their martial values- service, loyalty, commitment- are, in a sense, under attack by the very nature of the operation: the implementation of democracy.

This attack on the constructive function by liberal democratic values, such as were promoted in Timor-Leste could compromise the chain of command by eroding the unquestioning obedience that military values like service and loyalty provide. The chain of command is a central and critical aspect of military utility, and it is one that stands in opposition to key liberal principles, such as liberty and equality. The chain of command is premised on the, near, unquestioning obedience to orders and is a keystone of military utility. Liberal democratic values stand in stark opposition, with both liberty and equality demanding that an individual has the right to act according to their own will and that all people should be treated as equals, respectively. In operations like Timor-Leste the overall goal is the creation of a stable democratic state and the promotion of democratic values was a key objective, with the NZDF even operating a newspaper in Timor-Leste with that aim.

For the NZA to promote democratic values without issue is, on one level comprehensible, as all members come from a functioning democracy and, as Platoon Commander Wilson's previously quoted statement suggests, many feel that "people the world over deserve" democracy. However, although soldiers are clearly able to balance the conflict between being a citizen of a democratic country and a soldier in an undemocratic army, this duality is, aside from being traditional, part of an individual soldier's nested identities, in that they are a servant of their state, and, simultaneously, a citizen. Furthermore, in a glib sense, these identities are relatively hermetic, in that while the soldier is on leave, he or she is primarily a citizen- though still a soldier- and while they

are at the base or on deployment they are primarily a soldier- though still a citizen. In the current conception, there is a fundamental disjuncture because military and liberal values are occurring simultaneously in the AO, which would seem to make the destabilisation of the authority equilibrium probable. In comparison to the traditional duality, where the soldier had nested identities that had different spheres, now the soldier is promoting liberal values, under the propulsion of military values, in the same sphere. The attack on the chain of command by the promotion of liberal values is constant and chronic *during an operation*, with soldiers actively promoting them as a tool in facilitating overall success.

Implications: International

At the international level the implications relating to the possibility and consequences of misconduct are similar as those for the NZA, though the susceptibility depends on the relevant characteristics identified in the previous section. NZ, and the NZA, are at the upper limits with respect to both possibility and consequences for this form of amplified misconduct. Clearly some other militaries have a higher potential for misconduct in general, but it is precisely because they have a higher potential that, in general, the misconduct would not have such magnified consequences. Without examining every cause behind misconduct, excluding size, most stem from, at the foundational level, insufficiencies that would reduce the magnified consequences- for example; the misconduct by the Jordanian soldiers in Timor-Leste had lesser consequences for a number of reasons: Jordan is undemocratic, has a fettered press and the Jordanian Arab Army's primary purpose is "maintaining the incumbent regime against any domestic threat"[19] These are clearly interlinked, an undemocratic regime that controls the media and uses the military to stay in power, and make both the potential for misconduct higher and the consequences less. Implications increase when a state is democratic, has a free press, is a moral international actor and, to a lesser degree, is small and has a high operational deployment tempo. There have been several significant examples in the recent past; Canada's 'Somalia Affair' and the US's Abu Ghraib scandal both had

[19] Alexander Bligh, "The Jordanian Army: Between Domestic and External Challenges," *Middle East Review of International Affairs* 5.2 (Summer 2001): 13.

deleterious ramifications for the operations, the militaries and the home states. While the consequences for the operations would not change significantly due to which state had perpetrated the indiscretions, the militaries and states suffer proportionate to the above indicators. Taking the Canadian example, after the death of a Somalian boy, the Canadian Forces suffered a significant drop in morale, recruitment, as well as a damaged domestic and international reputation and subsequent drop in support.

The first aspect that needs to be examined with regard to international implications of the constructive function is the adaptability of the warrior ethos. The NZA is ideally suited for the adaptation of the warrior ethos via the expansion of client and operational tasks. The constant background influence of the 'number eight wire' mentality meme, which perpetuates in NZ society, predisposes the NZA to embrace the concept of adaptability in a manner that would not find its analogue in many other states. NZ as a society embraces a resourceful and flexible approach that demands malleability. In addition, as the military of a secure, moral international actor that has a history of coalition operations conducted for purposes other than direct defence of the state, the NZA has a history and a purpose that further predisposes it to this form of adaptation. Because it has *always acted in concert with other state*s, usually under the auspices of the Empire or the Commonwealth, for a higher good and *never in its own direct defence*, the NZA has always had an adaptive regard to its client and what constitutes valid security measures. Though not unique in this sense- Australia shares a similar history- this operational past is an anomaly and, to contemporise the situation, Australia now places far more emphasis on domestic security. Furthermore, the increasingly moral foreign policy of NZ further facilitates the idea of client being, if not greater than, more than just NZ. Again, though not unique, NZ is relatively active, and, as importantly, it *perceives* itself as a moral actor. At the organisational level there are also a number of factors that expedite the adaptation. The small size and resultant high operational deployment tempo and lack of specialisation demands flexibility that would not be found in larger, less active armies. Also, the lack of a long-term officer's academy and the relatively high integration between NZ society and the NZA mean that the warrior ethos is probably not as thoroughly indoctrinated as in states like the US where officers spend up to five years in

initial training. The qualities that give an army the malleability and flexibility to adapt in this manner would be: a society that embraces adaptability; a secure client-state with a moral internationalist outlook; a history of working in multinational formations for higher ends; a small size, a high operational deployment tempo and a low specialisation; and finally, a relatively weakly ingrained constructive function. Thus, it is likely that Janowitz's perceived problem with regard to the 'heroic' taking issue with constabulary tasks may be more pertinent for bigger militaries that have a higher degree of specialisation and emphasise traditional warfighting as their primary purpose.

The 'demilitarisation' of missions is a problem occurring throughout the world's armies, though internationally the issue is more pertinent with regard to the actual increase in peacekeeping operations and not as widespread with regard to the government's representation of operations. The problem with regard to the government's representation is, while not unique to NZ, not so widespread because the NZ Government, as a moral actor, wants to represent itself in such a manner, whereas this is not such a problem for the majority of other states. Conversely, the first part of the problem, the rise in peacekeeping operations, is a far greater problem for many other states. This is because for many other states national defence is a far greater priority than in NZ. NZ's benign security situation provides a sense of complacency not afforded other states.

The corrosion of the chain of command due to the promotion of liberal democratic values is a problem that could be found in many armies that conduct this type of operation. The NZA's small size, high operational deployment tempo and lack of specialist CMA personnel, as well as the relatively weak inculcation of the constructive function would mean that the impact may be more intense than it would be for larger, more specialised armies with a strongly inculcated constructive function. Conversely, however, the argument could be made that the same factors that make the NZA adaptable would also buffer further from this form of corrosion. Consideration needs to be given to the home polity of the army; clearly, an army whose client is democratic has different issues with respect to this problem than those whose client is undemocratic. For the democratic states, chain of command is the issues, for the undemocratic, the problem lies with

soldiers returning with democratic aspirations. For democracies, it is felt that the adaptability of an army is more effective than its size and inculcation in insulating an army from the degrading effects of promoting democratic values as an operational task. Thus, the qualities that make an army more adaptable with regard to its warrior ethos also make it better able to cope with attacks on the core values of that ethos. The further issue is, however, that the states with the most adaptive armies are more likely to be those that conduct these types of operations more often.

Extrapolating the COE trends into the future suggests that the utility of both functions will increase, dramatically. Thus, it would be of use to ensure that the inculcation of military ethics becomes increasingly effective. The preventative function requires instruction and experience and is relatively straightforward. By comparison, inculcation of the constructive function is a more difficult task. Clearly of vital importance, part of the difficulty for the NZA in the future lies in maintaining the adaptability, whilst ensuring that the core values and concepts still have coherence. Though it appears that currently the NZA are in a state of equilibrium with regard to this, balance will be hard to maintain as the demands of the COE increase. This is why the equilibrium must be maintained.

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