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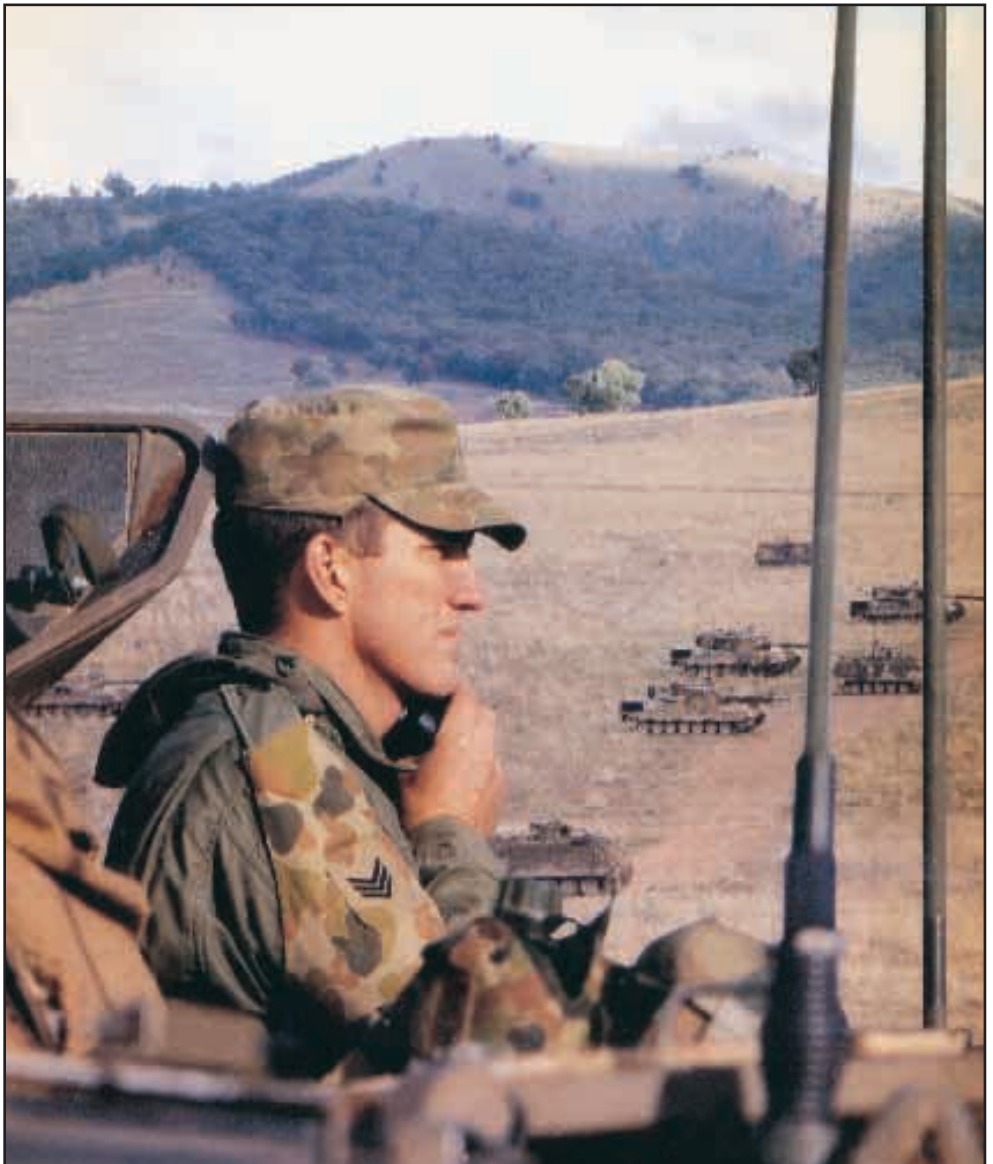


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The Managing Editor  
Australian Defence Force Journal  
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Russell Offices  
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### Managing Editor

Michael P. Tracey

### Editor

Irene M. Coombes

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# Letters to the Editor

## Allocation and Retention

Dear Editor

I was interested to read Major Goyne's suggestions ("Allocation and Retention in the ARA", Issue 134) for addressing the retention problem in the Arms Corps. As I have plenty of anecdotal evidence to support her thesis, from my civilian job as an adviser to military personnel exiting the forces, I may be able to shed some further light on the discussion.

Goyne suggests that payment of a retention bonus could be one solution, but also points out that most monetary incentive schemes tend not to achieve the desired result. However, that does not mean to say that an incentive of *some kind* is inappropriate. Therefore, before discarding the incentive scheme concept altogether, it would be appropriate to ask "What incentive (if any) would induce a member to stay?".

Examining the reasons for people leaving should yield some clues. Goyne has already identified that the most common complaint of Lieutenant Collins' infantrymen was their lack of qualification for further employment on discharge. More telling, I suspect, is the explanation an Infantry captain gave me for his reluctant decision to leave the Army. His desire to contribute to the intellectual capital of the ADF by further study was continually being thwarted by operational demands. He (and the ADF!) had already paid for and withdrawn from two units because of work requirements. He wanted to progress; ADF policy indicates that they wanted him to progress, but his immediate superiors were just not giving him the time.

Money is not the issue. A more effective incentive than money could be more time or more opportunities for increasing the knowledge edge that is supposed to be the hallmark of the ADF in the 21st century.

This brings us to Goyne's third option, to make initial service in the Combat Arms compulsory. This option may well be worth considering as a solution to the problem of our non-Arms Corps personnel being inadequately prepared for our more likely operational employment as UN peace keepers. However, as a means of improving retention it does have its dangers, as Goyne herself observes of the Canadian experience.

This third option is based on the assumption that the problem lies in recruits not appreciating the excitement of being a soldier; however, earlier

sections of the article indicate that the problem does not lie in the initial experiences of a recruit at all. When lack of excitement and action in a peacetime Army is given as the third most likely reason for leaving the RAInf (48 *per cent* compared to 16 *per cent* for other corps), it is more reasonable to suggest that the problem is more likely to lie in the Army's *failure to deliver the excitement* – an excitement that recruits do, in fact, appreciate.

Excitement does not necessarily mean an increase in operational activities. Field activities do tend to lose their appeal after a SNCO's 50th visit to the 25m range. The need for excitement with regard to the need for combat readiness, for infantry personnel to feel that they have worthwhile training for civilian life and the need to reduce injury risk leads to one of two scenarios. You have either the recipe for disaster in the form of poor retention if these needs are not addressed or the foundation for a fourth option.

A fourth option could be an Arms Corps vocational/professional development scheme; an annual *allocation of time* (not necessarily money) for individual development activities that enables soldiers to develop the second vocational skill set that *every other corps in the Arms is given automatically*. Instead of doing a 6th repeat of a particular military exercise which requires the support of other units that are already overworked, a unit's training program could be adjusted to allow for a combination of personal development leave and block training for unit personnel each year.

The nature of the training should be largely up to the individual, but there would be scope for the unit to organise special training *en masse* if so desired. For example, something like an expanded version of the CO's hour, or allow individuals to undertake their own choice of training. I am not suggesting that this training should be paid for by any new Defence entitlement, although SVETS, DFASS or unit funds should be applied for when applicable. Apart from the fact that this would be costly, I have already established that money is probably not the issue: time and opportunity is.

This Arms Corps Development Scheme would then not only provide that time and opportunity, (a) it would also improve morale, (b) reduce staleness (improving combat readiness), (c) reduce the re-employability gap between the Arms and other corps, (d) improve an injured soldier's ability to corps

transfer, reduce the risk of injury (simply by reducing the numbers of days an infantryman is exposed to risks in the field), (e) reduce the number of costly field activities annually, and hence (f) ultimately both improve retention and reduce costs.

Although allocation and retention issues are relevant to the entire Armed Forces, Goynes's article is particularly useful in its recognition of the special needs of our combat personnel. If we do not have the courage to accept and address the needs of those who represent the very *raison d'être* of an Army, then what hope is there for the rest of us? I sincerely hope that Major Goynes's article and this response will stimulate debate at a higher level, and I look forward to learning that *something* will be done.

Captain C.J. Lamont  
RAAEC

Dear Editor,

Thank you for publishing Captain Mark Watson's article, "What Has Gone Wrong". Captain Watson raises some very important issues and airs some widely held perceptions about Army's organisational health. Yes, some things have gone wrong.

Late last year, Chief of Army commissioned the *Officer Professional Effectiveness Review* for the Army, known as Project *Opera*. It seeks to engage every full-time and part-time officer in the development of a coherent strategy to address some of the concerns raised by Captain Watson. Our aim is to build a more effective Army by providing all officers with meaningful careers and an opportunity to make a difference.

Captain Watson raises a number of important and valid themes in his article. Unfortunately, the tone of his article is akin to those often found in university student newspapers. That is, his "rock-throwing" approach does not provide the basis for rational dialogue as it places one of the major stakeholders, "the system", in a "no-win" position.

Army, through Project *Opera*, is committed to coming to grips with these issues to develop the way ahead. One of our team members, Major David Schmidtchen has produced an article titled "Rethinking the Psychological Contract between Army and its People". This article also challenges the system by encouraging debate on some of the fundamental issues raised by Captain Watson.

I strongly recommend all officers consider Major Schmidtchen's article and provide their comments to Project *Opera* on the Internet at [www.army.gov.au/opera.html](http://www.army.gov.au/opera.html) or by e-mail to [opera@dao.defence.gov.au](mailto:opera@dao.defence.gov.au).

Mike Lovell  
LTCOL

Dear Editor,

What a relief it was to read two articles critical of Australia's defence posture, "The Knowledge Edge" and "What Has Gone Wrong" (*ADFJ* May/June 1999).

I was under the impression that I was one of a few, critical of our own micro defence force. I consider it is half the size it should be. For years personal questions to bureaucrats and politicians, in regard to the half dozen or so trouble areas to Australia's north-west, north and north-east, "Why couldn't we do something?" would produce looks of contempt and an answer of pity for asking such an irrelevant question.

I congratulate the writers and look forward to ensuing lively discussion

J.D. MacAnsh  
RFD

Dear Editor,

Well done Captain Watson, well done!

What's more, unlike an earlier contributor who dared to criticise the leadership of senior officers, you have very wisely not mentioned the war.

R.W. Eastgate  
Major (Ret)

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# Re-thinking the Psychological Contract Between Army and its People

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By Major David Schmidtchen, AA PSYCH

## Introduction

The Army recruits some of Australia's best and brightest young people. Each of them joins the Army with his or her own set of expectations. Some of these expectations are spelt out in detail in our recruiting material, others are drawn from family and friends, while many develop during through life experience. The expectations that are drawn from experience tend to be less tangible and often difficult for us to articulate. Yet all of them drive our behaviour, especially our commitment to remain in the Army once we have joined it.

The Army, as a national institution with strong traditions, also expects certain things from its people. Some of these expectations are enshrined in the Defence Act, the *Defence Force Discipline Act* and a variety of policy instruments. However, many of its organisational expectations are embedded in its enduring values and traditions. Like many of our less intangible individual expectations, Army's expectations are not always easy to articulate.

When a person joins the Army he or she swears an oath of allegiance and normally commits to a minimum period of service as part of the enlistment process. In addition to any formal contract, each individual sub-consciously establishes a "psychological contract" with the Army. This unwritten contract remains unconscious until it is breached.

The purpose of this article is to describe the "psychological contract" that exists between the Army and its people. This article seeks to generate debate on the "health" of the organisation. It defines and describes the key features of the psychological contract and highlights observations and trends that reflect the current state of the contract.

## The Psychological Contract

The psychological contract is a set of mutual, unwritten beliefs or expectations about the obligations

between the Army and its people. The contract provides a broad explanatory framework for understanding the subjective nature of the relationship. The psychological contract accomplishes three tasks, it: defines the relationship; seeks mutual commitments; and manages mutual expectations.

The psychological contract is by definition voluntary, subjective, dynamic and informal. The dynamic character of the contract means that individual and organisational expectations mutually influence one another. The Army's people take steps to fulfil their obligations and look to the Army to fulfil its obligations within the perceived terms of the contract.

Rapid changes to the social, organisational and strategic environment over the last five to ten years has led to restructuring, outsourcing, redundancy and a change to the fundamentals of work. As a result, the psychological contract where the Army offered security, stability, predicability and advancement in exchange for the member's commitment and loyalty has been fundamentally altered. Indeed, the Army's people are faced with an environment characterised by increased uncertainty, the perception of fewer benefits, increased workloads and responsibility, and fewer resources. As a result, many people feel that the contract has been broken.

## Commitment

Loyalty and commitment remain central to the ethos of the Army and are therefore central to the psychological contract. The maintenance of organisational commitment is vital to Army's role in warfighting. Organisational commitment is said to have a *continuance* and an *affective* element.

*Continuance* commitment is a measure of the individual's continuing desire to stay with the Army. Ideally, this form of commitment is associated with the positive benefits that a member gains by continuing to serve. However, it is possible to have *negative continuance commitment*, for example, there may be no satisfactory alternative employment opportunities available.

*Affective* commitment is a measure of the individual's moral involvement in the Army. It is the extent to which a member positively identifies with the Army's values and norms.

Clearly, both elements play an important role in shaping the psychological contract. Continuance commitment is associated with conditions of service, pay and benefits, but also the intangible psychological rewards attained through association with the organisation. Affective commitment is particularly important in the Army as this element contributes to sustaining the individual in times of crisis. This is the measure of commitment that will lead people to perform "beyond their duty statement" and which, when broken, is more difficult to repair. When affective commitment has been damaged the members of an organisation continue to serve its needs, but in a more limited way. Compliance behaviour<sup>1</sup> is the term used to describe this level of involvement.

A breakdown in the psychological contract will reduce organisational commitment and increase compliance behaviour. Therefore, maintenance and sustainment of the "contract" is a core concern for any organisation that espouses the strategic value of its people.

### Contract Decay and Renewal

The psychological contract is a relationship mediated by trust. An outcome of contract violation is a breakdown of institutional trust where soldiers and officers are likely to feel that something unwritten, but important, has been violated. This disintegration of the traditional contract may cause the members to demand more explicit terms from the Army. In particular, opportunities for development, autonomy, flexibility, and meaningful work experience. Members may also be more likely to distrust the hierarchy to fulfil the contract and consequently want equal involvement in decisions that affect them. Over time the relationship adjusts so that commitment and loyalty are offered in situation specific terms and subject to constant monitoring and re-evaluation.

Violation of the contract by the Army may lead to higher rates of turnover and lower levels of institutional trust. Job satisfaction, retention and commitment are also likely to suffer.

Clearly, the psychological contract must change over time to reflect social and organisational expectations. However, in periods of substantial institutional and environmental change, it is difficult

to smoothly transition from one form of contract, suited to one era and one Army, to a new contract best suited to current and future needs. Some degree of member dissatisfaction is likely to result from any substantial change in the psychological contract and will remain until the new contract is fully accepted. The objective in periods of transition is to minimise the extent of this dissatisfaction. This requires broad recognition that a psychological contract exists, that it is vital to organisational effectiveness, that it will be stressed in periods of significant change, and that the Army is committed to measures which will enable as smooth a transition as possible.

### The Contract between Army and its Officers

Organisations have unique contracts that reflect their culture and values, and are not able to be transferred between organisations. In particular, the fundamentals of the psychological contract established in the civil sector cannot be readily transferred to the Army. The Army is an organisation that relies on attracting and maintaining people who are willing to serve the organisation because it represents a set of values and a role in society that has a clear and valuable purpose. While the core business of Services and the Australian Public Service (APS) are, in a general sense similar, it is also true that in many fundamental areas they are not the same. In particular, the nature of the physical and moral commitment required in battle is different. Hence, they require different "contracts".

There are many indicators of the "health" of the psychological contract between Army and its people. The following may indicate a breakdown in the contract:

- High wastage among officers at the rank of Captain to Lieutenant Colonel;
- General dissatisfaction with a work environment that is risk averse, punitive and demanding without reward;
- Overt examples of careerism (as opposed to professionalism);
- Career education and training is perceived to lack substance and credibility. Members may prefer "credible" civil education;
- Perceptions that junior officers are not being provided with a value set appropriate to the profession;
- Complaints that career expectations are not being met;



- The organisation believes that it has lost its identity within the community; and
- The general perception that the organisation lacks a sense of purpose and identity.

### Moulding a New Contract

The new contract that is emerging within the Defence Organisation and Army is one that is more situational and short term, where the member and the Army are much less dependent on each other. One commentator<sup>2</sup> defines it the following way:

*There is no job security. The employee will be employed as long as he or she adds value to the organisation, and is personally responsible for finding new ways to add value. In return, the employee has the right to demand interesting and important work, has the freedom and resources to perform it well, receives pay that reflects his or her contribution, and gets experience and training needed to be employable here or elsewhere.*

Clearly, under this view of the emerging contract, organisational commitment and loyalty have a different meaning than in the past. In the new employment contract the employees attempt to maximise personal satisfaction, status and income by selling their talents to the most attractive opportunity provider. Individual sense of identity is linked to profession rather than to the Army. They are members of their profession first and organisational citizens second.

If this is a fair description of the new psychological contract, then the Army can no longer rely as heavily on traditional methods and techniques to attract and retain talented individuals. Instead of career paths and job security, new incentives need to be applied. To meet the requirements of the new contract, Army must switch incentives away from careers, status and promotion and apply them to an environment that is sufficiently challenging and involving so that it becomes a source of loyalty. This translates into a new type of security known as “employability security”<sup>3</sup>. The rush of officers to gain civil qualifications is an example of members independently seeking employability security.

The idea of a “new contract” offers a number of opportunities and challenges for the Army. It appears to reinforce a “What’s in it for me?” relationship with the organisation. This relationship may mitigate against many of the organisational and personal values that have traditionally been seen as fundamental to success in warfighting.

### Discussion

The effect on the Army of the breakdown in the psychological contract is not yet fully understood and its renewal, in a more suitable form is not yet underway. More detailed and rigorous study is required to fully understand the issues.

It is apparent that a new contract is starting to govern the employment relationship in the wider Defence organisation. This relationship appears to be driven by expectations within the wider community that, in turn, are reflected in recent strategic human resource policy initiatives within Defence. While these initiatives have been valuable in some areas, there is underlying assumption that the principles governing the psychological contract can be the same for wider society; the Services and APS alike.

The concern is that the Army has not clearly identified or articulated a vision for the Service relationship that is consistent with the core business of warfighting and is credible within the organisation. Clearly, a tenable contract will evolve over time, will be based on mutual trust and developed through consistency in policy and behaviour. However, it must also be consistent with the role and purpose of the organisation if it is to be useful to warfighting.

There are some factors influencing the employment relationship that remain within Army’s control. Those that can be influenced include:

- Providing a clear sense of purpose, focus and belonging;
- Consistently providing and supporting quality leadership at all levels;
- Reinforcing and sustaining organisational and personal values; and
- Offering meaningful employment and development opportunities.

Equally, there is a range of factors beyond the control of Army and the wider Defence organisation. There has been a dramatic shift in societal values and structure, and a general expectation that the Army will conform to the new values. A substantial problem arises when the new values conflict with the Army’s fundamental role.

Army is not immune from the experiences and perceptions of employment being developed and implemented in wider society. In fact, recent Defence strategic human resource policy appears to be moving rapidly toward implementing policies that reflect the central tenets of the “emerging” civilian contract. The challenge is to reconcile the new values with a fundamental warfighting requirement that remains unchanged.

## Conclusion

A vision of what the psychological contract between Army and its people should deliver is an important foundation for generating meaningful debate that, in turn, it will guide strategic human resource policy development.

The concepts outlined in this article are continuing to evolve as the Army learns more about its behaviour as an organisation and that of its people. The Army, like each of its people, is somewhat a prisoner of its own experience and perceptions. Much dialogue is required if we are to evolve a clear understanding of the psychological contract to the point that we can manage it effectively during times of great change.

To this end, the staff at Project *Opera* seeks your views on the issues raised in this article. You are invited to make general comments about the issues raised in the article or, alternatively, to address one or more of the following questions:

- What should be the key characteristics of Army's psychological contract;

- Is the traditional value set and role of the Army no longer appropriate? If not, what from an "organisational perspective" has changed;
- Can the "emerging" contract reinforce a value set that is compatible with warfighting;
- Can the organisation meet its obligation in the emerging employment relationship;
- Will the emerging contract serve to attract and retain the level and quality of new employees;
- How can we build an organisational culture and structure in which soldiers and officers feel satisfied and challenged; and
- How has the evolution of societal expectations and trends been incorporated into the development of the enhanced combat force and the Army after next?

### NOTES

1. Compliance behaviour refers to employees who seek to meet the minimum standards required of the organisation. These people are less attached to the organisation and consequently are less likely to go "beyond their duty statement".
2. Hiltrop, J.M. (1995). The changing psychological contract: The HR challenge of the 1990s. *European Management Journal*, 13(3), pp. 286-294.
3. Moss Kanter, R. (1994). Change in the global economy: An interview with Rosabeth Moss Kanter. *European Management Journal*, 12(1), pp. 1-9.

Comments should be addressed to the author at David.Schmidtchen@dao.defence.gov.au.

*David Schmidtchen was born in western Queensland in 1965. He joined the Australian Army as a military psychologist in 1989, after completing a Bachelor of Science (Honours) degree at the University of Newcastle, New South Wales. He subsequently completed a Graduate Diploma in Human Resource Management at the University of Southern Queensland in 1994.*

*In 1996, David was awarded a Defence Fellowship to conduct a research project, examining the human resource development issues associated with preparing Australian Defence Force (ADF) personnel for peace operations. The findings of this study contributed to the ongoing development ADF peace operations policy in a number of human resource development areas.*

*In 1999 he joined the Officer Professional Effectiveness Review for the Army (Project Opera) as the research officer.*

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# The Cambodian Genocide: Causes and Aftermath

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By Major M.J.Dugdale, RA Sigs

## Introduction

Cambodia: the word brings to mind images of sickening violence, social upheaval and the subjugation of basic human rights to political opportunism. Decades of political and social turmoil, much of it instigated by events beyond Cambodia's control, gave rise to an environment that saw a relatively obscure political faction, the Khmer Rouge, seize power in 1975 to establish Democratic Kampuchea. What followed was almost four years of radical societal transformation based on an ideology of Maoist Communism implemented through marginalisation, ideological indoctrination and brutal atrocities.

The analysis of the events in Cambodia necessarily begins with an overview of the events themselves and determining why the tragedy should be considered genocide. The examination of the Khmer Rouge atrocities is predicted on whether the United Nations Genocide Convention (UNGC)<sup>1</sup>, with the acknowledged limitations inherent in its definition of genocide, can be applied. The analysis then addresses how the atrocities occurred, the contributing factors, and the international response for intervention and prevention of human suffering.

## Background Events

The 1954 Geneva agreements arising from the First Indo-China War generated Cambodia's independence from French colonial domination. After years of ineffectual political agitation following independence, a group of young French-educated communists gained control of the pro-Vietnam Workers' Party of Kampuchea in 1966, changed its name to the "Communist Party of Kampuchea" (CPK) and began to call for an uprising against the government led by Prince Norodom Sihanouk. China fostered the coalition of the CPK with a group of radical Khmer nationals, resulting in the Khmer

Rouge (the "Red Khmer"). The Khmer Rouge members, led by Pol Pot, were primarily educated and middle class, and sought the purification of Cambodia from "foreign contamination" - defined by them as the influence of foreign food, music, education, trade etc...

By this time the US was heavily involved in the Second Indo-China War in neighbouring South Vietnam and Sihanouk was unsuccessfully trying to protect Cambodia as a neutral country. Cambodia's destabilisation began when the Khmer Rouge undermined the state economy by smuggling rice to both North and South Vietnam, thus depriving the state of tax revenues. This was shortly followed by the Viet Cong retreat into sanctuaries in Cambodia, drawing Cambodia into a situation where Sihanouk attempted to appease North Vietnam whilst covertly agreeing to the US conducting a bombing campaign of the Viet Cong enclaves in Cambodia. These policies and his political naivete led to his downfall; military and political unrest reached a climax Sihanouk was overthrown in a coup by the US-backed Lon Nol in 1970, and the war spilled across the border into Cambodia itself.

After his deposition, Sihanouk unwisely chose to join the Khmer Rouge, which had not revealed its communist credo to the Cambodian people but instead launched a propaganda campaign calling for Lon Nol to be deposed and Sihanouk returned to power. The Khmer Rouge slowly gained political ground as the US bombings of Cambodia not only killed up to 150 000 Cambodians but also drove the Viet Cong further into Cambodia, disrupting rural life. Up to two million displaced peasants moved to the cities. Malnutrition, inflation and military corruption afflicted the refugees, and none of these consequences was recognised or compensated by the US.

During this time, Lon Nol clung to power on the strength of US political support and his use of force. Both Lon Nol and the Khmer Rouge were hostile to the Vietnamese forces and chose to vent this anger on the local Viet Khmers who were mostly urban clerks and skilled workers in Phnom Penh; up to 30 000 were executed or forcibly imprisoned by Lon Nol. However, the majority of violence occurred between the Khmer Rouge and Lon Nol's forces as they waged a five year civil war.

Though they had already resorted to atrocities in order to force the rural peasantry to launch a “people’s uprising”, the Khmer Rouge did not reveal their true nature and communist agenda until gaining power in 1975. Pol Pot then essentially created a military dictatorship and instituted a total transformation of Cambodian society in an effort to return it to a pre-industrial, “purified” model. The country was renamed “Democratic Kampuchea” and divided into six zones, each governed by a combined political and military force that took its directions from the “Centre”, the main CPK headquarters in Phnom Penh. Pol Pot’s methods for societal transformation included the forced evacuation of urban populations to the countryside, the disintegration of communities and family units, forced labour, political indoctrination, starvation, corporal punishment, collective punishment, torture and forced “confessions”, and executions, all on a massive scale. The victims were drawn from various groups with seemingly no relationship or common characteristic to set them apart: Buddhist monks, Cham Moslems, Viet Khmers, ethnic Chinese and Khmer nationals from the eastern zone. Estimates of the number killed vary greatly due to the lack of documentary evidence, but it is usually accepted that between 1.5 and 2 million Cambodians, about 25 *per cent* of the population based on pre-1975 figures, were killed during the Khmer Rouge’s four year reign of terror.

Responding to the intra-party purges of Vietnamese sympathisers and the escalation of cross-border attacks by the Khmer Rouge, Vietnam invaded Cambodia in late 1978 and swept the Khmer Rouge from power. Many of the hierarchy and central army, including Pol Pot, escaped into the jungle along the Thai border and continued to launch attacks, undermining the government installed by Vietnam (led by Heng Samrin and Hun Sen) and taking more Cambodian lives.

### A Model of Genocide for the Cambodian Tragedy

Few authors find the UNGC acceptable. The works of the leading authors Kuper, Charny, Chalk and Fein contained in Andreopoulos (1994) are all highly critical of the UNGC, emphasising that the omission of political and social groups as victims, the differing interpretations of “intent”, together with the lack of enforcement mechanisms have created a legacy of lost opportunities for the UN to address

state-sponsored violence. Fein (1993a p. xi) takes the approach that the UNGC has potential as it accommodates the important distinction of the perpetrator’s motives. Overall, Fein’s interpretation and modelling of genocide typologies most appropriately describe the events in Cambodia.

With reference to Cambodia, the majority of authors find that the actions of the Khmer Rouge do not constitute genocide under Article II of the UNGC. This stems primarily from the classification of the victim groups. Most authors, including Fein, argue that the victims were targeted on the basis of political and social characteristics, and therefore the events in Cambodia are technically not a genocide. The victims were drawn from a number of group classifications, making the overall labelling of the Khmer Rouge atrocities difficult. Kiernan (1994 pp. 191-202) identifies four distinct religious and ethnic victim groups that qualify the Cambodian tragedy as genocide. Hannum and Hawk (1986 pp. 138-150) state that the atrocities are undoubtedly genocidal since the UNGC does not proscribe the perpetrator being of the same ethnicity as a victim group, and the persecution of the eastern zone Khmer group was committed with the intent to destroy the existing Khmer nation in the name of purification. Nevertheless, the diversity of the victim groups would seem to preclude their persecution and deaths being defined as genocide under the UNGC.

Fein’s typology of genocide falls within the boundaries of the UNGC but she has attempted to accommodate previously excluded political and social groups. Her typology is described in terms of the criteria which discriminate between the different types of victims (such as the presence of ideology or organised threat) rather than describing specific victim groups<sup>2</sup>. In the process, she nullifies the advantage currently held by the perpetrator under the UNGC to set the boundaries and membership of the victim groups. Her definition and model of ideological genocide is inclusive of victims, covering all unarmed and non-violent civilians, and is therefore ideally suited to describe the Cambodian tragedy with its complex and seemingly unrelated victim groups. Fein’s model of ideological genocide is described as a state redefining its society by eliminating people in order to correspond to its political ideology, its representation of itself, and to legitimate the state: this incorporates the major goals of the Khmer Rouge in Cambodia. Of the various definitions and models of genocide, and the numerous interpretations of the UNGC in the context of the Cambodian events, Fein’s model of ideological genocide most

appropriately describes the Khmer Rouge actions as genocide.

### The Causes of the Genocide

The lack of records kept by the Khmer Rouge has resulted in the principle scholars of the Cambodian genocide developing theories to explain its purpose and how it occurred. Some of these theories seem diametrically opposed and deserve examination.

#### Intent

There are a number of interpretations of the intent of the Khmer Rouge regime and its use of genocide. Descriptions vary from Chinese-backed economic reconstruction, to a successful peasant revolution, to ideologically based social transformation and others. It can be argued that characteristics of the Cambodian genocide can be found to support many of these interpretations.

Vickery (1984 p.66) views the genocide principally as the result of a peasant revolution aimed at overthrowing the educated elite, and not the result of communist ideology. Additionally he contends that this revolution, and presumably the genocide, was driven by nationalism and the cult of personality surrounding Pol Pot, essentially stating that Pol Pot was “pulled along” by the force of the peasant uprising. He attests that the actions of the Khmer Rouge represent “a victorious peasant revolution, perhaps the first real one in modern times” (1984 p. 66). Vickery contends that not only was the revolution dominated by the peasantry, but that Pol Pot and his forces were incapable of conceiving and planning the atrocities that resulted after their rise to power. He attributes the atrocities to the spontaneous actions of peasants thrust into power-roles and behaving in a similar manner to that of victorious revolutionaries in other peasant uprisings throughout history (1984 p. 287). Whilst it is conceivable that this may explain a high level of violence in the immediate aftermath of a peasant revolution, it does not explain the rising level of atrocities in 1977 and 1978.

Kiernan (1993 p. 11) argues that Pol Pot’s intention was to re-shape Cambodian society such that all foreign influence was cast out, purifying the Khmer nation and redefining society based on agrarian communism. Chalk and Jonassohn (1990 p. 29) similarly argue that the genocide was intended to implement an ideology rather than eliminate a real or potential threat, acquire economic wealth, or spread

terror amongst real or potential enemies. Fein (1993a p. 47) agrees and notes that ideological genocide is usually not related to pre-existing ethnic discrimination or exclusion. This was generally the case in Cambodia: a relatively homogeneous society was fractured to induce an ideological genocide for the purpose of implementing a communist utopia.

#### Organisation and Methods of Genocide

Hannum (1989 pp. 86-93) argues that the Khmer nationals in the eastern zone were targeted as part of a specific campaign planned by the Party Centre, and their persecution did not arise from local Khmer Rouge autonomy or occur on the whim of an especially brutal local commander. He argues that the eastern zone Khmers were identified as a victim group due to their demographics. Their proximity to the Vietnam border together with the high proportion of educated members convinced the Party Centre that this group was open to foreign influence and thereby represented potential opposition to the Khmer Rouge actions.

Kiernan (1994 p. 201) attributes the genocide to a well coordinated central plan. He argues that the Khmer Rouge leaders with the maximum power and responsibility for the genocide were centred around Pol Pot at the Party Centre in Phnom Penh, not localised in the rural areas where many of the atrocities actually occurred. This is based on the Khmer Rouge need to maintain control over the social transformation, ensuring that those who were identified as non-conformist were not permitted to become a focus for resistance. Kiernan makes a particularly strong argument that it was the party elite and not the peasantry responsible for the planning of the eastern zone Khmer massacres. This view is supported by many scholars. However, there are notable exceptions.

Thion (1993 p. 166) argues that there were three main causes of the genocide, each with its own aim, organisation and methods. First, a Party Centre decision instigated the elimination of those who were identified office holders or supporters of the ousted Lon Nol regime, including relatives. This occurred soon after Pol Pot took power, and between 100 000 and 200 000 men, women and children were executed. Thion notes that although this policy may not have been implemented in the same manner in each zone, there was nevertheless central planning with the aim of removing any vestige of the old regime that may have represented a rallying point for resistance. Second, the Party Centre planned a series of purges of the Khmer Rouge itself, progressively eliminating larger numbers of suspected or

“confessed” traitors. These individuals, group or zone commands, including relatives and subordinates, were deemed to have intellectual origins and political associations that made them potentially disloyal. Thion quotes a figure of 200 000 killed, including the execution of Khmer civilians in the eastern zone in 1978<sup>3</sup>. Third, and most controversially, Thion attributes the majority of the killings to the freelance actions of the local Khmer Rouge cadres in their attempt to assert their power. He notes that most of the zone authorities were drawn from the uneducated peasantry and resorted to brutality in order to compensate for their incompetence, their social ineptitude and to assert their authority. Thion’s stance attributes the deaths of the majority of the genocide victims to local planning, or no planning at all, and implemented with no central coordination or aim. Since most authors agree that genocide is, in part, defined by the purposeful action of the perpetrator to prevent the physical or social continuity of the victim group, it is arguable that Thion’s approach excludes the majority of the killings and persecutions from classification as genocide. His defined purpose for the killings and the ad hoc approach by the perpetrators is more appropriately described as terrorism. Terrorism represents a control method, not an extermination method. Indeed, Thion rejects the application of the term “genocide” to the Cambodian tragedy overall (1993 pp. 181-186). It is difficult to reconcile the killings of at least one million people, mostly civilians, as merely terrorism run rife and not genocide.

Chandler (1991 p. 3-11) agrees with Thion that many of the killings were carried out without central planning but instead resulted from local commanders overstepping their authority to implement their own localised regimes. He also rejects the description of the Khmer Rouge actions as genocide. Though he agrees that the Chams and Viet Khmers were “discriminated” by the Khmer Rouge as enemies of the revolution, he does not accept that the persecutions and killings represented attempts to exterminate these groups on the basis of race, religion or ethnicity. In fact, Chandler argues that the Khmer Rouge did not intend so many deaths to occur.

These arguments by Thion and Chandler present several problems. It is difficult to accept that so many local commanders and their subordinates independently instituted similar atrocities on such a large scale, particularly since most authors emphasise that the traditional Cambodian approach to authority is to accept it without question; Thion makes this point himself and in the process weakens his own theory (1993 p. 167). Indeed, it can be argued that the

local commanders were themselves made in the same psychological mould as their victims, and therefore did not challenge the authority of the Party Centre. It is also difficult to accept that such a large number of unauthorised atrocities would be permitted to continue by the Party Centre. Whilst it can be accepted that a number of them would have been condoned for the purposes of enforcing power, surely the Centre would have become concerned at the rising destruction of the labour force and the misdirection of local Khmer Rouge resources. This is particularly important given that the theory of localised planning implies that the Party Centre had higher priorities, presumably the reshaping of Cambodia’s economy to a pre-industrial state and therefore the need for a workforce. The inconsistencies in the arguments put forward by Thion and Chandler are too great to overlook. Kiernan’s approach is the more credible as central planning of the genocide more closely satisfies the Khmer Rouge agenda of complete societal transformation.

### **Culture and Psychology – Perpetrator Motivation and Victim Behaviour**

The actions of both the perpetrators and the victims can to some extent be explained by the culture and national psychology of the Cambodian people. Briefly, the perpetrators of the atrocities, and those responsible for the planning, excused themselves of responsibility for their actions by blaming the victims for their situation. Victim groups were judged to be collectively guilty, though for the most part they were not accused of anything other than being what they were: guilty by class, religion and ethnic origin. They were considered enemies of the state by definition, not by posing any actual threat. Faced with isolation as individuals or small groups, and stripped of the cultural and religious features that defined them and their morality, most Cambodians responded to the atrocities by resorting to survival instincts: deference to the Khmer Rouge and privately excusing their own actions and inability to retaliate.

Whittaker (1985 pp. 814-820) states that the readiness of the Khmer Rouge leaders to kill is related to pre-existing national definitions of enemies and characteristically tolerated uses of aggression. State-manipulated prejudices and sanctioned violence led Cambodia to vent aggression at foreigners and attribute collective guilt against whole ethnic groups. Cambodia’s ambiguous historical definition of national borders was also used to justify aggression; Cambodia has disputed its border with Vietnam for over two centuries and has used this as the basis for numerous wars and skirmishes. The Khmer Rouge

relied on this to justify hostilities against the Vietnamese. Additionally, Cambodians had long tolerated periodic pogroms against ethnic Viet Khmers, with whom they peacefully coexisted at other times. Thus there was an historical cycle of pogroms preceded by collective accusations. Whittaker contends that State-authorized aggression taught Cambodian society not only to express collective punishments but to expect such actions in the future, and to view this as a normal part of the social cycle. The victims of these local pogroms were always local minorities drawn from the more powerful neighbouring state of Vietnam, and provided a model for the later elimination of other minorities and dissidents. Several other scholars, including Kiernan (1993 p. 13) and Frieson (1993 pp. 34-39) refer to a cultural or psychological predilection for violence as being seen as a legitimate tool in Cambodian politics. There is evidence to support this in Sihanouk's widespread use of force prior to 1970, and Lon Nol's brutal attempts to crush his opposition. Shelton-Woods (1993 pp. 3-6) notes that Sihanouk's rule was not without intolerance. Dissenters were silenced through force or amalgamation into the socialist party. Political opposition of any kind was not tolerated, and freedom of speech was not supported.

Staub (1989 p. 23) notes that cultural and personal preconditions, such as orientation to hierarchical authority, lead to a motivational readiness to defend the self and harm others. He also emphasises that group psychology processes differ from those of the individual. In the majority of cases individuals will subordinate their morality and behaviour to those of the group, regardless of how basic the group's standards may be, in order to gain group credibility and to become indistinguishable from the masses. This natural human trait was magnified to Pol Pot's advantage by social stratification and the dissolution of family structures. The Khmer Rouge became the only identifiable group to which individuals could belong. Further, those who chose not to identify with this group were distinguishable and therefore potential targets. In conjunction with this, the Khmer Rouge propaganda stigmatised various religious and ethnic groups and encouraged the people to see these groups as the cause of Cambodia's problems, the enemies who had inflicted the civil war and associated hardships. In this way many ordinary Cambodians were deceived by an unfortunate combination of policies and human psychology, and were manipulated into preparedness to harm their fellow countrymen.

Chandler (1991 p.12) notes that the traditional Cambodian political structure was built on a patron-client system in which political, social and economic influence depended primarily on loyalty to a particular elite, with the royal family inevitably forming the highest link in the system. Over the generations this led to a tendency towards individuals seeing themselves as helpless, reliant on their family unit and patron-client relationship for their identity, and to accept the extant power relationships. To the majority of Cambodians this political structure made the concept of revolution unthinkable. Consequently, many were unprepared to respond to the atrocities as they could not move beyond the ingrained psychological conditioning that described the individual as powerless.

### Intervention and Prevention

#### **Invasion by Vietnam and the Issue of State Sovereignty**

Though the Khmer Rouge downfall at the hands of the invading Vietnamese in 1978 ended the genocide, it must be emphasised that Vietnam's motives were not philanthropic but stemmed from the need to prevent further cross-border attacks by the Khmer Rouge. Vietnam did not claim humanitarian principles for its actions, but territorial integrity.

The international reaction to Vietnam's invasion was generally negative, despite the reports of atrocities that had filtered out from Cambodia over the previous four years. ASEAN and NATO in particular condemned the action, despite the obvious benefit to the Cambodian people in the prevention of further atrocities. The international condemnation was principally based on the premise of state sovereignty; the right of a government to handle its domestic affairs free from external intervention. Most states were unwilling to contest Cambodian sovereignty since such action would invariably call into question the issues of state sovereignty, and especially respect for developing states. This was a particularly sensitive issue in South East Asia given the number of post-colonial states and their efforts to establish their independence. The debacle of the Second Indo-China War also served as a warning to the major powers not to become further entangled in the region. The issue of sovereignty represented a convenient diplomatic barrier to intervention.

There were deeper motivations behind the lack of international action to prevent the genocide. The

pressures of Cold War politics saw states deliberately wielding political ideology and military force to manipulate the rule of international law and to uphold an international system that turned a blind eye to intra-state violence in an attempt to maintain the power bloc *status quo*. Shelton-Woods (1993 p. 417) argues that Cambodia was clearly a pawn in a much larger game. Its misfortune was to be used to counter regional developments in a proxy superpower contest. The US used Cambodia in waging its war against North Vietnam, and Cambodia was used by China in its contest with Soviet-backed Vietnam.

No foreign power had the will to impose sanctions on the Khmer Rouge regime, and it is difficult to see what sanctions could have been implemented given the self-imposed political and economic isolation of the country. The UN imposed an economic blockade on Cambodia only after the removal of the Khmer Rouge. It remained in place for more than a decade.

### Prevention

Fein has stated in her typology of genocide that the calculus of genocide is rational, with the killings expected to be cost-free because there are no sanctions or checks put in place, and external countries continue to support the perpetrator. This suggests that a deterrent to genocide lies in reversing the response of patron states in particular, and the international community in general. Factors beyond strategic and economic imperatives must be brought into play to force external states to intervene.

The end of the Cold War resulted in a greater convergence of international political ideologies, with a growing focus on intra-state conflict resolution, particularly through humanitarian intervention. There has been greater acceptance of controlled intervention such that human rights are beginning to impact on the traditional view of state sovereignty. Ryan (1997 p. 87) proposes that intervention should not be viewed in negative terms as a right to meddle in domestic issues, but in positive terms as the collective obligation of all states to bring humanitarian relief and redress wrongs.

Under customary international law the international community has upheld the principle that governments cannot act with absolute impunity within their borders: "under international law the concept of sovereignty is not absolute". (Ryan 1997 p. 80). Positive law has since added weight to this through commitments to protect human rights. International law has long recognised that there are fundamental principles that supersede the rights of states, indeed some customary principles are so basic to existence (such as the right not to be killed) that

they cannot be relegated by any state. Theoretically, this raises the UNGC above the rights of states to address internal matters free of interference, though the UNGC has yet to be invoked as the determining factor in intervention. The belated UN intervention in Rwanda was under the auspices of humanitarian assistance, not the prevention of genocide under the UNGC. Clearly, the UN is not yet ready to test the applicability of the Convention, especially since it does not mandate any enforcement mechanisms.

Regarding Cambodia, Kuper (1985 p. 143) states that the prevention of a future genocide requires the unmasking of the perpetrators, the exposure of the regional and global powers' policies that prolonged the genocide, the reorienting of these policies, and the pressing of patron states to take responsibility for their actions. The readiness of the UN Security Council to sanction conditions enabling the Khmer Rouge to return to power shows that there is little interest in bringing perpetrators of genocide to justice, and therefore little regard for the prevention of genocide.

### The Aftermath

In 1989, Vietnam withdrew its forces and invited Sihanouk and a number of non-communist factions to participate in free elections. The UN overruled this proposal, maintaining diplomatic and economic isolation of Cambodia until the Hun Sen Government agreed to UN monitored elections that included Khmer Rouge participation.

Despite the lack of popular support and their overthrow in 1978, the Khmer Rouge were legitimated by the peace plan negotiated by the permanent members of the UN Security Council thanks to their protection of client states and the alliances among them. Indeed, the Khmer Rouge successfully lobbied for the abandonment of charges against them, despite a UN investigation in 1985 having labelled their actions an "auto genocide". There was a progressive elimination of diplomatic criticism of the genocide. It is now even possible for the Khmer Rouge to return to power through an electoral coalition, if they do not seek to do so by force. At the least, the UN has mandated Khmer Rouge participation in Cambodia's political system, a system that is far from stable and has recently seen the ousting of Prince Norodom Rannariddh by his co-President and former Khmer Rouge member, Hun Sen. Thus the international community has thrust the



responsibility for dealing with the Khmer Rouge onto the Cambodian people.

## Conclusion

The UNGC definition of genocide is viewed as problematic by the majority of authors due to its ambiguities and omissions. Though it is arguable, many authors hold that under a strict interpretation of the UNGC the Cambodian atrocities do not qualify as genocide. This relegates the deaths of between 1.5 and 2 million people, and the suffering of millions more, to being less worthy of international condemnation and action. Of the numerous definitions and typologies of genocide proposed by noted authors those of Helen Fein, particularly her model of ideological genocide, most appropriately describe the Cambodian genocide.

Cambodia was not seen as a legitimate victim of the Second Indo-China War. The economic and military destabilisation brought about by the US, China and regional powers gave rise to the conditions that allowed Pol Pot to win power. However, external forces were not the only influence. Sihanouk's short-sighted and opportunistic decisions, his alignment with Pol Pot, and the brutality and ineptitude of Lon Nol hastened the Khmer Rouge rise to power.

External influences continued to influence Cambodia even after the Khmer Rouge instituted wide-ranging persecutions and killings on a massive scale. Regional and global powers used Cambodia as a pawn in a proxy superpower contest, claiming the principle of sovereignty to be more important than the prevention of human suffering.

There are various interpretation of the intentions, organisation and methods that led to the genocide. Of these, the most credible shows that there was a well coordinated central plan with local implementation, aiming to radically transform Cambodian society to introduce a communist utopia. To achieve this, Pol Pot introduced brutal measures to subjugate the population, remove real and potential opposition and tear away all vestiges of Cambodian culture, community and family. The pre-existing cultural and psychological characteristics of Cambodia not only emphasised obedience but led the society to accept the use of violence as a political tool. Consequently, Cambodians were not equipped to deal with the policies of the Khmer Rouge. They were also psychologically scarred by the forced breaking down

of their social and individual morals and the necessity to develop a new morality in order to survive. Around one quarter of the population was exterminated, but all Cambodians suffered and continue to do so.

Vietnam's intervention to force the downfall of the Khmer Rouge was not motivated by a desire to prevent further genocide. Nor were the subsequent actions by the international community aimed at bringing Pol Pot and the Khmer Rouge to justice. International mediation of Cambodia's political structure has resulted in the Cambodian people having to bear the responsibility for dealing with the Khmer Rouge. There has in fact been little international action to prevent genocide and punish perpetrators, despite both customary and positive international law supporting the precedence of basic human rights over state sovereignty. The UN has yet to claim the UNGC as the grounds for humanitarian intervention.

While much of the Cambodian population continues to suffer the physical and psychological effects of the genocide, the underlying cultural and psychological attributes that permitted genocidal processes to be implemented, together with the ambiguities in the UNGC and lack of international will to prosecute perpetrators, remain extant. There is a real danger that the ongoing political instability in Cambodia will lead full circle to the same political and social conditions that the Khmer Rouge exploited in 1975.

## NOTES

1. Andreopolous, George J.ed., (1994) *Genocide: Conceptual and Historical Dimensions*, University of Pennsylvania Press, Philadelphia, pp. 229-233 Appendix 1: Text of the 1948 Genocide Convention. Article II of the Convention states that: "genocide means any of the following acts committed with intent to destroy, in whole or in part a national, ethnical, racial or religious group, as such:
  - a. killing members of the group;
  - b. causing serious bodily or mental harm to members of the group;
  - c. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
  - d. imposing measures intended to prevent births within the group;
  - e. forcibly transferring children of the group to another group."
2. Fein, Helen (1993) *Genocide: A Sociological Perspective*, Sage Publications, London. Fein defines genocide as "a sustained, purposeful action by a perpetrator to physically destroy a collectivity, directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat by the victim". (p. 24). Fein states that genocide can be seen to occur in response to a crisis or opportunity perceived to be caused by or impeded by the victim, and can be either *ad hoc* or premeditated. She proposes a four stage genesis of genocidal policies (pp. 36-37):

Stage 1. A moral ground for exclusion must be established that places the victim clearly outside the universe of obligation of the perpetrator.

Stage 2. A pre-existing legitimacy is used to lead to the acceptance of ideologies justifying the domination of one group.

Stage 3. A crisis or opportunity emerges which is either caused by or attributed to the victim as inhibiting national or economic improvement or expansion.

Stage 4. A lack of checks and balances by either external powers or internal patrons makes genocide appear to be a cost-free, rational calculation in terms of costs and benefits.

3. These first two specific genocidal acts and their aims are generally not disputed by the leading authors, though their estimates of victim numbers vary from those offered by Thion.

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*Major Meg Dugdale graduated WRAAC OCS to RASigs in 1982 and has served in a wide range of Corps and non-Corps appointments, including instructor, Staff Officer EW/COMSEC HQADF, Adjutant, Officer Commanding 73 EW Sqn, Project Manager for the SATCOM Phase of Project Parakeet, Contingent Commander EX Long Look 95, and her current position as Senior Analyst (Land) in Capability Analysis Branch of ADHQ. She completed the first ATSOC at ADFA in 1992, and graduated Army Command and Staff College in 1996. Major Dugdale holds Masters degrees in Technology Management and Defence Studies, and Graduate Diplomas in Engineering, Management studies, and Human Resource Management. She is currently studying for a Master of Arts (International Relations) at ANU.*

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# Linking Sensors and Shooters in the ADF<sup>1</sup>

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*By Lieutenant Colonel CW Orme, Major J Thomas  
and Captain D Graham*

## Introduction

Sensor to shooter<sup>2</sup> links, precision engagement<sup>3</sup>, joint fires, and dominant manoeuvre are concepts developed at the strategic and operational levels in the USA aimed at fighting smarter both now and in the future. These concepts have significant potential for the ADF and it is important that we begin to discuss what they are and how we can harness their potential to improve our warfighting capability. One area that must be developed is the ability to link our sensors and shooters across battlespace, services, and time. This article will discuss the concept of sensor and shooter links in order to introduce a concept which offers enormous opportunities for the ADF to integrate our joint capabilities.

## Precision Engagement<sup>4</sup>

The issue of sensors to shooters sits within the concept of precision engagement. Precision engagement is the overarching concept which sees the enemy dislocated by being engaged with accurate and precise fires across the depth and spectrum of his operations. It consists of a system of systems that enables joint forces to locate an objective or target, provide responsive command and control, generate the desired effect, assess the level of success, and retain the flexibility to reengage with precision when required. The key supporting concepts which the US have identified to achieve precision engagement are dominating expanded multidimensional battlespace; simultaneity; destroying enemy key capabilities; preserving friendly freedom of action; creating windows of capabilities overmatch; and influencing enemy perceptions.

The enablers or capabilities to achieve precision engagement are dynamic obstacles; sensor to shooter links; simultaneous application of joint capabilities; increased lethality at extended ranges; precision systems and munitions; demonstrations and feints; psychological operations (PSYOPS); media relations; deception technologies; artificial intelligence (AI) algorithms; signature cataloguing; Combat ID;

onboard sensor processing; and brilliant munitions. As we can see, the discussion of sensors to shooters resides in a much broader context which will be drawn from the Australian approach to precision engagement. Indeed it could be argued that before we discuss sensors to shooters we should first develop an ADF concept for precision engagement.

## Strategic, Operational and Tactical Levels

It is when we identify some of the characteristics of the different levels of war, and the changing nature of battlespace, that we see why the issue of sensors and shooters is complex. Battlespace is no longer linear or sequential. Given a digitised battlespace environment with C4ISR, the demarcation between land, sea, and air disappears. The joint force concept is achievable only with heavy reliance on many technologies being developed to support other joint capabilities. By drawing on these capabilities, the commander will be able to attack and neutralise enemy forces and capabilities throughout the breadth and depth of the battlespace to break the coherence and continuity of the enemy's operations.

The strategic level encompasses all military and many non military agencies and capabilities which contribute to national security and the prosecution of war. It is at this level that all military and civil capabilities are coordinated. In other words, the strategic level has access to all sensors and all shooters.

The operational level is characterised by a significant emphasis on military operations or campaigns, and military capabilities, as the means to achieve strategic ends. Compared to the tactical level, the operational level is defined by a much larger battlespace and access to sensors, shooters and links which extend beyond that space, in some cases to global dimensions. They also extend beyond individual services, so that one of the defining characteristics of the operational level is the integration of joint assets. Another defining element of the operational level is that it is the level at which we are able to achieve decision.

The tactical level is almost solely focussed on military means to achieve operational or campaign ends. The tactical level is characterised by ownership

of assets in a relatively clearly defined battlespace for the achievement of specific missions which contribute to the campaign objective. The capabilities of these assets have traditionally been those whose effects remain within the battlespace of the tactical commander; indeed the battlespace allocated to a commander has been dictated in the past by the commander's capabilities. Although the tactical level may be influential, it is unlikely that it will be decisive.

### Sensors, Shooters, Joint Fires and the Levels of War

It was at the strategic and operational levels in the US that the issue of sensor to shooter links was raised and this gave birth to the concept of joint fires. The problem was that different services and agencies owned different sensors and shooters which were not linked, integrated, focussed or optimised to achieve their maximum potential. The aim of their development process was to develop a concept where this would occur. In the early stages this was related primarily to the USAF; it has now spread across the services and is a key plank in their future concepts. This multi-disciplinary approach has led to certain characteristics of these operations.

By their nature, joint fires are multi service; highly destructive; relatively precise; operate over extended battlespace; are of limited duration; and may be responsive to a large number of commanders at the same time, therefore needing synchronisation in allocation and execution. Joint fires belong principally in the operational dimension where it is unlikely that the sensor and the shooter will be the same platform. However, in Australia we have taken the term joint fires and applied it as a concept in the tactical dimension. It does not sit comfortably here except when we agree that the tactical level is fulfilling the wishes of the operational commander's plan. Although joint fires may be executed in the tactical commander's battlespace, they are no more part of the tactical commander's plan than the operational commander will allow. Therefore, those assets which are capable of significantly contributing to the achievement of decision will be by definition operational level assets and be the executors of joint fires.

At the tactical level the traditional link between sensors and shooters has been relatively fast and may be described as the application of tactical fires. Tactical fires are those fires that are responsive to the tactical commander. In general, this will mean they are the assets which are either organic to the

formation or are allocated under some degree of command. These are guaranteed fires. It is important to note that these fires will, in the future, be far more capable than current tactical fires and may include MLRS, ATACMS, and EFOG-M. However, they will not be joint fires. There is a tendency in Australia to confuse more capable, longer-range and precise fires with joint fires. Should the weapons systems identified above be allocated in the RTA TF then they are not, by our definition, joint fires; rather they are tactical fires. Also, the effects of these weapons will not contribute to the operational aims except through the more efficient achievement of tactical missions.

Joint fires by our definition will be provided by operational and strategic assets and will be controlled at the operational level; even when they are being employed in short cycle tactical response. This is because the type of assets available to the operational level commander have the ability to perform a wide variety of missions across an area beyond the tactical battlespace. We have seen this in the past when we have used air assets in particular. An F-111 based in Tindal may be able to support a mission for the tactical commander in Top End north in the morning and then support the operational level commander in the sea air gap that night. It is not appropriate to allocate the asset to the tactical commander, nor perhaps even the operational commander. However, both need access to the effects of the weapon system; this concept is at the heart of the sensor to shooter issue.

### The Challenges for Precision in Joint Operations

The big challenges facing sensors and shooters do not occur at the tactical level. They are the domain of the operational and strategic level. There is a growing need for a system of systems framework to define precision requirements, as well as a need for an architecture which will drive the development of advanced technologies and systems applicable to precision. The ADF must begin to move beyond the service specific approach to the employment of precision and experiment with new organisational approaches to employing these systems on future battlefields. These systems will likely be theatre wide with no single service able to provide a service specific core organisational unit to serve as the basis for COMAST's joint task force. This means either new units have to be developed or we need to improve the architecture of the links among units and services.

This does not imply that new commands or new organisations must be created. In fact, we may need to consider the opposite approach. The power inherent in new information technologies could expand a commander's span of control, allowing us to eliminate one or more levels of command or amalgamate a number of units, and consequently accelerate the decision making and command and control cycle. It will certainly require decision making and command and control cycle. It will certainly require us to approach the issue of Battle Management from a new perspective.

Battle Management includes operations planning, force management and coordination, and direction of C4ISR during mission execution. It spans current operations through future operations to future plans, with the corresponding situation assessment and operational evaluation at each level. Battle management deals with multiple decision loops including a fast, sensor to shooter decision loop. It also deals with complex issues like the uncertainty of large amounts of information and the aggregation of many variables into the assessment of progress in achieving a given objective.<sup>5</sup>

### Sensor to Shooter Operations

Executing operations in a joint force environment presents two key challenges. The first is the optimisation and integration of multiple sensors and shooters to achieve the desired effect on the enemy. The second is to establish effective linkages between sensors and shooters so that there can be a seamless transition between the detection of an enemy and his destruction. It is important to note that multiple sensors can support multiple shooters in an almost endless mix over time. None of the elements of any specific sensor to shooter team are necessarily dedicated to a single mission. On the contrary, for maximum effectiveness in the entire battlespace, sensors in particular will be time shared across many missions.

When we speak of a sensor to shooter mix we are really discussing the command and control linkages which control the engagement of targets which have been detected or cued by sensors. In many cases a target will be detected by a number of sensors, and may be engaged by a number of shooters. In this environment, the key operational concept required is one of distributed command and control. The art will lie in the ability of the commander to establish a system which links the most appropriate sensor with

the most appropriate shooter to engage the particular target or targets in an effective manner.

To do this we need to establish a command and control architecture which executes missions using a sensor to shooter grid or matrix.<sup>6</sup> The C2 for each sensor to shooter team requires functional capability similar to that of the commander, but for an increased depth of detail spanning a reduced breadth of area of interest and having a much stronger focus on the timeliness of the information versus its completeness. In a traditional sense we can see that the unit or sub-unit headquarters could be employed to perform this task in the same manner as it performs its manoeuvre task. Indeed, the sensor to shooter team can be seen to be similar in nature to the offensive support team in conventional operations.

We should not see sensor to shooter operations as discrete from manoeuvre operations. Sensor to shooter operations should be planned in the same manner, as a contributing component, to the overall operation and will require many of the same functions as battle management operations, for example sensor tasking and information acquisition. This is because sensor to shooter operations begin when the mission is assigned to the unit or sub-unit. At this point, the sensor to shooter execution team must perform the same functions in planning how the mission is to be executed that the staff performed in planning what will be executed.

This would see a more holistic integration of manoeuvre with offensive support such that the commander, as part of deliberate operations, would form manoeuvre teams supported and integrated with sensor to shooter teams, to achieve the overall mission. In some cases the manoeuvre team would also contain some of the sensors and shooters which form part of the sensor shooter team. In this way we begin to approach a situation where we optimise all capabilities and achieve the maximum value from every element on the battlefield. This optimisation will also have the benefit of reducing the number of discrete systems on the battlefield, assisting us with our aim to empty the battlespace, and employing the concept of manoeuvring that firing to manoeuvre.

### Types of Sensor to Shooter Operations

Sensor to shooter operations are basically of two types; those that are executing the planned operation; and those that are providing assets for contingency or response operations. A key element of integrated sensor to shooter operations is that there will probably be multiple elements operating simultaneously. This

means the staff may have to plan the synchronised operations of multiple missions while being prepared to execute highly responsive missions.

For each mission the information linkages must be established between sensors and shooters to enable timely execution, especially time critical missions against fleeting targets. Ideally, strategic, operational and tactical sensors can be integrated to cue all shooters. Effective implementation of these linkages will require the establishment of sensor to target pairing architecture.

### System Characteristics

The key characteristics of an effective sensor to shooter system are that they are parallel, fast, dynamic, and linked by reliable communications. This will provide simultaneous access to battlespace information by shooters and execution controllers as well as by the staff. Future operations will separate the information flow from the command cycle. This is necessary to achieve the desired responsiveness. Furthermore, this characteristic is also a major driver in the need for dynamic planning capabilities and parallel operations.

In the proposed system concept, the sensors will continuously input new information into battlespace awareness databases while the executing elements and the staff will simultaneously be able to retrieve information or have it automatically retrieved and formatted into the appropriate displays. In this manner, today's conflict of competing sensor tasking will be resolved using integrated sensor management techniques. Although the staff is seeking battlefield information throughout the entire battlespace, the shooters are seeking targeting information. This means that the shooter needs target location and identification, situational awareness in the target area, and clearance to shoot. Current shooters do not have adequate situational awareness in the target area. The connectivity and access achieved through implementation of the grid or matrix will provide situational awareness, thus enabling shooters and the manoeuvre elements to execute the operation successfully.

The capabilities required for the conduct of sensor shooter operations are the ability to coordinate multiple simultaneous missions and the ability to execute time critical (response) operations. In both cases, the need for parallel, fast, and dynamic operations, supported by instantaneous and reliable communications remains a key consideration. The key problem is competition for sensor coverage

between the staff and shooters. The key solution is enabling distributed command and control of available sensor coverage.

### Communications<sup>7</sup> – The Link

A key issue in sensor shooter operations is the role of communications as the means by which the sensor and shooter are linked. High ground has always played an important role in effective military communications and communicating with forces dispersed across the battlefield or deployed over great distances has always been a major challenge. The importance of communications increases as the ADF's missions become more complex and force levels decrease. Combat net radios for very high frequency (VHF) are limited by line of sight (LOS) and have to rely on radio relays located on high ground to overcome terrain restrictions. Satellite communications systems are less hampered by LOS restrictions and can significantly enhance communications capabilities by extending ranges and reliability. Satellites offer an effective means of overcoming the physical limitations of LOS radios, extending the range of terrestrial communications systems throughout the area of operations.

Communications satellites will become one of the key enablers to facilitate effective sensor shooter links. They operate in a wide band of radio frequencies and provide the link between tactical, operational and strategic shooters and sensors. UHF satellite communications systems in use with the US Forces, such as the FLTSAT and AFSATCOM systems, are used to support battle command requirements for high priority users, to include EAM dissemination, force direction, and JCS/CINC netting. SHF communications systems, such as the DSCS, support worldwide, long haul, secure voice and high data rate communications for battle command, early warning, crisis management, and internetting between the NCA/JCS and the combatant commanders. Milstar, the next generation military satellite system, is an EHF system capable of jam resistant secure worldwide communications during all levels of conflict.

Currently, satellites are used primarily to augment ground-based communications systems, providing communications links not only to forces employed in an area of responsibility, but also to deploying forces while *en route*. However, during deployments to contingency areas having little or no infrastructure to support command and control, satellites will become the primary means of communications. The



characteristics which make satellite communications ideal for sensor shooter operations are: greater freedom from siting restrictions; extended range, capacity, and coverage; real time capabilities; stand alone capability and reduced logistical support on the battlefield; freedom from rigid network configurations; mobility and rapid emplacement; and extremely high circuit reliability.

Military and commercial satellite communications systems are invaluable assets that can be used at all echelons of command. In the US case, military satellite communications systems are considered joint assets and are controlled by the JCS, who allocate the resources based on need. More often than not, demand exceeds the capabilities of the systems; therefore, access to military satellite channels is at a premium and closely monitored. Learning from this experience the ADF must clearly define and articulate its requirements for critical battle command connectivity and the development of joint sensor shooter concepts and doctrine. The ADF must also consider the use of commercial satellites, such as the INTELSAT and the INMARSAT terminals, as an alternative means of satisfying their communications requirements. Satellite communications will not provide the answer for all sensor shooter problems; however, it will be a critical enabler for effective sensor shooter integration.

## Conclusion

When we overlay the strategic-operational-tactical continuum to the sensor shooter issue we can see the differences between these levels. At the strategic level it is unlikely that sensors and shooters will be linked. For example, JORN will not be linked to an F111 but the aircraft may be tasked based on information gained by the strategic sensor. Again at the operational level, sensors and shooters may be linked but it is more likely that the shooters will be cued by the sensors. Additional time is added to the process as we deploy or cue shooters to get within range to hit the target.

However, at the tactical level the best sensors are also shooters; or where they are not shooters, are directly linked to a designated shooter. In general terms this will mean tactical sensors deployed to support a tactical commander will be directly linked to weapons systems or task teams in order to respond to an immediate threat or as part of a planned offensive mission. As weapon systems become more

sophisticated we can see that the best systems will be those that can sense and shoot, thereby reducing the decision cycle and increasing tempo; this accounts for the high utility of attack helicopter systems such as the Apache Longbow. The poorest sensors will be those that having sensed, rely on another system to engage the target. In other words, the weakness, and the area we must develop as a priority, lies at the link between the sensor and the shooter.

The key to increasing tempo at all levels will be found in improving the links between the sensor and the shooter. At the tactical level, the emphasis should be on systems which can sense and shoot almost simultaneously. At the operational and strategic level, the key will be develop systems capable of linking sensors and shooters in a grid which will enable the ADF to optimise the entire force, across battlespace, time and service. When we develop a system which achieves this we will begin to make major steps towards achieving a truly joint ADF.

## NOTES

1. Clear acknowledgement must be given at the outset that many of these concepts and definitions are taken from developmental work being conducted in the US, much of which is available through open sources, especially the internet. The authors in no way claim originality but are attempting to place some of these issues in an Australian context and stimulate thinking in the ADF.
2. For our purposes, sensors will refer generically to any human or technology based capability which can detect and report an enemy contact. These systems include individuals and units across the services. Shooters will refer generically to any weapon system or systems which can engage the enemy with destructive fires or capabilities and may also include individuals or units, again across the services.
3. Precision Force is the capability to destroy selected high-value and time-critical targets or inflict damage with precision while limiting collateral damage. This capability includes precision-guided munitions, surveillance, and targeting capabilities. It requires advances in sensors, C2 interoperability, battle management, and lethality. It also requires precision-guided munition enhancements for increased range, accuracy, and weapon effectiveness. Additionally, "sensor-to-shooter" C4I enhancements are necessary for responsive, timely force application.
4. Definition from Army Vision 2010 Precision Engagement.
5. ABIS Task Force Battle Management Working Group Results.
6. The architecture for the battle management system assumes a shared, dynamic, consistent information base supported by grid capabilities. Forces would access a network of distributed, interacting servers to implement battle management coordination. Key among these services is the shared understanding of the battlespace and of own and enemy options supporting the continuous planning process. Distributed processes generate, access, and utilise this information for synchronising joint plans and operations. All planning processes are connected to the central, dynamic representation of operations strategy distributed via the grid.
7. Informed by FM 100-18, Chapter 4.

September 18th 1999



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# Deep Strike Capability – The Cutting Edge of Deterrence

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By Wing Commander Premchand Kainikara  
Indian Air Force (Rtd.)

*To fight and conquer in all your battles is not supreme excellence; supreme excellence consists in breaking the enemy's resistance without fighting.*

*...This is the method of attacking by stratagem of using the sheathed sword.*

*Sun Tzu, The Art of War*

## Introduction

National security goals are the cornerstones on which a nation's defence policy and threat perceptions, and quantification are based. Military objectives are derived directly from the laid down defence policy and other undertakings necessary to achieve the security goals. The structure of the forces will flow from the features that are emphasised in the defence policy and is normally indicative of a nation's security perspective. Military doctrine evolves from a combined understanding of policy and objectives and is the guiding principle in any war. In recent times, technological innovations have played a very important role in defining doctrine, especially in the development of an operational air power doctrine. As opposed to the initial years when operational requirements drove technology to find solutions, today tacticians are finding themselves in situations wherein technological advances are pushing the entire air power employment doctrine. This makes it necessary to combine doctrine and technology in a judicious manner to optimise the effectiveness of air power.

The mission of the ADF is to promote the security of Australia, and to protect its people and its interests or in plain words to defend Australia and its regional and global interests.<sup>1</sup> Although Australia does not share a land border with any other nation state, the problems of defending the island nation are infinitely complex.

## Threat Perceptions

**New Flash Points.** Superpower rivalries and the resulting bipolarisation of the world ceased with the end of the Cold War. However, the utopian dreams of a world living in peace with itself have remained a mythical concept. Smaller and more volatile nations have continued to generate armed clashes across the globe in their almost nihilistic search for national expression and the need to fulfil their individual aspirations. New democracies also tend to increase friction with their neighbours by wanting to erase centuries of deprivation of self-expression with a tangible and immediate enhancement of their people's future. These actions often generate political uncertainty, economic refugees and forced migration because of human rights violations, thereby reducing the situation uncontrollably into flash points. These flash points are more noticeable in the developing world of erstwhile colonies, where inherent religious and cultural disparities also add to the turmoil.

**Possible Scenario.** In the case of Australia, being isolated almost completely negates the possibility of a migrant or refugee induced crisis. However, the events unfolding in its immediate neighbourhood and areas of interest combined with the economic tribulations of the region has a salutary effect on the perceived threat that the ADF may have to face. The possible threat scenario (without considering information warfare) in the conventional sense, can be any one of the following:

- An amphibious combined attack on the country;
- Covert hindrance of merchant shipping and the threat to maritime approaches by surface, airborne or sub-surface forces; and
- Constant belligerence and provocations by one or more of regional neighbours in an attempt by them to gauge the nation's military capability and preparedness as well as its political resolve to protect its interests by the use of force.

While the first case of hostile forces landing on Australian mainland, is only a remote possibility in the near future, the other two are distinctly possible at any given time and at short notice. The constantly

changing geopolitical circumstances in the region and the rapidity with which these changes are being effected in some areas are causes for serious concern. Therefore, a continuous monitoring and review of the political economic perceptions, which directly influence all military action, of all neighbouring nations becomes an imperative necessity.

**Military Build Up.** The geographical positioning of Australia precludes the intention of any other nation to annex and hold even a part of the Australian mainland. But the waxing and waning of the nation's influence in the region and its capacity to protect its international interests would be under constant and intense scrutiny. Australia has so far been seen as the only developed country in the region and has also been the most significant military power. The *ANZUS Treaty* and the assured US military and logistical backup in case of necessity have so far succeeded in maintaining the *status quo*. However, the military build up in the region in the past decade and the willingness on the part of even small economies to spend a disproportionate portion of their national budget on defence acquisition has eroded this *numero uno* position almost irretrievably. Assured military support from an ally is not the same as having one's own forces to deploy. "The possession of military power will always remain of major importance in international affairs".<sup>2</sup> The recent developments in Indonesia and the clear change in Australia's stand on the East Timor issue would have to be viewed as potential irritants to national security.

It can be said with a certain amount of assurance that the threat to Australia's interests and influence would be covert, generated partly by the economic thrust and growth of the larger economies in the region. This would be further fuelled by the alignment of most of the smaller economies against Australia for a variety of reasons, some of them cultural and historic. The threat would be a slow nibbling away at the sphere of influence and the slow but steady degradation of the status of the nation leading finally to increased isolation in the region. Therefore, the ADF would have to be in a position to anticipate and be in readiness to react to subversive and disruptive threats to the economy and sphere of influence in far ranging areas.

### **Basic Air Power Doctrine: The Imponderables**

*Air power is the ability to project military force by or from a platform in the third dimension above the surface of the earth. The air is used not merely as a medium that is traversed by a bullet or other*

*projectile, but as a medium for manoeuvre, deployment, concealment and surprise.*

*MJ Armitage and RA Mason  
Air power in the Nuclear Age<sup>3</sup>*

A force develops an operational philosophy through inward and critical analysis of its past actions as well as from the understanding of threat perceptions. While it is possible to adapt the already developed philosophy of large-power armed forces, it can never fully cater for the realities that are peculiar to smaller nations. It is therefore necessary to evolve a doctrine and operational philosophy of its own for any force to be optimal in its efficiency. A viable doctrine should be dynamic and be able to continuously support the conditions of the conflict without being dogmatic. It should reflect the assumptions that were made regarding the threat and its nature while being able to provide adequate guidance to commanders in war and changing circumstances while being able to accept some degree of uncertainty.<sup>4</sup>

Whatever the threat perception, certain aspects remain constant in the efficient employment of air power. Lack of knowledge regarding its unique characteristics and poor understanding of the cardinal principles that guide its employment will always completely invalidate the inherent and intrinsic qualities of air power. However, external influences and regional security concerns and compulsions tend to impinge on the effectiveness of air power, especially when employed as an instrument of power projection.

In all cases it is imperative that the air power doctrine must form part of the joint doctrine and also take into account the limitations, both political and technological that are placed on the utilisation of air assets. A number of principles must not be violated at any time in an effort to gain short-term goals.

- a. Air power is dynamic and must be employed as such without in the least being tied down at any stage;
- b. The entire air assets must be centrally controlled with only tactical command being delegated as necessary. This is true of both tactical and strategic employment, as also of non-lethal capabilities like airlift, reconnaissance, etc;
- c. Even in a defensive situation, air power has to be audaciously employed in an offensive manner to exploit its full potential. In certain extreme situations this might even involve committing all aircraft to battle without any reserve; and
- d. Although it does not guarantee ultimate victory, the prime concern of the air force must remain achieving air superiority and maintaining it

throughout the duration of the conflict. All other air operations must normally take second place to this aim.

*Air warfare cannot be separated into little packets; it knows no boundaries on land and sea other than those imposed by the radius of action of the aircraft; it is a unity and demands unity of command.*

*Air Marshal Lord Tedder*

### Small Force Limitations

*We need to be constantly refining, testing and evaluating our doctrine, especially in relation to joint and combined operations because doctrine forms the basis for the planning and employment of air power.*

*Air Vice Marshal PG Nicholson  
“Operating the RAAF Beyond 2000”<sup>5</sup>*

Although technologically still the most developed in the region, the RAAF will have to be considered a small air force for purposes of evaluation and development of doctrine. Small forces have certain limitations under which they operate.

**Attrition.** The main problem faced by small forces is that of attrition which has an immediate and rapid effect on the impact of air power on any conflict. The doctrine will have to take this hard fact into account and be modelled to emphatically curtail the ill effects of attrition on the final outcome of the air war. The problem gets exaggerated in a situation wherein the entire force is committed to battle without reserves. The impact of attrition on the operational efficiency of the force was recognised very early in the advent of air power. “Adequate means for rapid replacement of wastage in personnel, as in aeroplanes, is a very important factor in gaining and maintaining air superiority”<sup>6</sup>. Small forces would also have to be careful regarding training attrition in peacetime since it has a disproportionate impact on the force’s war fighting capability and morale. In war the intensity and pace of the conflict will govern attrition and an acceptable attrition rate would depend entirely on the strategic objectives of the war.

**Doctrine.** In the current international scenario only the USAF would be able to apply their air power doctrine fully and without compromise in any conflict. All other air forces will have to modify the absolutes of air power doctrine to suit the pragmatic requirements of the economic, geographic, political and cultural situation that are peculiar to the nation.

On the other hand the same limitations also make it imperative that small forces apply their doctrine more vigorously than would a large force. However, small forces also tend to be vague regarding the employment of air power without any significant doctrine of their own. In some cases great power support tends to make the smaller force aspire to assimilate and adopt the doctrine of the larger force as their own. This tends to nullify the entire range of potential utilisation of air assets in the context of that nation. For example, the global engagement doctrine of the USAF cannot be totally (or even partially) adopted by the air forces of any of their allies because no other nation today possesses the assets required to do so independently. Lack of doctrinal development has been a major lacuna in many air forces for a long time. This situation can be remedied only by ensuring that a time tested doctrinal development process is firmly in place to nurture and sift ideas, and opinions as well as to generate free criticism.

**Politico-Military Relationship.** For a small force to be effective and credible it is necessary to develop and sustain a force capable of exploiting advanced technology to generate and maintain an edge over potential adversaries. But in today’s world of dwindling defence budgets and constraints imposed by emerging politico-economic situations, this may not be a possibility for all nations. In some cases (mainly in democracies) the political leadership tends to ignore or overrule the advice of the military in professional areas such as weapon systems acquisition, force structure development and threat assessment.<sup>7</sup> These external factors play an important role in the formulation of the military strategy of the nation which indirectly buffets the free development of operational doctrine. Resolute political will, as well as mutual trust and understanding, between political and military leadership are also prerequisites for a nation to fully exploit the advantages of air superiority after it has been achieved.

### RAAF: The Vanguard

A viable air power doctrine does not evolve in isolation. In fact the individual doctrines of each service forms the foundation of a joint doctrine while not detracting any of them from effective independent application. “Air strategy is governed by the principles of war just like any other kind of strategy, but the application of the principles of air warfare cannot be the same as in land warfare because the conditions are so different”<sup>8</sup>.

The ADF will have to cater for two main eventualities.

- a. To fight as part of a coalition force or as an ally of the USA in some far-off distant theatre; and
- b. To fight a limited independent action which could be a small war or a low intensity conflict in the pursuit of national security goals.

The first eventuality is not difficult to comprehend and the RAAF is fully equipped to operate alongside global allies as part of a coalition or UN force. The desired level of interoperability has already been achieved and is a continuing thrust for the planners. This article confines the discussion to the capability and the requirements of the RAAF in facing the second eventuality wherein it would have to assume the mantle of the leading wave in any independent action of the ADF and to defining possible core competencies.

Over the past decade there has been a noticeable decline in Australia's capability to undertake independent military action not only due to economic constraints, but also because of the changing political perceptions at home and in the region. The comparative reduction in size has increased the RAAF's dependence on technological superiority to ensure an edge over potential adversaries and to retain its position as the pre-eminent regional force. Under the current political situation in the region, the involvement of the RAAF in conflicts that are not connected with the direct defence of Australia cannot be ruled out. There is a distinct possibility that the current turmoil in the Timor region and the economic necessity to enforce the *Timor Gap Treaty* may force Australia to take on the role of "local policeman" in the region. The potential of emerging superpowers becoming hostile in the face of reduced capabilities is also a worrisome prospect.

In the situations discussed above, the use of land forces may not be an option available to the Government for a variety of reasons. The inadmissibility of casualties in some far-off place and in a conflict that is perceived by the local public as of no consequence to the nation almost immediately obviates their deployment. It is an axiom of the political leadership in developed countries that land forces would not be placed in harms way for extended periods unless the security of the nation is directly threatened. Under these circumstances it will fall to the lot of the RAAF to be in the forefront of any conflict that may arise.

In this scenario the RAAF needs a formidable pre-emptive precision engagement capability. "For the past half-century offensive air power has been the decisive expression of military power for the liberal democracies, even though many analysts have been reluctant to recognise or acknowledge that fact". The

following core competencies are suggested for the RAAF to be able to be the vanguard and cutting edge of the ADF when faced with a "stand alone" situation.

**I. Deep Penetration Strike.** Of all the core competencies that the RAAF must have, none is more important than the capability to carry out premeditated and precision engagement of all intrusions into its air space, sea-lanes or sphere of influence. The capability to carry out surgical deep penetration strikes at will, acts as a deterrent to all potential hostile forces. Military action in support of a nation's economic or political interests is not an accepted norm today and all such actions come under intense international scrutiny almost immediately. It is in this context that the characteristics of flexibility, mobility and range unhindered by geographical barriers inherent in air power can be used to demonstrate the political resolve of a nation.<sup>10</sup> A precision strike bringing to focus all the destruction that air power is capable of while limiting or totally avoiding collateral damage is today an accepted projection of power solution in the defence of national interests. The successful Israeli raid on the Osirak nuclear reactor, termed by the then Israeli Prime Minister Begin as a "morally supreme act of national defence", is a prime example of this capability. Precision strikes are also the most cost effective, demonstrative and time-responsive action that a nation can mount.

**II. Regional Engagement.** In order to safeguard the interests of the nation it will be necessary to project power in a variety of ways. Any regional initiatives if not backed by visible military power as well as the forceful political will to use it are bound to fail. In this context, the RAAF is well suited to project Australia's interests by employing combat power or by non-lethal deterrence. Any overt or covert surveillance or reconnaissance as well as the enforcement of "no-fly" zones could be termed as non-lethal deterrence. However, the effectiveness of this kind of power projection is limited to the willingness of the nation to back it up with concrete and resolute action if necessary. It must also be realised here that provocative projection of air power may be detrimental to the cause in an already tense situation and may trigger off responses far in excess of those anticipated. For the RAAF, the sphere of influence that is required to be protected and the area where power projection may be needed is vast *vis-à-vis* the size of the force. Therefore it is necessary to ensure that unity of command is maintained by retaining control of the force at the highest level

possible so that prioritisation of missions and concentration of effort can be easily achieved.

**III. Rapid Reaction and Range.** By virtue of the location of the nation, the air assets cannot be concentrated close enough to the area of operations. This would entail the need to have a force that can rapidly respond to all emerging situations. The need is to have enough assets that can form the vanguard of an immediate response with sufficient range and loiter-time to allow unhindered deployment of the main force. Since the force will necessarily be small, it needs to be technologically superior to any possible adversary and also supported by other critical non-combat assets.

**IV. Non-Combat Assets.** The last critical core competency the RAAF needs is in the field of surveillance, reconnaissance, electronic and information warfare. Electronic warfare forces capable of stand-off, stand-in and escort jamming (i.e. non-lethal suppression of enemy air defences [SEAD]): HARM-missile lethal SEAD, active communications jamming, and other command and control warfare roles are of vital importance to sanitise the ingress and egress corridors for the strike force. They also form an essential part of an air superiority force. Optimum and continuous exploitation of the electronic and information spectrum is needed to generate and maintain an edge over the adversary. Combat power can be brought to bear on the desired target only with the active aid of automated monitoring and guidance systems. The importance of information warfare in its widest form does not need over emphasis.

### Conclusion

The effectiveness of air power combat assets rapidly declines with technological obsolescence. The improvements being brought about on

countermeasures further degrade the effectiveness of fighter aircraft. A small force, which needs to optimise utilisation to enhance its performance capabilities, would also have to look for built-in technological upgrade facilities in all their weapon systems to counter their degeneration.

It is suggested that the RAAF consciously assume the lead role of the strike force for the ADF and build its forces towards maintaining the edge that Australia has so far enjoyed in the region. A calculated and demonstrated deep strike capability, backed by emphatic political will, may perhaps be the only true deterrent in an area of rapidly shifting socio-political and economic circumstances. The ADF has to maintain the potential to conduct swift and war winning campaigns while also conducting regional engagement and it is in this context that the RAAF will have to be in the forefront.

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*Wing Commander Premchand "Sanu" Kainikara voluntarily retired from the Indian Air Force after 21 years of commissioned service as a fighter pilot. During his service he commanded an operational MiG-21 bis squadron and also flew the entire range of MiG fighters (i.e.-21,-23,-25,-27,-29). He is also a QFI (A2) and a graduate and instructor of the Fighter Weapons School. Wing Commander Kainikara is a graduate of the Defence Services Staff College and the College of Air Warfare. He obtained his Master of Science in Defence Studies from the University of Madras, India.*

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# Selective Conscientious Objection and the Australian Defence Force

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By Lieutenant Colonel Ian Wing, *Aust Int*

## Introduction

The examination of military history shows that men have frequently been compelled to serve in the armed forces and that the beliefs or desires of those individual men took second place to the perceived needs of their society. Mankind has generally accepted the need for conscription as a means of raising forces for national defence, but it has also moved to accommodate those citizens who were unable to participate. As such, Conscientious Objection (CO), generally for reasons of religious pacifism, has become legal in many nations as grounds for avoiding conscription.

What of the citizen who feels no opposition to the concept of fighting in war in general, but is intensely opposed to a particular war? The generally accepted doctrine of CO, which depended upon the objector demonstrating their complete inability to fight in any war, does not fit such a citizen. And, more intriguingly, what of the citizen who is a member of the armed forces of his society, and is thus presumably prepared to fight, who objects to a particular conflict and refuses to participate. This is termed Selective Conscientious Objection (SCO).

This article examines SCO and its likely effect upon the Australian Defence Force (ADF). The examination commences with a summary of the development of CO and its religious basis in western cultures. The article uses Australian examples to demonstrate how broadened secular definitions of CO are part of an increasingly liberal historical continuum which has led to the development of SCO for conscripts. Particular attention is paid to Australian participation in the Gulf War of 1991. The evidence indicates that this continuum will inevitably lead to the right to SCO being granted to ADF personnel, who are currently all volunteers.<sup>1</sup> The article concludes with comments on the current Australian situation and an exploration of the likely significance of SCO to the ADF.

## The Development of CO and SCO

In order to understand CO and SCO it is useful to review the historical importance of pacifism. The advent and rise of Christianity posed a moral challenge to philosophers concerned with issues of individual rights and responsibilities. This challenge was caused by the apparent incompatibility between the pacifist teachings of Christ and the imperative of national survival which often required the waging of war.

The teachings of Saint Augustine in the 5th century and Saint Thomas Aquinas in the 13th century provided a resolution to this challenge with the concept of *just war*.<sup>2</sup> A war was just, and the waging of war sanctioned by God, if the war was conducted by a legally constituted nation as a last recourse. The teaching “thou shalt not kill” was reinterpreted as “thou shalt not murder” and this reinterpretation, combined with the notion of the just war, became the basis of the acceptability of war to modern Christians. The reformation of the Christian church in the 16th and 17th centuries, however, witnessed the development of Protestant churches which rejected the just war concept. These churches, such as the Anabaptists, Quakers, Mennonites and Amish, adopted the radical stance of pacifism and their followers refused to bear arms or to provide substitute personnel for national armies.<sup>3</sup>

These developments in religious thought conflicted with the increased use of compulsory military service by European nations during the 17th and 18th centuries. Following the French Revolution of 1789, France instituted the first truly universal system of conscription. The Prussian Army refined the use of conscription and provided a model for its employment by most western nations during the First World War. During this period, relatively small numbers of people refused to participate in military service and some were granted exemption on the grounds of fervent religious belief.

The doctrine of CO gradually gained acceptance in western nations, requiring the individual to prove that religious conscience made it impossible to bear arms. Some objectors received a complete exemption

from all military service while others were required to provide non-combatant service. In all cases, the onus of proof rested with the objector and was generally required to demonstrate a long-term commitment to a church whose teachings rejected war. This doctrine of CO provided a satisfactory solution to problems of religious conscience in the early years of the 20th century.

Two 20th century sociological changes have complicated the issue of CO in western nations. The first was the rising number of agnostics and atheists who claimed to be conscientious objectors but were not members of churches with a recognised pacifist tradition. This change has led to secular CO. The second was the rise of the notion that the rights and beliefs of the individual could supersede the obligations imposed by citizenship. This has led to broadened definitions of CO.

### The Australian Experience of CO and SCO

Australia was the first nation to grant total exemption to military service on the grounds of CO with the *Defence Act* of 1903.<sup>4</sup> The *Act* placed the burden of proof upon the conscientious objectors and required them to demonstrate commitment to a pacifist religion. Amendments made to the *Defence Act* of 1910 were even more innovative. They removed the religious requirement for CO and provided for compulsory non-combatant duties for certain categories of CO.<sup>5</sup>

In 1911, Australia introduced compulsory military registration for males aged 12 to 26. Those aged 12 to 17 were required to undergo “cadet training”, those 18 to 20 attended 16 days of “military training” and those aged over 20 were exempted from formal training requirements. The training scheme achieved mixed results. Opponents of the scheme criticised it for its lack of military utility, the youth of its trainees and the difficulty of gaining conscientious objector status.<sup>6</sup>

The Australian people rejected proposals for conscription for overseas wartime service in two referenda during World War One. In contrast, Great Britain and New Zealand introduced conscription in 1916, and Canada and the United States introduced it in 1917. Each of these countries had to deal with the issues of political resistance to conscription. For example, the nationalist Irish and Francophone Canadians were generally reluctant to support the conscription policies of the British and Canadian governments.<sup>7</sup> In Australia, where the government

failed to win support for the introduction of conscription, the CO debate had much less prominence than the debate on conscription itself.

At the outbreak of World War Two, the Australian Government introduced conscription. The *Defence Act* had been amended just prior to the war to enable conscripted “militia” service in the defence of Australia and its territories (including Papua-New Guinea), and to specifically permit CO of a non-religious nature. This recognition of CO derived solely from personal moral values was a further step in the widening acceptance of CO in Australia.<sup>8</sup> Conscription for overseas service was not universally popular in Australia, especially when the *Defence Act* was amended to enable conscripts to be deployed outside Australian territory. By August 1944, 2,721 Australians had claimed conscientious objector status<sup>9</sup> (approximately one *per cent* of those conscripted) and this was during a war which threatened the national survival of Australia.

The social conscience of the Australian Labor Party (ALP) was troubled by the imposition of wartime conscription. They had supported the amendments to the *Defence Act* to introduce conscription, but also introduced legislation which would exempt certain conscientious objectors from even non-combatant duties. Its leader, Prime Minister John Curtin had been an opponent of conscription during World War One, but the Japanese threat to Australia was generally sufficient to allay the moral qualms of the ALP.<sup>10</sup> Nonetheless, there remained strong opposition to conscription which involved Australian service personnel being deployed overseas. With the end of the war conscription was ended.

In 1951, “National Service” was introduced, with conscripted soldiers, sailors and airmen being required to serve for approximately six months. The system was uncontroversial because it was directed towards the defence of Australia rather than overseas service, and the international climate was hostile due to the Cold War. National Service was abolished in 1960 as it was causing a heavy drain on the training resources of the Army which was expected to increase its operational commitments in South-East Asia.

In 1965, with the deterioration of Australia’s strategic situation, a new National Service system was introduced, with a longer period of service to increase the size of the Army only. The conscripts were chosen by ballot, a method which had been employed during the last three years of the previous scheme. The rationale behind the ballot was that it enabled smaller numbers of conscripts to be trained for a longer period, in this case two years, and in so doing

qualify them to be employed overseas alongside regular personnel.<sup>11</sup>

The *National Service Act* originally granted exemptions from service to Aborigines, Torres Strait Islanders, members of the armed forces, non-naturalised migrants, ministers of religion, theological students, the disabled, men who could prove undue hardship, men who had married before they were required to register and those who had joined the Citizen Military Forces. Temporary deferments could also be granted to university students and apprentices. CO was permitted on the grounds of personal beliefs, but SCO to a particular conflict was not allowed.<sup>12</sup>

During this period, the Liberal Government was preparing to send conscripts overseas to South-East Asia as a reaction to the “domino theory” of Asian communist expansion, and concerns about the expansion of the confrontation with Indonesia. The ALP opposed the deployment of Australian troops to South Vietnam in 1966, but the deployment was at first generally supported by the Australian public.<sup>13</sup> Support for Australian military involvement was to ebb as the Vietnam conflict became increasingly unpopular. This unpopularity was due to a variety of reasons including the perceptions that the war was unwinnable or badly directed; that it was a war of American aggression and not Australia’s war; or that it was *unjust*.

Reference to the perceived injustice of the Vietnam conflict returns this article to the philosophy of the “just war”. Australia was not faced with a direct threat of Vietnamese invasion. As a result, some men, who were not pacifists in the traditional sense, claimed conscientious objector status on the grounds that they objected to the specific case of being compelled to serve in the Vietnam conflict.

Cases involving these claims of SCO were heard in the Magistrates Courts and before the High Court. Some decisions tended to support the claim to SCO, but the High Court upheld the view that SCO against particular wars was not permitted by existing legislation. The right to SCO was supported by the General Synod of the Anglican Church and the Australian Council of Churches, both of which expressed opposition to the conduct of the conflict in Vietnam.<sup>14</sup> Of the 63,740 national servicemen selected by the balloting process, 1,012 sought the status of conscientious objector<sup>15</sup> (1.6 per cent).

Disquiet about conscription manifested itself in several ways. The ALP proposed amendments to the *National Service Act* which would enable CO to a particular war, but these were defeated. Public opinion polls indicated that while Australian participation in the conflict was broadly supported, the sending of

conscripts, generally, was not. Yet, despite the lack of endorsement for conscript service in South Vietnam, polls indicated that less than a quarter of Australians supported a right to SCO.<sup>16</sup> The election of the ALP Government in 1972 enabled the passage of the *National Service Termination Act* of 1973, but the busy agenda of the new government led to the neglect of future planning for conscription and CO.

The United States also examined CO and SCO during the Vietnam War. Two cases heard before the US Supreme Court, *United States versus Seeger* (1965) and *United States versus Welsh* (1970), removed the requirement for a belief in a supreme being as an element of CO. This demonstrated the growing secularisation of CO which had been recognised in Australia since 1939. Large numbers of draft resisters in the United States also claimed the right to SCO because of their particular objection to the Vietnam War. They employed either reinterpretations of the relevant existing legislation or challenges to its constitutionality. The US Supreme Court rejected the right to SCO in the case of *United States versus Gillette* (1971).<sup>17</sup>

In Australia, 10 years passed with little parliamentary interest in issues related to conscription until 1983 when ALP Senator Michael Tate introduced a private member’s bill. The bill was intended to enable SCO on the grounds of unjust war, the nature of the conduct of the war, or the use of particular weapons of war. Senator Tate aimed to give “... legal sanction to those who evaluate the rightness of a war by a just war theory”.<sup>18</sup>

The bill was referred to the Senate Standing Committee on Constitutional and Legal Affairs and it considered the issue of SCO as:

*... a clash between the rights of an individual person and the community in which he lives.*<sup>19</sup>

It pointed out that the individual person has certain inalienable rights and these must be respected, especially in a democracy. At the same time the community has the right to exist and to defend itself by legal means and these include the use of conscription. The bipartisan report recommended that SCO be recognised:

*... so as to grant exemption from participation in a particular military conflict where to be compelled to do so would violate the individual’s sense of personal integrity.*<sup>20</sup>

It was further recommended that the standard of proof required from the SCO claimant be “proof on the balance of probabilities”.<sup>21</sup> “Whimsical beliefs” were to be excluded and only “seriously held moral convictions” accepted.<sup>22</sup> It is noteworthy that the

report considered the issue of the right of volunteer personnel to claim SCO to be outside its terms of reference.<sup>23</sup>

### The Gulf War and SCO

Tate's bill was not presented to the Parliament and SCO received no political attention until the invasion of Kuwait by Iraq on 2 August 1990. The decision of the ALP Government to commit three warships as part of the multi-national force to liberate Kuwait had the support of the Coalition opposition but not of the Australian Democrats.

The issue of SCO was brought to a head by the actions of an Australian sailor. Leading Seaman Terry Jones was a member of the crew of HMAS *Adelaide* but he left the ship in Perth prior to its departure for the Gulf on 23 August 1990. While absent without leave (AWOL) he enjoyed a brief period of notoriety because prior to surrendering to the authorities he passed a statement to Senator Vallentine of the Green Party. He stated that:

*I am not a coward and I would be prepared to fight for my country, but I am taking a political stand because this is not our war, we are just following the Americans. I am prepared to die to defend my country but not to protect United States oil lines.*<sup>24</sup>

When questioned about Jones, a Navy spokesman stated that 11 Navy personnel had been excused from sailing with the first contingent: one "conscientious objector", two "non-volunteers" and eight others who were transferred at their "commander's discretion". None suffered disciplinary action.<sup>25</sup>

Jones, who had taken the provocative action of going AWOL and making a public statement, was court martialled and convicted of absenting himself without leave on 13 October 1990. He was reduced in rank, forfeited four day's pay and received a 21 day suspended sentence. He was discharged at his own request shortly afterwards.<sup>26</sup>

Three weeks later, while the three Australian warships were on station in the Persian Gulf, Senator Vallentine introduced a bill which would permit SCO for conscripts and, significantly, for personnel who had volunteered for service. Her second reading speech referred to the work done on the subject by Senator Tate and the Senate Standing Committee but she said that the earlier bill to amend the *Defence Act* had apparently dropped into "a legislative black hole". Her speech cited the example of the United States, where volunteer service personnel are

permitted to claim CO status following enlistment (only for reasons of absolute pacifism). It also described examples of international SCO before discussing the case of Terry Jones. She pointed out that Senator Ray, the Defence Minister, had stated that service with the Australian contingent to the Gulf was voluntary. A weakness in ADF command and control had existed, she claimed, as the ADF had failed to advise Jones of the option of a transfer from his ship prior to its deployment.<sup>27</sup> Senator Vallentine's bill would later lapse with the end of the 36th Parliament on 17 December 1992.

The air phase of Operation *Desert Storm* had been underway when Senator Powell, of the Australian Democrats, introduced a private member's bill on 22 January 1991.<sup>28</sup> The bill was intended to amend the *Defence Act* to ensure that conscription was not employed while Australia was involved in the Gulf War. At this stage the Government had already stated that it would not revive the *National Service Act* and that conscription was prohibited by the ALP platform unless Australia faced a direct military threat.<sup>29</sup> The Democrats had introduced the bill to gain attention for their opposition to conscription and the more immediate issue of the use of force in the Gulf. It was defeated.<sup>30</sup>

During the week prior to the debate on the bill, bogus call-up letters had been received by Australian reserve personnel and this had heightened concerns about the possible call-out of members of the reserve.<sup>31</sup> The Government had sought to reassure the nation with statements that it had no intention of calling-out reserves or introducing conscription.<sup>32</sup>

The World Council of Churches Assembly in Canberra on 13 February 1991 provided an interesting counter-point to the increasingly secular debate on SCO. Opening the Assembly, Anglican Bishop Sir Paul Reeves, former New Zealand Governor-General, stated that the war was "neither holy nor just". The Assembly called upon member churches to provide sanctuary to CO and "members of the armed forces who could not obey orders in the Gulf War".<sup>33</sup> This pronouncement could claim as an historical precedent, the 1971 declaration on CO and SCO by US Catholic bishops, which was issued at the height of the unpopularity of the Vietnam conflict.<sup>34</sup>

During the period of active hostilities of the Gulf War, 1,108 ADF personnel served with the Australian contingent: 947 Navy, 49 Army personnel and 112 Air Force personnel.<sup>35</sup> Only 12, Jones and the 11 revealed by the Navy spokesman, are known to have not volunteered for the Australian commitment to the Gulf War. Of the 12, it is likely that eight (those released at their commander's discretion) were

released for compassionate reasons which were unrelated to CO. This leaves a figure of four possible selective conscientious objectors from the total Australian contingent, or 0.36 per cent.

Although the sample size is relatively small the percentage of conscientious objectors is much lower than the percentage in previous Australian commitments to wars. There are several reasons for this. First, the personnel involved in the Gulf War were not conscripts but volunteers who had selected service in the armed forces as a means of employment. They had been trained to participate in war and had presumably reconciled themselves with the moral issues of war, such as taking human life. Second, the members of the ADF tend to place high value on operational service and some would regard the opportunity to serve in the Gulf War as the highlight of their military career. Third, the multi-national force which was deployed to liberate Kuwait had the support of the United Nations and the majority of the nations of the world. And fourth, the deployment of Australian ships received bipartisan parliamentary support, generally favourable media comment and a high level of public support.<sup>36</sup> In all, the ADF personnel were keen to serve, and the operation enjoyed domestic and international approval.

Limited Australian opposition to the war was demonstrated by peace marches in capital cities and the Waterside Workers Federation's call for a national general strike to protest against the war.<sup>37</sup> Anyone choosing to claim the status of selective conscientious objector would be unlikely to receive much sympathy from other ADF personnel or the general public. From this perspective, even the figure of 0.36 per cent is surprisingly high. In a hypothetical situation, in which the ADF was committed to a conflict with less than bipartisan parliamentary support, or with low levels of public and media support, it is reasonable to assume that the percentage would be higher.

### **The Defence Legislation Amendment Acts of 1992 and 1993**

The reawakening of interest in SCO caused by the Gulf War contributed to the introduction by the ALP government of the *Defence Legislation Amendment Acts* of 1992 and 1993. The 1992 bill sought to amend the Defence Act by accepting the recommendations of the Senate Standing Committee concerning SCO. The bill defined a person's conscientious belief as one that:

*...involves a fundamental conviction of what is morally right and morally wrong, whether or not based upon religious convictions; and*

*is so compelling in character for that person that he or she is duty bound to espouse it; and*

*is likely to be of a long standing nature.*<sup>38</sup>

In addition to tacitly accepting SCO to a particular war, the bill provided for the establishment of special CO tribunals which would replace the old model of adversarial proceedings before a magistrate. The claimant would continue to bear the onus of proof on the balance of probabilities as recommended by the Senate Standing Committee. The bill removed discriminatory provisions of the *Defence Act*, widening the power of conscription to females and Aboriginals; and also provided for the repeal of the *National Service Act* of 1951.<sup>39</sup>

The Coalition opposition supported most of the provisions of the bill but disagreed with the requirement for a 90 day notification to be given by the government prior to the implementation of conscription, and to the opportunity to claim SCO. Senator Teague argued that as conscription could now only conceivably be instituted during a period of direct threat to Australia that a period of notice was "unnecessary and redundant" and that no loyal Australian, who was not an absolute pacifist, could claim SCO if Australia was under direct threat.<sup>40</sup> Mr Downer in his second reading speech referred to the Returned Services League submission to the Senate Standing Committee which argued that SCO was an objection only of a political nature.<sup>41</sup>

The Australian Democrats supported the bill but Senator Bourne stated that:

*...the Democrats are particularly concerned that this bill does not give volunteer service personnel the right of conscientious objection to service in overseas conflicts. Many Australians including some of the Defence Force have strong moral objections to such service.*<sup>42</sup>

Senator Chamarette of the Green Party, raised the argument that ADF recruiting promotes the idea of a "glamorous career and alternative to university" and does not mention the possibility of being required to kill without recourse to CO.<sup>43</sup> But in answer to these arguments which would grant SCO to volunteer Service persons, Senator Ray stated, "I have to say I draw the line at that. There is no way that this Government can support that proposal".<sup>44</sup> Senator Ray went on to say that...

*...when people sign up to go into the Australian Defence Forces, they do so in the knowledge that they could be involved in any number or any type of conflict.*<sup>45</sup>

The Coalition proposed an amendment to the bill to remove clauses referring to SCO to particular wars. The amendment was defeated. The Democrats proposed an amendment to the bill which would grant the right to serving ADF personnel to claim SCO. The amendment received no support from the larger parties and was defeated. The *Act*, including the right to SCO for all Australians, except ADF personnel, received assent on 30 June 1992.<sup>46</sup>

The second bill in 1993 was the subject of far less debate. It included amendments to modify the right of appeal from CO tribunals to reflect more accurately the role of the Administrative Appeals Tribunal (AAT) and limit the right of appeal to the Federal Court to questions of law. The *Act* received assent on 22 December 1993.<sup>47</sup>

### The Debate Since 1993

CO and SCO have received occasional attention since the passing of the Acts in 1992 and 1993.

In 1995, Senator Meg Lees of the Australian Democrats supported the ALP Government's *ANZAC Day Bill* which enshrined the day as a national day of recognition and commemoration. Her speech supported the concept of ANZAC Day but she restated her party's policy on supporting the rights of conscientious objectors and opposing war as an element of national policy. She proposed that conscientious objectors should be required to perform unspecified compulsory "community service".<sup>48</sup>

The concept of community service re-emerged two years later. In September and November of 1996, Pauline Hanson representing the One Nation Party in the House of Representatives, asserted that a form of civil national service should be created for Australia's young people.<sup>49</sup> This approach had achieved some success overseas. In the United States, the 1993 *National and Community Service Trust Act* had created the "AmeriCorps USA" program in which over 100,000 people have provided voluntary community service in return for college grants.<sup>50</sup>

Hanson's proposal attracted no parliamentary support but it did provide the Democrats with an opportunity to re-raise the issue of conscription. Senator Natasha Stott-Despoja of the Australian Democrats, gave notice that she intended to move a motion on the next day of sitting which rejected both the idea of compulsory community service and concept of military conscription. She opposed:

*... any form of military national service or conscription of young Australians.*<sup>51</sup>

The motion lapsed and no further parliamentary debate on the matter has occurred to date.

### The Current Australian Situation

The passage of the 1992 and 1993 Acts, and the limited debate on the issue of conscription since then, brings us to the current situation which can be summarised as follows:

- conscription is very unlikely unless Australia is under direct threat;
- CO and SCO are available to conscripts; and
- CO is available to volunteers, but SCO is not.

This final point warrants further explanation. CO is available to volunteer personnel during peacetime through the routine administrative procedure of applying for discharge from the ADF. This could occur if a serviceperson joined a pacifist religious organisation and became a CO. It is possible that a similar procedure may operate during a period of hostilities with a CO tribunal determining the absolute CO of the serviceperson.

The parliamentary debate on the 1992 bill, and subsequent mention of the issues, demonstrate that both the ALP and the Coalition oppose SCO for volunteer service personnel. This position will be difficult to maintain. This article has traced the increasing availability of the right to CO and discussed how that right has been expanded in Australia through legislation and public opinion. This historical continuum of an expanded right to CO is likely to continue and the Australian government during future hostilities will face increasing pressure to permit SCO within the ADF for a number of reasons.

First, the Democrats, minor parties and church organisations with a propensity to espouse issues of conscience, will continue to support SCO for the ADF.

Second, it is reasonable to assume that support for the rights of the individual will continue to expand in Australia. Other issues such as the expanded employment of women in the ADF and the acceptance of homosexuals in the ADF have encountered opposition but have become inevitable due to increasingly liberal attitudes within Australian society. In the same manner, Australian society may accept that ADF personnel have the right to claim SCO. Currently, all Australian citizens have the right to claim SCO except ADF personnel. It may even be possible to argue that this constitutes a case of systemic discrimination.

Third, the previous point is complicated by the reserve forces, who constitute thirty-three *per cent* of

the ADF, and whose responsibilities and rights are untested. Legislation to enable the Government to compel reserve personnel to undergo full-time service in situations less than in time of war or defence emergencies was passed in 1987. However, it has not been “exercised or proven”.<sup>52</sup> If a call-out of reserves were implemented it is likely that the issue of SCO would be raised by the Democrats. It would be more difficult to deny the right to SCO to part-time service personnel especially as most reservists have no previous full-time service. Some reservists currently avoid their responsibilities by electing not to attend training periods. If called-out, reservists could exercise SCO by simply not reporting for duty. The Government may have the option of arresting reservists who avoid their responsibilities; but, would Government exercise that option? Such a process appears to run contrary to the Australian tradition of voluntary service. The reservists may, of course, be subject to conscription but they would then presumably have the right to make a claim of SCO. It is beyond the scope of this article to offer a full consideration of the legal implications of reservist SCO. It is sufficient to point out that reservists complicate the issue and weaken the argument that it can be denied to all ADF personnel.

Fourth, some ADF personnel with a foreign ethnic heritage may declare themselves unable to fight against personnel of the same ethnic heritage.<sup>53</sup> This thinking led to the exclusion of Australians of German origin from Australia’s military forces during World War One. On the other hand, the members of some minority groups may seek to demonstrate their loyalty to Australia by performing military service. Little evidence can be produced to illuminate this issue but it remains probable that “dual nationals” will claim SCO for conflicts between Australia and their “homeland”. The increasingly multicultural nature of the Australian community, and the ADF, is likely to accentuate the importance of this factor.

A fifth reason relates to the degree of public support for future conflicts. Approval levels among the Australian community for possible future ADF operations may be lower than the support given to the Gulf War and United Nations peacekeeping commitments. It is possible that ADF personnel may be committed overseas in a campaign which is opposed by a significant proportion of the Australian public. The opposition may be due to the perceived injustice of the cause or the conduct of the operations involved. For instance, the operations may be in support of a nation which employs torture or is denying human rights to minority groups. Bipartisan parliamentary support for the commitment may not

exist and the opposition may even claim that the commitment is not in accordance with the doctrine of just war. In such circumstances a claim of SCO by serving ADF personnel would be difficult to ignore. The media and peace groups would be likely to support the SCO claimant and the Government could respond by either:

- ordering the claimant to participate in the commitment, and risk a deterioration in overall morale and effectiveness;
- taking disciplinary action against the claimant, resulting in further adverse publicity and his or her, discharge;
- permitting the claim of SCO; or
- discretely transferring the claimant to a remote posting in Australia and attempting to “keep the matter under wraps”.

This factor may be exacerbated by social changes within Australian society which have led to a more cynical and questioning attitude towards the decisions taken by political elites. Unquestioning acceptance of government policy is now less likely than in past decades, particularly in cases where Australia is not under direct threat of attack.

A sixth reason, why the ADF is likely to face pressure to permit SCO, relates to the nature of possible future conflict. All ADF personnel are required to obey only those orders which are just and in accordance with the law of armed conflict.<sup>54</sup> In fact, they are duty-bound to refuse to obey unlawful orders. Australia’s ratification of the *1977 Protocols Additional to the Geneva Conventions* has placed greater restriction upon the use of destructive force in war by the armed forces of all signatory nations, including the ADF.<sup>55</sup> As a result, grounds for SCO may be based on an apparently unacceptable method of conducting operations, or by the weapons employed. This may lead to the extremely difficult problem of SCO occurring on the battlefield.<sup>56</sup> This could have ramifications for the laws of armed conflict, the responsibilities of personnel who believe that they have received illegal orders, and the operation of the *Defence Force Discipline Act*. For this reason, any future legislation to extend SCO to volunteer ADF personnel should make provision for the punishment of spurious claimants and the protection of successful claimants.<sup>57</sup>

A final factor which may contribute to the pressure for the introduction of SCO for ADF personnel is the status of UN forces. In cases where Australia is committing elements of the ADF to serve with a UN force, the ADF personnel may not have volunteered for this service. Current and past ADF practice has been to ascertain the volunteer status of

personnel prior to providing them to the UN. The Army, for example, requires officers to record this status on their annual confidential report. ADF personnel have no legal protection from UN service if they refuse to volunteer; but, Australia's international reputation would suffer if ADF personnel were to appeal to the UN for release from a commitment as selective conscientious objectors.

Another question which warrants consideration is whether the concepts of CO and SCO will need to change as the roles of the ADF are increasingly oriented towards peacekeeping and humanitarian assistance operations.<sup>58</sup> After all, it is harder to claim a deep objection to an operation whose objective is humanitarian aid. On the other hand, it may be easier to disobey an order to use deadly force while serving on a humanitarian mission. This is because the underlying objective of a humanitarian mission is to save lives rather than take them.

### The Future of SCO and the ADF

If SCO is to become available to ADF personnel, and there is evidence to suggest that it will, what are the implications? Essentially the ADF will be unable to rely on every single one of its personnel in all circumstances, and this article has demonstrated that this situation already exists.

Defence commitments which are unpopular with the broader Australian community will be likely to result in claims of SCO. If the number of selective conscientious objectors is small they could be employed in duties unrelated to the particular deployment and the issue could be managed with relative ease. If the number is large, or key personnel such as officers claim SCO, tribunals will be required to make determinations on the cases. It would be appropriate if these tribunals were similar to the CO tribunals allowed for by current legislation.

It is important to remember that the right to SCO, as detailed in the 1992 *Act*, does not specifically permit political objections to a conflict although it does provide *de facto* recognition of such an objection. For this reason, SCO claims within the ADF would tend to politicise the ADF. The mere existence of an SCO claim on political grounds, even if rejected by the tribunal, carries the risk of weakening the government's position. SCO may thus grant political power to some ADF personnel who oppose Australian participation in a conflict. This runs contrary to the ideal of an apolitical defence force which is isolated from the political process. It also runs contrary to the

requirement for all ADF personnel to act in disciplined obedience to lawful orders.<sup>59</sup>

Selective obedience to the law, as enacted by the Government, is not permitted in Australian society in general, and it cannot exist in the disciplined environment of the armed forces. The ADF is not an industrial democracy and it is fanciful to believe that the exercise of SCO by ADF personnel would be tolerated gracefully. However, for any military activity, if the cause is just and the Australian commitment conducted in accordance with its obligations to international agreements, it is unlikely that many ADF personnel would choose to claim SCO.

In reality, ADF personnel who claim SCO will face institutionalised opposition and may find it untenable to remain in the ADF. The ADF is too small to provide such personnel with anonymity and unit commanders may be unwilling to receive such personnel due to the risk to unit *esprit d'corps*. Potential selective conscientious objectors are generally likely to be deterred by the difficult moral questions they face and harsh criticism from other ADF personnel, as occurred in the Jones case.<sup>60</sup> They may encounter more opprobrium than traditional conscientious objectors because they may be seen to have "let their mates down", and because their decision to object contains an implied criticism of the beliefs of other service personnel. This factor is likely to decrease the number of potential selective conscientious objectors and only those personnel with a genuine and committed objection would undertake such a difficult path.

The ADF may, in fact, benefit from the granting of SCO as, from a utilitarian point of view, it may defuse a range of potentially difficult issues in an expeditious manner.<sup>61</sup> Unit morale may be strengthened if personnel with insurmountable objections to a conflict are removed. On the other hand, the removal of respected personnel may result in the spreading of doubt and a reduction in enthusiasm among other personnel.

If a system is created to enable SCO to be claimed by ADF personnel it is important that it not be created hastily as a reaction to a particular conflict. The system must be durable,<sup>62</sup> and should consider the recommendations made by both the Senate Standing Committee on Constitutional and Legal Affairs and the Joint Committee on Foreign Affairs, Defence and Trade.

Mainstream political theory holds that the Government is better placed to make a determination on the justice of a particular conflict than an individual or opposition group. The Government possesses the expertise, diplomatic communications and information



to make such determinations. It should expect that its citizens will undertake their duties as members of a lawful democracy. If the Government allows its citizens to claim SCO, is it not tacitly admitting that it may have formulated an imperfect policy? An effective government cannot allow free choice for all, and certainly cannot allow free choice in issues relating to national survival. However, even the most loyal citizen retains the right to an individual conscience and the Australian Government has always tolerated CO.<sup>63</sup> This tolerance has enabled the historical continuum of CO and SCO to develop and it has required the ADF to adjust its practices to reflect the changing attitudes of Australian society. These attitudes will lead to a situation in the future where ADF personnel are able to reserve the right not to fight, but only if it would violate their personal integrity.

The challenge posed by SCO to the ADF can be met with the formulation of clear government policy and measured legislation. Legislative change will inevitably encounter opposition and public debate on the subject may be heated. In the words of the 1985 Senate Standing Committee Report, if SCO posed a real problem to recruitment the Government should:

... either re-examine the nature of the military operation or at the very least its presentation of it to the community.<sup>64</sup>

Australians are likely to continue to volunteer for military service and to serve as directed by government policy. This is because Australians generally possess a sophisticated understanding that the use of force will be justifiable and unavoidable.

The historical continuum which led to religious CO, secular CO and conscript SCO, is likely to witness the introduction of SCO for ADF personnel as Australia's post-modern society matures. This development will require legislative amendment and sensitive leadership from within the ADF. Current indications are that the great majority of ADF personnel are very unlikely to become selective conscientious objectors, but that they will gain the right to make such a claim.

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Lieutenant Colonel Ian Wing was the 1998 Chief of the Defence Force Scholarship Fellow at the Australian Defence Studies Centre, Australian Defence Force Academy, in Canberra. His tenure has been extended to enable him to complete his doctoral research into the reconceptualisation of security and Australia's defence. He is a graduate of the Royal Military College, Duntroon, and Command and Staff College, Queenscliff. He holds a Bachelor of Arts in Political Science with Honours and a Master of Defence Studies, both awarded by the University of New South Wales. His current research areas are the future of conflict, the roles of post-modern armed forces, open source intelligence, mercenarism and futurism.

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# Deterring Terrorism: Reality or Wishful Thinking?

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By Gaetano Joe Ilardi, Victoria Police

## Summary

The aim of this article is to assess counterterrorist measures in the context of deterrence theory. Not intended as an exhaustive analysis of deterrence and its impact upon counterterrorism, its main objective is to highlight some of the key components of deterrence theory and the various shortcomings that must be considered when seeking to use it as a component of an overall counterterrorist strategy. In other words, it will be the aim of this article to highlight much that is unique about terrorism and how this condition poses particular dilemmas for deterrence.

## Introduction

The question of whether terrorists can be deterred is a very tempting one. If the answer is yes, it would mean that a solution to the terrorist problem is available to all governments who fully understand the nature of the terrorist threat and are prepared to pursue a sustained deterrence strategy. All outward appearances would suggest that a policy of deterrence aimed at terrorists, or potential terrorist acts, is theoretically at least, a logical and feasible counterterrorist strategy. At its most basic level, deterrence represents an attempt to influence an actor's assessment of its own interests by highlighting the potential benefits or disadvantages in acting, or failing to act in a certain manner<sup>1</sup>. The key to deterrence within the context of terrorism, therefore, is to subvert the hostile *intention/s* of those prepared to engage in terrorism against the state. It can be said that intent, under these circumstances, consists of two vital elements – namely, a *desire* to carry out a certain act, and an *expectancy* that this act will be successful. If both elements are high, then the intent of the individual or group can also be said to be high, thus rendering any deterrence-based objectives next to useless. Deterrence strategies aimed at terrorism can

seek to subvert both of these elements. Many advocates of deterrence seem to be pre-occupied with the latter element of intent to the exclusion of the former. In reality, however, it will be shown that it is not possible to separate these two elements of intent in any discussion on deterrence. Failure to consider both elements will only result in a distorted view of the benefits of deterrence, a view which will have more in common with wishful thinking than reality.

## Deterrence Theory And Terrorism

One of the most appealing aspects of terrorism as a form of political dissent, is that the benefits that can be derived from such action frequently heavily outweigh the risks involved. In other words, the potential benefits outweigh the potential costs. It would be the aim of a deterrence strategy to radically alter this cost/benefit ratio so as to lessen the appeal of terrorist action. In this way, terrorists will perceive the cost of commencing or continuing a terrorist campaign to be greater than any gains they might expect should they proceed. The reduction in the terrorist's expectancy of success will therefore serve to dissuade the terrorist from following through with their plans.

Deterrence, of course, can be employed against either state sponsored (or state supported) terrorism or against individual terrorists or groups acting independently. Certainly, from a *theoretical* perspective at least, the difficulty involved in deterring these different types of terrorism will vary. It is generally acknowledged, for example, that it is somewhat easier to deter state sponsors of terrorism because of the geographical permanence and structural complexity of states compared to the mobility and relative structural simplicity of terrorist groups. This situation consequently makes state sponsors of terrorism more susceptible to economic sanctions and military reprisals.<sup>2</sup> It is also important at this stage to distinguish between two forms of deterrence – defensive and offensive deterrence. Within the context of terrorism, defensive deterrence is the most commonly employed of the two. In essence, it seeks, through the implementation of

defensive or security measures, to prevent the terrorist from achieving his/her objective. The reasoning behind this type of deterrence is that even if the terrorists are able to achieve their objective, it will be accomplished at an unacceptably high cost. Offensive deterrence (also referred to as “the iron fist” approach), on the other hand, is based on retaliatory action.<sup>3</sup> Again, the reasoning here is that any benefits that might be gained from the terrorist act will be outweighed by the *eventual* cost. The Israelis, Egyptians, and to a lesser extent the Americans, are the most well known proponents of this form of deterrence/eventually, even offensive deterrence fulfils a defensive role, since its primary objective is to *prevent* the occurrence of terrorist acts). Indeed, last year’s US attacks against terrorist related sites in Afghanistan and Sudan are generally acknowledged as having been motivated by the principle of offensive deterrence.<sup>4</sup>

### Can Terrorism Be Deterred?

Whilst the effectiveness of deterrence theory has proven to be relatively successful in a number of non-terrorist related cases (the most obvious being Mutually Assured Destruction (MAD) as the central component of the superpowers’ nuclear strategy during the Cold War), can it also be successfully employed against terrorists? Much literature relating to counterterrorism quite flippantly refer to deterrence in the context of terrorism, as though its effectiveness was self-evident. However, if deterrence is an attempt to influence the behaviour of another party, then it is the perception of this other party which should be paramount. Those seeking to implement a successful counterterrorist deterrence strategy, therefore, need to understand the world as it appears to the terrorist in order to successfully manipulate their cost-benefit calculus.<sup>5</sup> The central component of deterrence theory is that it assumes that acts of aggression are opportunity based and that where the potential for *gain* exists, actors will seize on opportunity. Deterrence theory states, that if this opportunity can be removed by eliminating the chance of gain (by ensuring that the costs outweigh any possible profit), then an adversary will be deterred from striking. This theory, therefore, assumes that just because the likelihood of success diminishes, terrorism itself will cease to exist.

Deterrence theory and practice, however, is almost wholly dependent upon the presumption that

assessments of costs and benefits are based on a rational, universal standard. This, however, is clearly not the case, since depending on the individual/organisation and the cause, varying levels of risk may be acceptable. It is for this reason that statements such as “offensive deterrence is effective against state sponsors of terrorism” or “defensive deterrence is effective against independent terrorist activity” can be very misleading<sup>6</sup>. These generalisations have no place in discussions on deterrence, since they fail to realise the importance of understanding the individuality of the sponsors or perpetrators of terrorism. Committing oneself to a life of terrorism is a risky business, a fact that is surely clear to all terrorists, both before and after they make such a commitment. Certainly, the levels of acceptable risk will vary from group to group, but this is just another reason to judge each organisation individually, and cater one’s deterrence based countermeasures accordingly.

### Potential Problems

One of the primary flaws with many arguments advocating the benefits of deterrence is that by definition they assume that terrorists can be dissuaded from pursuing a life of terror. In other words, it presumes the existence of choice. But it is often precisely the absence of choice (embodied in the belief that political grievances cannot be redressed through conventional means) which forces terrorists to adopt the methods they do. Whether, objectively speaking, this is the truth or not, is irrelevant. It is ultimately the perception of potential terrorists that is important and their belief that they are being *forced* into a life of terrorism. The situation we are therefore confronted with is one in which the high cost of inaction outweighs the potential cost of action. It is the failure by proponents of deterrence to take into consideration the importance of *need* (or the *desire* aspect of intent) on the part of the terrorist, that causes them to paint a distorted and overly optimistic (and simplistic) view of the potential benefits of deterrence in the fight against terrorism. Any counterterrorist strategy that claims to be deterrence based and fails to focus on the motivation for terrorism is destined only to serve as a partial and temporary solution at best.

One only need look at the situation in Egypt under the leadership of Hosni Mubarak to see how counterterrorist strategies that fail to consider the underlying causes of terrorism can be an exercise in

futility. Since becoming president in 1981, Mubarak has demonstrated an unswerving commitment to neutralising the increasing prevalence of Islamic fundamentalist based terrorism. After Israel, Egypt under Mubarak is perhaps the world's best known proponent of offensive deterrence, although the Mubarak regime may not use this precise term to describe its response to terrorism. Despite its brutal attempts to suppress domestic terrorism, often incurring the condemnation of international human rights groups in the process, terrorism within Egypt is on the increase.<sup>7</sup>

Terrorists by nature are a highly motivated group of people who are driven by strong political, social and cultural forces. Their grievances are often historical in nature and have come to represent a passionate driving force. Robert Jervis in his book *Psychology and Deterrence* has asserted that "states defy clear and credible threats because they are driven by the belief – or often by the feeling – that the alternatives to confrontation are intolerably bleak. Under these conditions, states can decide to challenge the *status quo* even though the chances of success are slight".<sup>8</sup> Whilst this statement refers specifically to state actors, it is also just as true of terrorists and terrorist organisations. The inevitable failure and resultant suffering and anguish that most terrorists believe would result from inaction, in the end, means that little choice is left available. There is, therefore, a need for defenders to understand the pressures (and indeed, desperation) under which terrorists operate. The example of the suicide bomber serves as a constant reminder of the extent to which some terrorists are prepared to go in the pursuit of their cause and the difficulties inherent in deterrence-based countermeasures.<sup>9</sup>

Some commentators have taken this matter a step further by arguing that defensive deterrence could be employed successfully if the countermeasures in place *guaranteed* that a terrorist attack would fail.<sup>10</sup> The problem with this theory and the use of language like success and failure (which are central to any discussion on deterrence) is that it is not possible to assess the outcome of terrorist actions in conventional success/failure terms. When implementing a deterrence strategy, it would be necessary to pose the question "How can I maximise the level of damage or harm to a terrorist should he/she attempt to strike at this target"? In other words "How can I minimise his/her chances of success"? Since the objective of many terrorist groups is publicity based, even the failure of a terrorist action can be defined as a success if it attracts the desired media attention. This has led

some to argue that deterrence through non-publicity is a viable option.<sup>11</sup>

Even if it were possible to find a universally acceptable definition of success and failure, there are still a number of problems which forces one to question the viability of countermeasures which guarantee failure. Firstly, terrorists must be made aware of the fact that they are destined to fail. How can this be accomplished without also making terrorists aware of the countermeasures that are in place? Failure to adequately convey the message to terrorists; that they stand a fair chance of failure should they attempt to strike against a specific target, leads to the second difficulty. There always exists the possibility of misjudgment on the part of the terrorist in the form of overestimating his/her chances of success, wishful thinking and a multitude of other factors that can lead the terrorist to misread the situation.

### How To Measure Success?

Traditionally, it has always proven difficult to measure the effectiveness of counter-measures of any type, especially those which are deterrence based. The dilemma for deterrence was well put by James Golden who stated,

*The problem of maintaining public support for a deterrence strategy is complicated by the impossibility of proving that deterrence has worked. In the event of an attack, it is obvious that deterrence failed. The absence of aggression, however, does not prove that deterrence worked. The potential aggressor, critics may argue, never had any intention of attacking in the first place.*<sup>12</sup>

Despite these difficulties, proponents of deterrence seek to demonstrate its effectiveness by highlighting the changed behaviour of terrorists in the wake of deterrence based counter-measures. A common example which is frequently cited is the manner in which terrorists have altered their methods/tactics in the light of improved government responses. The decline in hostage taking situations and aircraft hijackings is generally attributed to the implementation of counter-measures, especially the use of elite hostage rescue units.<sup>13</sup> Whilst this is true, can it be used, as it often is, to sing the praises of deterrence generally?

The problem with arguments such as those advanced, is that they tend to be *target-focused*. In other words, they measure the success of deterrence

on the basis of the frequency with which terrorists strike at certain targets after the implementation of counter-measures. This overly focused view of terrorism frequently fails to look at the overall *incidence of terrorism*. Rather than witness a reduction in the incidence of terrorism, these counter-measures simply result in terrorists shifting their focus to other areas (kidnappings, assassinations and bombings) or change their methods of attacking traditional targets (from hijacking aircraft to placing bombs on them instead).<sup>14</sup> These arguments, therefore, tend to demonstrate the adaptability of terrorists rather than highlight the effectiveness of deterrence itself.<sup>15</sup>

### Can Deterrence Be Counter-Productive?

Whilst it is difficult to foresee any circumstances when defensive deterrence would be counter-productive (other than by forcing terrorists to seek targets elsewhere), it is possible for offensive deterrence to have the opposite effect to that which was intended. The US attack against Libya in 1986 in retaliation for its involvement in the bombing of a Berlin discotheque which killed two US citizens is a case in point. This example is frequently used to sell the merits of offensive deterrence,<sup>16</sup> but a closer inspection will reveal that the consequences of this American action were not so clear-cut. It is true that the air strike forced the Libyans to back off for a short time, but it ultimately may have led to an escalation of Libyan-backed terrorism. Among the acts with a Libyan connection that followed were a plot to bomb a US military recruiting station in New York on the second anniversary of the US air strike, the car bombing on the same day of a USO club in Naples, Italy and the bombing of Pan Am flight 103 in December 1988.<sup>17</sup> Inquiries conducted by French authorities in later years would also implicate Libyan intelligence agents with the downing of Flight UTA 772 in 1989 which exploded after leaving Ndamena airport in Chad. Despite the suggestion by some that "... Libya now appears much more constrained in its support for international terrorist operations"<sup>18</sup> a quick perusal of the US State Department's annual Patterns of Global Terrorism will reveal that this is not entirely accurate. Ten years after the US air strike, the State Department painted anything but a pretty picture of Libya and its intransigent position on terrorist related issues. Among these was Libya's continued refusal to comply with the demands of UN Security Council Resolution 731, for the fifth year running, to surrender to the US or the United Kingdom two

Libyan intelligence agents (or employees of Libyan Arab Airlines posted in Malta at the time of the bombing) suspected of being responsible for the bombing of Pan Am Flight 103.<sup>19</sup> In addition to this, Libya continued to provide support to Palestinian terrorist groups such as the Abu Nidal organisation (ANO), which maintains its headquarters in Libya and the Palestine Islamic Jihad (PIJ).<sup>20</sup> This list of Libyan terrorist involvement and defiance, which is by no means exhaustive, can hardly be used to sing the praises of offensive deterrence.

Similarly, it must be borne in mind that one of the purposes of terrorism is often to induce a reaction on the part of Governments. In other words, Government responses to terrorism, in the form of offensive deterrence, may play directly into the hands of the perpetrators of such acts. The efforts of terrorists to induce such reactions can serve either of the following purposes:

- (i) enhance the ability of organisations to recruit new members from among those affected by Government reactions. This is true in two ways. Firstly, in the case of international terrorism, military strikes by one country against another (such as the strike by the US against Libya), may serve to recruit new members to the cause from among those affected by the collateral damage.<sup>21</sup> Secondly, in the case of domestic terrorism, terrorists often rely upon Governments to react to incidents so as to portray them to locals as repressive and unsympathetic to the people;<sup>22</sup> and
- (ii) generate further publicity, which after all, is one of the primary objectives of terrorist action.

### The Future

Whilst defensive, and to a lesser extent offensive, deterrence will undoubtedly continue to form a major aspect of most countries' counterterrorist strategy, its effectiveness is constantly being eroded with the passage of time. This is due to the perception that the benefits to be gained by employing terrorism are great (potential gain), combined with an increase in the ease of committing acts of terror (reduced risk). The reasons for this include:

- (i) the costs associated with conventional warfare will always be greater than the costs incurred through the use of terrorism. The attractiveness of terrorism to certain state actors as a tool of foreign policy is therefore likely to stay with us for the time being;

- (ii) the post-Cold War world has witnessed an era of unprecedented self-determination. For reasons of military and economic constraint, many of those national/religious/ethnic groups pursuing this course will only be able to do so by employing the tactics of terrorism;
- (iii) most terrorist-related targets will become increasingly vulnerable through the availability of technologically advanced weapons which will serve to enhance the low risk nature of many terrorist acts;
- (iv) the multitude of available targets means that terrorists can strike at just about any target for maximum effect. Last year's bombings of the US embassies in Kenya and Tanzania demonstrate the difficulty involved in and anticipating protecting all potential targets, because of their sheer number, which will be next.<sup>23</sup> Indeed, the implementation of deterrence-based strategies may have the effect of creating "hard" targets. But what this often serves to do is draw terrorists to "soft" targets (such as Kenya and Tanzania). The problems that could stem from this re-direction of terror, are potentially great. What countries, for example, are going to want an American embassy if it means that it may attract terrorists with a grievance against the US;<sup>24</sup> and
- (v) the proliferation of terrorist groups and attacks means that terrorists, in their efforts to obtain a greater share of the publicity pie are required to take greater risks for the purpose of carrying out more spectacular acts. Indeed, the increased lethality of terrorist attacks over recent years may stand as testimony to this.<sup>25</sup>

So what we have here is the seemingly contradictory situation of terrorists needing to take greater risks, compounded by the opposite problem of them also needing to take fewer risks. Both, however, will only serve to compound the difficulties involved in seeking to implement a successful deterrence based counterterrorist strategy.

## Conclusion

My role throughout this article has been that of devil's advocate. Not for a moment do I suggest that deterrence within the context of terrorism is an exercise in futility. It would be naïve and irresponsible to suggest that deterrence has no place in the fight against terrorism, for to admit this would be tantamount to saying that the implementation of

security measures at airports and the like is a waste of time. The point that I have been attempting to make is that deterrence cannot be seen as a panacea to the terrorist problem. Too often, deterrence within the context of the terrorist debate is discussed without any apparent consideration to its potential limitations, an oversight that may result in a counterterrorist strategy which is fundamentally flawed.

## NOTES

1. Paul Stern et al (eds), *Perspectives on Deterrence*, Oxford University Press, New York, 1989, p. 25.
2. R.M Boyd and J.J.A. Wallace, "Deterrence – an essential element of preventing terrorism", *Australian Defence Force Journal*, Vol. 116, 1996, provides a valuable comparison between state sponsored and non-state sponsored terrorism and the relative difficulty involved in deterring each.
3. *ibid.*, pp. 19-29.
4. Russell Watson and John Barry, 1998, "Our target was terror", *The Bulletin*, 1 September, pp. 60-5. *Aust.* Indeed, in the immediate period following the strikes, US officials were claiming that the American action already deterred other terrorist attacks, a claim also made by Secretary of State, Madeline Albright. It was claimed that prior to the US raids, attacks were imminent against US embassies in Albania and Pakistan, and that the subsequent American action averted the Albanian attack. There are some, however, who doubt this claim. Former CIA counterterrorism expert, Vince Cannistraro, for example, has stated that if an operation were imminent, then the resources to carry it out would already have been deployed.
5. Paul Stern, et al (eds). *op. cit.*, p. 27.
6. Boyd and Wallace, *op. cit.*, p. 25.
7. Marc David Turetzky, "Egypt, Mubarak, and the rise of Islamic fundamentalist terrorism: an empirical analysis of the Mubarak regime's punitive counter-terrorist policy", Florida State University, 1981-1994. Clearly, the question of redressing terrorist grievances is a difficult and complex issue. The repercussions of redressing some of the underlying causes of terrorism have the potential to cause greater difficulties for governments than does the problem of terrorism itself. For this reason, some, and I would argue most, demands made by terrorists are unrealistic, and for this reason, impossible to accommodate. But this in no way diminishes the difficulties for deterrence. Instead, it only serves to aggravate them.
8. Robert Jervis, et al, "*Psychology and Deterrence*", The John Hopkins University Press, Maryland, 1985, p. 3.
9. The suicide bomber who seeks death prevents even greater problems for deterrence. The threat of death (as part of a deterrence-based strategy) may therefore serve to encourage precisely that which it seeks to avoid. As a minimum, however, deterrence will prove futile against this type of terrorist-motivated action.
10. Anat Kurz (ed), *Contemporary Trends in World Terrorism*, Praeger, New York, 1987, p. 128.
11. *ibid.*, p. 131. Even this may not prove very effective against certain types of terrorism, especially that which is religious based. Terrorists motivated by religion often do not seek a response by governments or anyone else for that matter, so that the act frequently becomes an end in itself.
12. James Golden, et al (eds), *Conventional Deterrence*, Lexington Books, USA, 1984, p. 4.
13. Boyd and Wallace, *op. cit.*, p. 27.
14. Paul Wilkinson (ed), *Technology and Terrorism*, Frank Cass, London, 1993 p. 21.

15. I suppose it could be argued that the implementation of counter-measures which forced terrorists to alter their behaviour could be interpreted as a success for deterrence. Of course, however, it would depend on the objectives of the deterrence based strategy. If the goal was specifically to dissuade terrorists from striking at certain targets in a certain manner, then this could be described as a success for deterrence.
16. Boyd and Wallace, op.cit., p. 26.
17. Alan Thompson (ed). *Terrorism and the 2000 Olympics*, Australian Defence Studies Centre, Canberra, 1996, p. 26. Bruce Hoffman has indicated that these incidents resulted in the death of 286 persons and the injury of 115 others.
18. Boyd and Wallace, loc. cit.
19. At the time of writing, the Libyan Government has finally conceded to these demands and surrendered the two Libyan intelligence agents so that they could stand trial under Scottish law before the International Court of Justice in the Netherlands.
20. US Department of State, *Patterns of Global Terrorism 1996*.
21. Kurz (ed), loc. cit.
22. Hosni Mubarak's repressive counter-terrorist strategy in Egypt, for example, may only be serving to win wider support for the perpetrators of terrorism from among the general populace. Marc David Turetzky, op. cit., p. 19.
23. Indeed, in the wake of these attacks, US officials were anticipating further attacks by bin Laden. One US official was reported as saying that "The networks are out there. They can choose their own time and place." Watson and Barry, op. cit., p. 60.

24. I would like to thank Lawrence Sulc for this interesting perspective.
25. Wilkinson, op. cit., p. 14-9.

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**The views contained in this paper are those of the author and are not necessarily those of the Victoria Police.**

*Senior Constable Ilardi is an intelligence officer with Victoria Police's Crime Intelligence Support Centre. He has a Bachelor of Arts (Hons) and a Master of Arts (Politics) and is currently conducting preliminary research for a Ph.D. focusing on the role of intelligence within terrorist organisations. His main interests are in the areas of counterintelligence, counterterrorism and low intensity conflict.*

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# Enforcement of International Humanitarian Law

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By Major B. Worswick, AALC

## Introduction

It can be argued that in many respects the absence of a systematic enforcement regime such as a standing international tribunal has contributed to the lack of respect for the legitimacy of International Humanitarian Law (IHL). Furthermore, those enforcement or repression mechanisms which do exist within IHL have a number of weaknesses. In recent years the international community has recognised these weaknesses and is now strongly supporting the creation of a permanent international criminal court to improve the effectiveness of IHL. The United Nations General Assembly set the 15 June 1998 as the date for the commencement of a Diplomatic Conference in Rome to create an International Criminal Court (ICC). If the proposed ICC is to end the cycle of impunity towards violations of IHL, it must be capable of overcoming a series of formidable obstacles.

This article will critically examine proposals for the creation of an ICC in light of historical efforts to enforce IHL in order to determine whether an ICC is the panacea for IHL abuses and violations that its proponents hope it to be. It will begin by assessing existing IHL enforcement and repression mechanisms in order to identify weaknesses that an ICC may be able to address. Selected historical precedents and contemporary examples of international tribunals will then be discussed in order to highlight strengths and weaknesses in the enforcement of IHL that have implications for an ICC. The Draft Statute for the proposed ICC will then be examined including the key issues involved in defining the proposed jurisdictional ambit of the ICC, in order to determine the adequacy of attempts to address particular weaknesses in IHL enforcement. Specific consideration will also be given to the proposed ICC's relationship to both national jurisdictions and the United Nations. The overall aim is to assess the prospects of enhancing enforcement of IHL through the creation of an ICC.

## Existing IHL Enforcement Mechanisms

At first glance the body of law referred to as IHL, elaborate and detailed after centuries of growth, seems to be enforceable. The Geneva Conventions and their additional protocols contain a number of mechanisms, preventative and reactive, which are designed to ensure that breaches of IHL do not occur. These include the obligation on states to ensure respect, the ability to prosecute breaches under national legislation, and the ability to take reprisals in the event of a breach of IHL during conflict. However, closer inspection of these repression mechanisms reveals that they are inadequate and this has important ramifications for the proposed ICC. This section will examine these mechanisms in order to identify areas of weakness that an ICC may be able to address.

In Common Article 1 to the Geneva Conventions all states have made a commitment to ensure "respect" for the Conventions and their additional protocols. This obligation is generally regarded as a commitment on the part of states to ensure respect by other states for the rules of IHL.<sup>1</sup> The problem, however, is that Common Article 1 does not identify a specific course of action guiding states as to how they are to ensure respect for IHL. The obligation potentially has one state supervising another in order to ensure respect, but it is unlikely that states would be prepared to accept outside machinery belonging to another state to supervise respect for the Conventions and Protocols.<sup>2</sup> In accepting and ratifying Common Article 1 states have effectively admitted a derogation to the principle of their sovereignty.<sup>3</sup> In reality, states will engage in diplomatic rhetoric to ensure other states respect IHL, but will be reluctant to take other substantive forms of action because of considerations of sovereignty.

Common Articles 49, 50, 129, and 146 of the Geneva Conventions call on states to take all necessary steps to adapt their national legislation and to provide penal sanctions for persons committing "grave breaches" of the Geneva Conventions. The obligation to punish persons committing grave breaches is absolute, and the parties cannot relieve themselves of their responsibilities in this respect. If this system was properly implemented and if all states

adequately fulfilled their obligations, it is arguable that there would be efficient, systematic prosecution of breaches of IHL. Historically however, there has been a lack of determination on the part of states to uphold this obligation.

A significant reason why states can not domestically implement the Geneva Conventions stems from the fact that IHL is not necessarily self-executing in national law. Legislation is necessary to define the offences comprising "grave breaches" for the purposes of national law and to determine the jurisdiction of the courts to put offenders on trial.<sup>4</sup> To date the international community has been more concerned with expanding the content of war criminality rather than working out the substantive ingredients of those criminal acts.<sup>5</sup> States have been left to fill in the gaps to make the law effective when enacting domestic legislation. Hence, even though states are giving effect to the same international convention, the resulting national legislation can differ dramatically depending on the enacting state. One of the chief criticisms of the war crimes trials held by Germany at the end of the First World War is that by conducting its own war crimes trials, Germany was alleged to have imposed less severe penalties than would have been the case if the trials had been conducted by the Allies. Conversely, in April 1997 the Rwandan Government shot 22 people convicted in local courts of genocide crimes. Unlike the International Criminal Tribunal for Rwanda (ICTR), the Rwandan local courts can impose the death penalty.<sup>6</sup>

The obligation imposed on states by Common Articles 49, 50, 129, and 146 of the Geneva Conventions envisage states having to extradite an offender in certain circumstances. Extradition is a politicised process which states normally undertake only according to the rules of a "cautiously-framed" bilateral extradition treaty.<sup>7</sup> States will be reluctant to extradite their own nationals, particularly to an unfriendly state. For example, the German Constitution expressly forbids the extradition of German citizens and significant legal restrictions regarding the extradition of foreigners became evident when Germany attempted to extradite Dusko Tadic for trial before the International Criminal Tribunal for the former Yugoslavia (ICTY).<sup>8</sup>

Public sentiment, political and diplomatic considerations can impact upon a decision to prosecute a war criminal. States may be willing to fulfil their obligation to prosecute in situations where it serves their interests either domestically or internationally, notwithstanding that the prosecution may even contravene basic principles of criminal

law.<sup>9</sup> In the Eichman case, Israel kidnapped Eichman from Argentina and transported him to Israel for trial, a move applauded by Israelis. However, Israel did not exist at the time of Eichman's crimes but Israeli war crimes legislation granted universal jurisdiction for war crimes, limited only to a certain group: Nazis.<sup>10</sup> Israel justified its action on the basis of the principle of universal jurisdiction embodied in Common Articles 49, 50, 129, and 146. In the Australian trial of Nazi war criminal Polyukhovich, the Australian legislation under which he was tried gave jurisdiction to try war criminals regardless of territory or nationality, but included temporal limitations which confined its application to the Second World War. In addition to variations in prosecution criteria, these trials also potentially create problems of procedural fairness because the capacity of witnesses to testify to acts committed 50 years ago is questionable.

The impact of adverse public and international opinion resulted in the decision to prosecute Lieutenant Calley for his involvement in the My Lai massacre during the Vietnam War. Calley's trial demonstrates that by incorporating IHL treaties and conventions into military law manuals and reinforcing prohibitions through orders, military disciplinary law can be effective as a means of enforcement. However, the delay, avoidance and denial that preceded Calley being charged demonstrates a state's reluctance to try one of its own except when it is politically expedient. Even after Calley was tried and convicted, political interference resulted in his life sentence being reduced. Calley's trial suggests nations will be reluctant to prosecute offenders within their own ranks on occasions where the violations stem from decisions taken at the highest military and political level.<sup>11</sup>

Reprisals, which are lawful in certain circumstances, are difficult to distinguish from unlawful acts such as retaliation, retortion, and revenge, and can easily be manipulated as a cover for those aims. Their use so far as it might affect non-combatants was banned by Additional Protocol I in 1977. In practice, the effect of a reprisal is often to aggravate the situation leading to a vicious spiral of purported reprisals and counter-reprisals.<sup>12</sup> History has shown, especially during the Second World War, that apart from being barbarous, unfair and inequitable as they invariably victimise the innocent, reprisals achieve nothing.<sup>13</sup> For example, the bombardment of London and other British cities in the early part of the Second World War resulted only in the total destruction of Dresden and Leipzig in 1945. Neither the Allies nor the Axis powers were deterred by such

losses and Germany only surrendered when further resistance was effectively impossible.<sup>14</sup>

The Vietnam War, the Cold War, and conflicts for self-determination by former colonies led to a recognition of the need to strengthen IHL, and this resulted in the additional protocols.<sup>15</sup> Yet the political climate that prevailed during the four years of negotiations meant that in terms of bolstering the enforcement powers of IHL, the desired results were impeded by a series of compromises. There are some features of the protocols which enhanced the monitoring and implementation mechanisms of IHL including the provision for meetings of states to consider problems regarding application of the conventions and protocols,<sup>16</sup> and assignment of a greater degree of responsibility to commanders.<sup>17</sup> In terms of enforcement mechanisms, the protocols introduced the concept of the International Fact-Finding Commission<sup>18</sup> and the extension of acts which qualified as grave breaches or war crimes<sup>19</sup>. However, states are not bound to accept the competence of an International Fact-Finding Commission unless they make a specific declaration indicating consent.<sup>20</sup> The difficulty remains that in terms of actually enforcing IHL, these extensions remain reliant on the degree to which states are willing to enforce IHL and for this reason, added little to the ability to ensure that breaches of IHL are prosecuted.

IHL is criticised for its lack of muscle when it comes to mechanisms intended to ensure respect for its rules. An examination of existing enforcement measures reveals that they are inadequate because adherence to IHL is partly voluntary. IHL can only have the means of implementation and enforcement that states are willing to give it.<sup>21</sup> Where it is not politically or diplomatically expedient, states are willing to pay “lip-service” to their obligation to ensure respect for IHL and not fully implement the domestic legislation that is envisaged by the Geneva Conventions. Measures such as reprisals are not an effective means of enforcement because they have a tendency to escalate hostilities and may prolong conflict rather than end it. The additional protocols highlighted, but did not resolve these deficiencies. Having identified these weaknesses in enforcement an examination of historical and contemporary war crimes tribunals is warranted to determine the effect of such weaknesses on the efficacy of these tribunals.

### Historical Precedents and Contemporary Examples of International Tribunals

The main argument cited in favour of the establishment of an ICC is that action or inaction by a state in the face of the obligation imposed by IHL to prosecute alleged perpetrators of grave breaches is motivated by the self-interest of that particular state. Internationally, the tendency is to cite the Nuremberg and Tokyo trials as the prime examples of prosecutorial efforts on the part of the international community, and then dismiss them because they exemplify “victor’s justice”. The victorious Allied powers tried their German and Japanese adversaries without even considering the possibility of applying the same laws to their own wartime behaviour. In the absence of a uniform and global approach there is a widespread assumption that trials of war criminals have previously only occurred where defeat and criminality coincide.<sup>22</sup> However, there are lessons to be gleaned from Nuremberg and Tokyo which have significant implications for the enforcement of IHL and for a proposed ICC.

The conclusion of the Second World War was marked by the total surrender of the major belligerents, the occupation of their territory, the availability of evidence, the overwhelming nature of the war crimes committed, the fact that the men and women who were accused of the crimes were in custody, and the presence of a universal sense of outrage that these people had inflicted slaughter and suffering.<sup>23</sup> The chance of recurrence of such a rare combination of circumstances is remote. The end of future armed conflicts could be marked by a general armistice, a mutual agreement between the parties to return prisoners of war and wounded, but a refusal to extradite war criminals.<sup>24</sup> Legally, an amnesty for war crimes is null and void because the obligation on states to prosecute IHL breaches is a peremptory norm of international law.<sup>25</sup> Even though it may be illegal, states could refuse to extradite alleged war criminals. The proposed ICC must have the appropriate means to ensure breaches are prosecuted despite agreements between parties to the conflict.

An important lesson that emerges from the Nuremberg trials is “the spectral presence of those war crimes left unpunished since”.<sup>26</sup> The Nuremberg and Tokyo trials were an exercise in “partial justice” to the extent that there have been numerous instances of armed conflict since the Second World War in which the same breaches of IHL have occurred, yet no prosecutorial action has been taken. This includes the Khmer Rouge leaders in Cambodia or the Iraqi

military elite following the Gulf War.<sup>27</sup> Despite international outrage and repeated condemnation by the United Nations Security Council (UNSC) when Iraq conducted its unlawful annexation of Kuwait, when the time came for decisions about action against those responsible there was no consensus and even the United States failed to show any form of supportive leadership. The selective application of international criminal law completely undermines the rule of law.<sup>28</sup> An ICC must be able to ensure the uniform and general application of the rule of law to all IHL breaches.

The selective application of the law to the prosecution of war criminals also reveals that IHL may have served to justify acts of violence as much as to repress them. During the Gulf War there was widespread acceptance that the Coalition's air bombardment of Iraq was squarely within the laws of war. Coalition efforts focused on a strategic air campaign against Iraqi political, economic and military centres in the hope it would lead to the overthrow of Saddam Hussein.<sup>29</sup> Arguably much of the destruction, particularly the repeated bombings of previously disabled power plants and oil production facilities, appears to have been aimed at achieving broad political and economic objectives rather than specific military goals, contrary to the intent of the additional protocols. The United States was able to use IHL to pursue national political objectives by virtue of its dominating position both in the international community and in the UNSC. Thus, the Gulf War was a situation in which IHL served to legitimise, rather than limit military violence against civilians.<sup>30</sup> Links between an ICC and the UNSC or any other international authority must ensure there is no possibility of manipulation or domination by a particular state or group of states. An ICC must not become a politicised body.

The Nuremberg and Tokyo trials were a significant development in international law with respect to the position of individuals under international law. Previously, the concept of a "crime" and individual criminal responsibility was virtually unknown in the international states system.<sup>31</sup> Nuremberg and Tokyo recognised that states can be removed from the equation, and that individuals are clearly capable of being subjects of international law and can face certain international legal obligations. Now there is no question that individuals may, in respect of IHL, appear as subjects bound by certain legal obligations directly under international law, and can be held individually responsible before an international forum for their violations of these obligations. This is confirmed by the ICTY and

ICTR. While the international community has well and truly accepted that individuals can be subjects of international law, the international practice and procedure of IHL has not yet fully resolved the issue of primacy in the face of concurrent state action.

A key factor in mustering support for an ICC was the creation of the ICTY and the ICTR. The establishment of these two tribunals has sparked an in-depth dialogue of IHL which has resulted in the increasing recognition that only a court with universal jurisdiction and a sufficiently broad referral mechanism can have a truly deterrent and preventative effect.<sup>32</sup> Important lessons are emerging from the practice and procedure of the two *ad hoc* tribunals particularly in regard to their relationship with states and the degree to which states are prepared to cooperate and facilitate their work. Questions about the concurrent competence and complementary nature of an international tribunal and national courts, and the degree of cooperation between them have continued to arise. The *ad hoc* tribunals actually have concurrent jurisdiction with national courts, but primacy over them. This preserves the balance between the international tribunal and the national jurisdiction and ensures prosecutorial action is taken.<sup>33</sup>

The ICTY and ICTR have encountered numerous problems in obtaining cooperation of states to conduct investigations and ensure the protection of witnesses. It is increasingly being recognised that there are deficiencies in their mandates that pose serious obstacles to their effective operation.<sup>34</sup> Although the Rwandan authorities have arrested thousands of suspects, persons who have been indicted for genocide and other crimes against humanity continue to walk the streets of former Yugoslavia with apparent impunity.<sup>35</sup> The ICTY and ICTR must rely on states to apprehend criminals within their territory, though there have been arrests by NATO forces. The lesson that emerges from this issue is that the only means to avoid this situation is to ensure an international tribunal not only has primacy over national courts, but also has powers to compel state cooperation.<sup>36</sup>

Nuremberg and Tokyo set precedents for the international trial of war crimes. At the time it was thought to be unjustified that the "victor's justice" criticism could be levelled against the courts, and the participants envisaged that the precedent of Nuremberg would be followed in the future.<sup>37</sup> Regardless of their flaws, Nuremberg and Tokyo are significant because they are the first international war crimes tribunals. After Nuremberg and Tokyo, despite many opportunities there were no other international war crimes tribunals until the establishment of the

ICTY and ICTR. As contemporary examples the *ad hoc* tribunals are superior in the sense that they are not tainted by the victor's justice perception, and significant because they identify contemporary weaknesses that must be overcome before the establishment of an ICC, in order for it to be successful.

### The Draft Statute of the ICC

The move toward the establishment of an ICC began shortly after the United Nations was established but has only really gained momentum since the creation of the *ad hoc* tribunals. On the 15th of June, 1998, negotiations on the Draft Statute of the proposed ICC, developed by the International Law Commission, began. While there is now consensus within the international community on the need to establish an ICC, there are a number of contentious issues within the Draft Statute that have not been resolved. In light of the weaknesses in IHL enforcement highlighted in the previous two sections, several of these issues will be examined. In particular, the extent of the proposed ICC's jurisdiction will be considered including its inherent jurisdiction and the means by which an ICC's jurisdiction will be invoked. If an ICC is to end the cycle of impunity toward breaches of IHL, it must be able to overcome the de-facto optional character IHL enforcement has in the eyes of the international community.

There is general agreement that an ICC should only deal with "core crimes", the exceptionally serious crimes of major concern to the international community.<sup>38</sup> However, the issue of whether an ICC should have an inherent jurisdiction over "core crimes" is unresolved. The general agreement seems to be that an ICC will act only in exceptional cases and that national jurisdictions will continue to exercise their authority and discharge their responsibilities. The Draft Statute gives inherent jurisdiction for genocide, but not for crimes against humanity and war crimes. For the latter two categories an ICC can only proceed if states consent to the court's jurisdiction by way of a special declaration.<sup>39</sup> Based on the inherent weaknesses in the existing system of IHL enforcement, it is clear that an ICC's competence should not be dependent on the consent of states. The inherent jurisdiction of the court should cover war crimes, crimes against humanity, and genocide. As soon as a state becomes a party to the Statute of the Court, it should thereby accept the court's competence and no longer have to

give its consent for a case to be submitted to the court.<sup>40</sup> To do otherwise creates the potential for a state to accept an ICC in principle but decline its jurisdiction, continuing the piecemeal application of justice.

The proposed ICC is intended to be complementary to national criminal justice systems in cases where national courts are unable or unwilling to deal with a breach of IHL. The balance between the jurisdiction of an ICC and national jurisdictions is a crucial issue. The Draft Statute provides that a case is "inadmissible" where it is being or has been investigated or prosecuted by a state with jurisdiction, unless there is "inability" or "unwillingness" on the part of that state to "genuinely" carry out such an investigation or prosecution. This provision is intended to preserve the position of national courts which have the primary responsibility for justice, however this also sets a very high threshold for an ICC's jurisdiction and makes it very difficult to determine admissibility. Complementarity allows an ICC to take action when a state does not, but states should not be able to subvert the court by justifying decisions not to cooperate on the basis of a unilateral determination of inadmissibility. An ICC must be able to examine the conduct of national investigations or proceedings to ensure they have been properly carried out and have the final say in determining jurisdiction.

The Draft Statute currently limits the Prosecutor to initiating an investigation only when the UNSC refers a situation to it, or when a state that has accepted the jurisdiction of an ICC files a complaint. In view of the historical pattern of prosecutions, the trigger mechanism cannot be limited to UNSC referrals or a state complaint mechanism. The efficacy of the proposed ICC in contributing to the prevention of violations of IHL rests substantially on its credibility as an international judicial institution able to prosecute breaches when national systems fail to do so. History has shown that the UNSC and states have failed to take the appropriate action in the past.<sup>41</sup> It is crucial that the choice of situations warranting investigation and prosecution is judicial and not political. Therefore the proposed ICC must include the ability for the prosecutor to initiate investigations ex-officio.

The Draft Statute currently incorporates a restriction on an ICC's competence in situations where a matter is being "dealt with" by the UNSC under its power to maintain international peace and security. Although it is essential that the UNSC maintain its primary authority to determine threats to international peace and security, the jurisdiction of an

ICC should not be contingent upon the manner in which the UNSC chooses to deal with a matter. It is possible that Permanent Members of the UNSC could use their veto power to protect potential defendants whenever it is in their countries' interests.<sup>42</sup> For example, some of the crimes within the jurisdiction of the ICTR have been committed by those now in power in Rwanda, however the ICTR is effectively prevented from investigating these matters.<sup>43</sup> The jurisdiction of an ICC cannot be subject to the preliminary approval of the UNSC because the credibility and independence of an ICC would remain susceptible to politicisation.

The Draft Statute in its present form does not resolve many of the fundamental problems of IHL enforcement. It does not give the proposed ICC inherent jurisdiction over all serious crimes and creates the opportunity for a state to avoid the Court's jurisdiction, after ratification of the Statute if it so chooses. The Draft Statute reinforces the primary obligations of states which is attractive to those states concerned about preserving their interests. Whilst the term "international" generally connotes impartiality, the proposed ICC is intimately linked to the UNSC, an international political body constituted by the five permanent members, who are also dominant world powers, where each effectively has the right of veto over the application of a judicial process. There can be no impartiality while the dominant world powers control the agenda of an ICC. The proposed ICC must have the final say over whether those obligations are fulfilled in order to preserve its primacy.

## Conclusion

Examining existing enforcement mechanisms is important in considering the proposed ICC. Academics, politicians, and NGOs are proclaiming that the only way to bring war criminals to justice is to create an ICC.<sup>44</sup> The issue is whether an ICC can guarantee violators of IHL will be brought to trial and if convicted, punished.<sup>45</sup> Surveying existing IHL measures suggests that IHL adherence must be internationally supervised to ensure compliance. An ICC must have jurisdiction in cases where national prosecution does not occur, or is likely to be susceptible to national political imperatives. If an ICC does not have this capacity, there is no disincentive for states who choose to ignore their obligation to enforce IHL.

Overall, the international political climate is ripe for an ICC to be established and this must be

capitalised on in order to strengthen enforcement measures to increase compliance with IHL. It is inevitable that there will be a need to compromise in order to search for a consensus on the operation and jurisdictional ambit of the proposed ICC. However, compromise should not mean that proven weaknesses in IHL enforcement are ignored. Realistically, the level of compliance with IHL is unlikely to be transformed overnight by a new international criminal law regime centred on an ICC. If an ICC is endowed with the mechanisms to internationally supervise and instil the primary obligation of states to prosecute war crimes, only then will it serve as a disincentive against breaches of IHL. Only then will an ICC fulfil international expectations.

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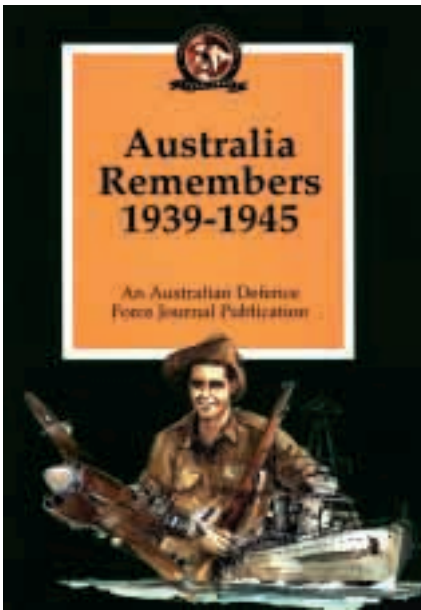
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**Author's Note:**

After five weeks of intense negotiations the Statute of the International Criminal Court was adopted and opened for signature in Rome on 17 July 1998. By May 1999, 80 of the 121 countries that supported the establishment of the ICC had signed the Statute, confirming their intention to ratify. Once the sixtieth ratification instrument is deposited at UN Headquarters the Statute will enter into force. In addition, a Preparatory Commission has been established and tasked with preparing *inter alia* draft rules of evidence and procedure, a relationship agreement between the ICC and the UN, and administrative proposals for the daily operation of the ICC, including funding. The Preparatory Commission is scheduled to complete its work by 30 June 2000.

Despite the seemingly widespread acceptance of the Statute, the results of the Rome Conference should be regarded cautiously, and not necessarily as the milestone in the enforcement of IHL that some have heralded it. Inevitably, the content of the Statute is a product of negotiation and compromise. It does not remedy many of the perceived weaknesses identified in the earlier draft Statute. There are also some notable exceptions to the countries who voted in favour of the Statute, including two of the five members of the Security Council (the United States and China) who voted against the Statute in Rome. There is still a long way to go before the international community can be confident that the ICC will be an effective means of ending the cycle of impunity towards IHL.

*Major Bronwyn Worswick is a member of the Australian Army Legal Corps and is currently serving as the Staff Grade Two – Legal at Headquarters 2nd Division. She joined the Army in 1994 and was posted as Legal Officer to Base Administration Support Centre – North Queensland. In January 1996 she was posted as the Legal Officer at 1st Recruit Training Battalion. In January 1998 she took up the appointment of Legal Officer at the Defence Corporate Support Centre – Sydney West/South. In June 1998 Major Worswick took up her present appointment.*

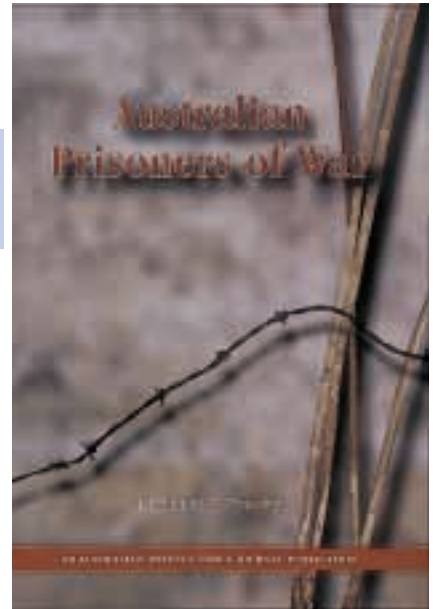


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# Leadership Development: A Case of Teaching Individuals to Juggle Complexity

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By E.J. Stevenson, Department of Defence

## Introduction

In designing effective leadership development programs, it should be remembered that it is not what leaders do, but how they decide what to do, that is important. Most leadership programs today seem to concentrate on two things. Teaching participants the characteristics of good leaders, traits such as courage, honesty, selflessness etc, and having them practice certain skills such as oral communication or teambuilding. While teaching individuals specific knowledge and skills has some merit, there is no guarantee that the learner can apply them effectively in a leadership situation, just because they have been memorised.

Instead of having people learn a list of measurable competencies, leadership programs could help participants learn how to manage complex issues, in effect, learn how to “juggle complexity”. After all, most leadership decisions involve assessing a number of conflicting factors and picking an appropriate course of behaviour to influence the followers. If you ask someone how they decided what to do in a particular situation, they normally say that they selected and weighed-up all the pros and cons, and chose the best solution. However, various researchers since 1990 have found that this is not how most peoples’ thought process actually work. In reality, the average person enters a leadership situation and immediately gets an image in their mind of what outcomes they desire. On average, they will only test the validity of their image once or twice, and then they will act. The difference between an effective and a less effective leader is that an effective leader is more likely to have faced similar situations on previous occasions and can draw on more images, more quickly, to determine an appropriate solution.

This article proposes that leadership programs would be more effective if they concentrated on helping individuals develop better “frameworks” for their thought processes. These frameworks are called cognitive models and help leaders quickly imagine

what is required in a leadership situation, test their “image” and behaviour. To some extent, current leadership programs help people develop models now, but it is more a by-product of the learning environment the programs create, rather than a conscious aim of the program.

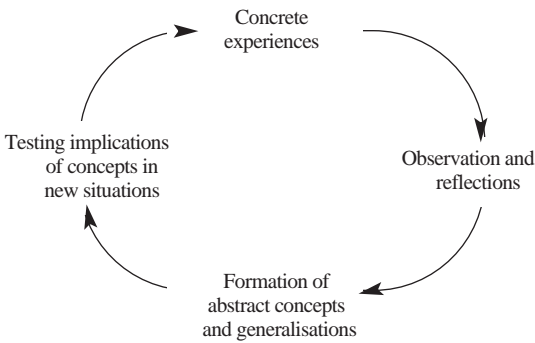
## The Nature of Learning

To help understand how cognitive models work, an overview of the nature of learning is required. Curzon defines learning as, “the apparent modification of a person’s behaviour through his activities and experiences, so that his knowledge, skills and attitudes including modes of adjustment, towards his environment are changed more or less permanently”.<sup>1</sup> Learning is closely linked with intellectual capacity, is multi-dimensional and results in cognitive, affective or behavioural changes.<sup>2</sup> It is also context specific and may be learnt from a variety of sources – military training, study tours and secondments, not just formal education and training.

Smith *et al* believes that there are a number of reinforcement variables associated with learning that include:

1. Practice;
2. Non-reinforcement;
3. Partial reinforcement;
4. Quantity of reinforcement;
5. Quality of reinforcement;
6. Conditioned reinforcers; and
7. Delay of reinforcement.<sup>3</sup>

These variables need to be considered when designing leadership programs because learning to lead is a complex process that occurs through experiential learning over time. Based on the work of Kurt Lewin, Kolb *et al.* presented a model of this learning process.<sup>4</sup> They saw it as a continuous, four-stage cycle that allows individuals to conceptualise and ultimately extrapolate ideas based on critical reflection of experiences. They also believed that the process was continuous as the individual frequently evaluates the learning.



**Figure 1 – The process of learning**

In 1979, a young Armoured Corps lieutenant on exercise with his reconnaissance troop in central Victoria, gave a field signal to his troop sergeant to turn right at a road intersection, which the sergeant did. The commanding officer’s voice then boomed out over the radio, berating the sergeant for his stupidity, turning in the wrong direction. The sergeant said nothing and instead of the young lieutenant advising the officer commanding that it was not the sergeant’s decision, the lieutenant also said nothing. The lieutenant regretted his silence for the rest of his career and learnt a critical lesson in leadership; never let anyone take the blame for your mistakes. This short anecdote succinctly demonstrates the process of learning.

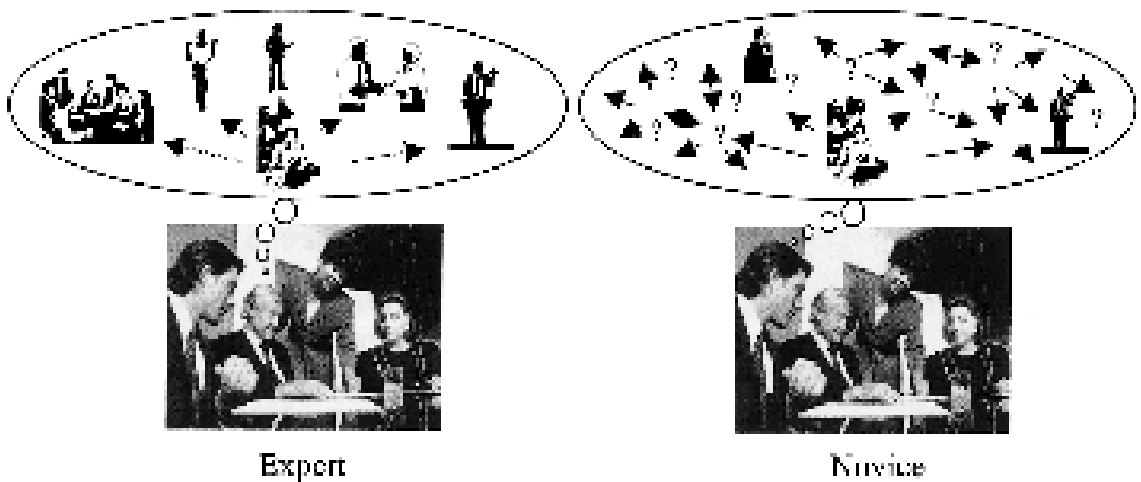
When identifying a theoretical basis for more effective leadership development programs, it is also important to identify the difference in the nature of

learning between effective and less effective leaders. This relationship is similar to the one that exists between an “expert” and a “novice”.

**Experts versus Novices**

There is an identifiable difference between an expert and a novice. Based on earlier studies by Chi and Bjork,<sup>5</sup> Ford and Kraiger believe expertise is defined “as the achievement of consistent, superior performance through the development of specialised mental processes acquired through experience and training”.<sup>6</sup> They also showed that successful performance was a necessary pre-requisite for demonstrating expertise. Compared to a novice, a systematic cognitive process based on a well structured knowledge base was required, for example, an effective cognitive model. Other work by Kraiger, Ford and Salas pursued the importance of proceduralisation of knowledge, the inculcation of automated skills, and the construction and use of mental models and “meta-cognitive strategies”, as characteristics differentiating experts from novices.<sup>7</sup>

Experts, like effective leaders, have a well-developed capacity to identify, structure and retrieve the information required for deciding on the most appropriate leadership behaviour in a particular situation. This process is depicted in **Figure 2**. They have a clear picture of the context in which they are operating and an understanding of how their actions influence follower behaviour. They can draw on more



**Figure 2 – Expert’s versus novice’s thinking**

experiences, more quickly, because they have been exposed to a wider range of behaviours on which to base effective decisions.

Furthermore, an expert's knowledge is highly proceduralised, and he or she understands when the knowledge is important and, therefore, applicable.<sup>8</sup> This is similar to an effective leader, in both peace and war, who can identify which knowledge is important and use it to select appropriate leadership behaviours. Ford and Kraiger believe that this occurs because experts are more adept at relating cause and effect information that better reflects the nature of the problem or issue they are facing. Effective leaders also use proceduralisation to mentally group steps with tasks by associating them with previously observed procedures (as in Kolb's model at **Figure 1**) into more complex constructs and apply them to new situations.

Based on other work by a number of researchers into the difference between experts and novices, Ford and Kraiger determined that, compared to novices, experts are more capable of understanding task-relevant information, more likely to cease solutions that are not likely to work and more aware of the degree of difficulty of new problems.<sup>10</sup>

These characteristics have implications for developing leaders, as the ability to learn from experience and "self-monitor" the knowledge and skills being developed, assists in the transition from novice to expert – less effective to effective leader.

Ford and Kraiger also highlight that "experts are able to quickly access a solution strategy because that strategy is closely linked (in memory) to the identified problem".<sup>11</sup> Experts use cognitive models to create this linkage and the degree of sophistication of these models also distinguishes experts from novices.<sup>12</sup>

### Cognitive Models

Cognitive, or mental models, are frameworks for describing the inter-relationship between activities, objects and abstract items of knowledge in a person's mind, and can also involve prediction of future events.<sup>13</sup> They are an important part of an individual's thought process because they provide structure to the process and increase the efficiency of leadership decision making. They may also be called "cognitive maps", "schemas" or "mental constructs". It is believed that effective leaders have a more efficient thought process and use appropriate cognitive models because their decision behaviours "contain more

diagnostic clues for detecting meaningful patterns in the learning or transfer environment".<sup>14</sup>

Very few researchers have studied the importance of helping learners develop appropriate cognitive models on leadership development programs. Those that have, believe that the models are important because they provide a framework for the interpretation of ideas and activities, assist in restructuring existing information and aid in the inculcation of new information.<sup>15</sup>

Other researchers have identified that learning mental models is more effective if it is contextual.<sup>16</sup> They attributed an increase in the learning to the learner being able to organise domain-specific knowledge better, and inculcate situational, action-learning goal structures into the model.<sup>17</sup> Work by Collins supported the findings concerning contextual learning and highlighted three main reasons for improvements in the learning: individuals learn and apply models under realistic conditions; learners link or encode new solutions with problems; and knowledge is stored to make it more easily retrievable when later problems arise.<sup>18</sup> In the real world, this is seen in the desire by commanding officers to make the military training as realistic as possible. They claim that the soldiers, sailors and airmen gain more benefit out of realistic training because it helps their subordinates understand and cope with the extremes they will face in battle.<sup>19</sup> The converse is also true. Jay Conger conducted studies in the United States on the effectiveness of adventurous or self-development training in developing leadership knowledge and skills in managers from a variety of industries.<sup>20</sup> He found that, despite participants "enjoying" abseiling and "becoming one with nature", there was only a 5 per cent transfer of the learnt behaviours back into the workplace.

Following on the theme of learning needing to be contextual, Ford and Kraiger proposed that a learner's cognitive model, that links training with his or her experience, is a better predictor of retention.<sup>21</sup> This proposal is supported by the work of Bransford *et al.*, who found that training must also focus on skills and strategies that generate thinking and the production of work based knowledge and skills competencies.<sup>22</sup> Later studies by Gick and Holyoak identified four variables that influenced the transfer of learning to the workplace.<sup>23</sup> Ford and Kraiger summarised them as:

1. The similarity of the structure of training and the transfer tasks;
2. Factors of instruction (e.g. degree of original learning, the number and variety of examples) that affect the level, specificity and

interconnectiveness of the tasks that are encoded in memory;

3. The appropriateness of retrieval cues (similarity of goals and processing between the training and transfer of task); and
4. The impact of the learner's background and experiences on subsequent learning and transfer.<sup>24</sup>

While researchers agree on the value of cognitive models in generating learning, there has not been agreement on the most effective instructional techniques to develop mental models in novices.<sup>25</sup> This may be because evaluation of the effectiveness of training activities in generating learning is often based on a measure of the level of competency or "retention" by the learner.<sup>26</sup> This type of evaluation does not take into consideration the benefit of cognitive models being developed by participants. Furthermore, a number of studies have shown that knowledge retention is not a reliable predictor of longer-term retention.<sup>27</sup> Discussion on the most effective instructional techniques for developing mental models will need to wait for a future *Australian Defence Force Journal* article.

Having briefly introduced the nature of learning and the impact of cognitive modelling, the next section will highlight the importance of one particular behavioural theory, social learning theory: learning to juggle complexity.

### Social Learning Theory

Although a number of theorists have been involved in the development and advocacy of social learning theory for analysing human thought, the ideas espoused by Albert Bandura were among the most significant in defining the field. He believed that human behaviour could be understood in terms of the interaction between cognitive, behavioural and environmental determinants.<sup>28</sup> He proposed that three important processes influence psychological functioning including:

1. Learning complex activities (vicarious learning) often occurs through observation of other peoples' activities, not just through the personal experience of undertaking a task or activity;
2. Symbols or images in a person's thought process represent activities, generate reflection on their experiences, and extrapolate ideas to new experiences in innovative ways (symbolic learning);
3. People are reactive to and manipulate the stimuli that surround them (self-regulatory processes).

Bandura therefore believed that any understanding of leadership behaviour needs to consider self-inducements and consequences.<sup>29</sup>

To summarise, social learning theory advocates that learners observe and extract common attributes, develop rules for generating behaviour, store and structure the observed input as symbolic images, and later generate behaviour with similar structural characteristics. Furthermore, social learning theory provides a sound theoretical basis for understanding how leaders learn complex behaviours, but it is still only a theory of learning. Cognitive models are required to translate social learning theory into effective behaviours.

### Cognitive Modelling in Social Learning Theory

In studies related to social learning theory and leadership, Decker proposed that behaviour modelling, frequently found in leadership development programs, was effective in teaching overt, observable activities such as communication skills, but of "little" value in teaching covert, cognitive skills.<sup>30</sup> He believed that this was because it was impossible to demonstrate to novices the thought process occurring to the expert. He advocated cognitive modelling as a form of learning that allowed mental processes to be converted into an overt, sequential procedure. In effect, the cognitive model helps observers to understand the variables being considered by an expert during the decision cycle. His main proposition was that:

*Just as the instructional designer must select a particular overt procedure to depict in a videotaped behaviour model, a sequential cognitive procedure must be identified for cognitive modelling. Once selected, the cognitive procedure must be formalised and rendered overt by means of some type of job aid – a work sheet, a decision chart, a checklist, a flow chart, a list of questions, or some combination.<sup>31</sup>*

Decker found that 85 per cent of leader behaviour is developed through modelling.<sup>32</sup> He posited that, if leadership developers were chosen on the basis that they frequently use modelling behaviour, were given formal education and training in how to model more effectively and opportunities to do so, then development programs would be more effective.

The process used for cognitive modelling entails the trainees being exposed to a "job aid" and the trainer "walks" the trainees through the modelled activity.<sup>33</sup> The overall procedure is based on social

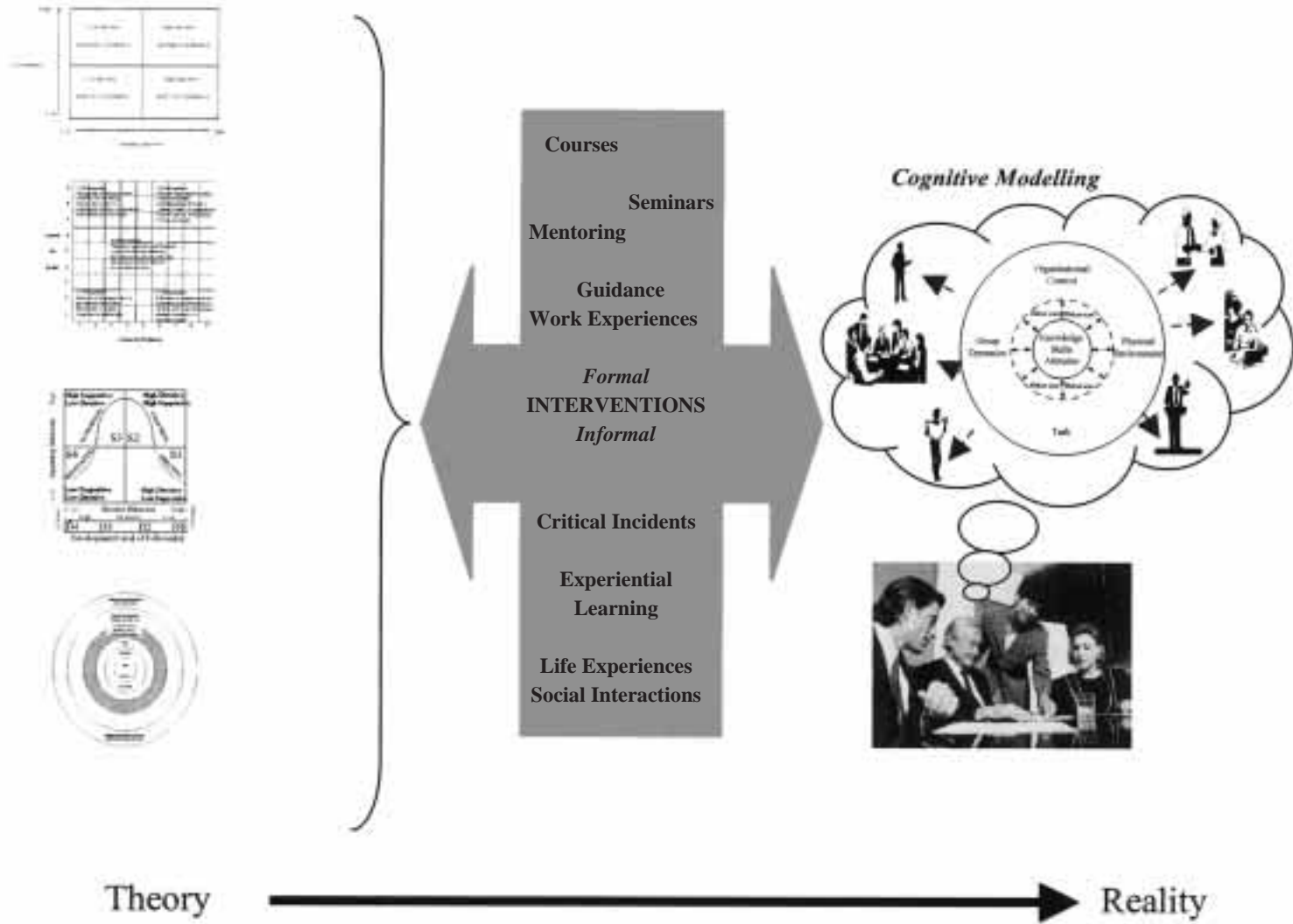


Figure 4 – Closing the gap

learning theory and involves cognitive modelling, symbolic coding, rehearsal, and extrapolation to new behaviours. Unfortunately, there is no evidence in the literature that Decker either tested his ideas or progressed with his hypothesis, and there has been little work on behaviour modelling as a technique for training and educating leaders. However, he did identify that,

*The research on the efficacy of behaviour modelling has looked primarily at two skills: manual and social skills. Cognitive skills have not been studied as extensively as these, although behaviour modelling may be an effective method to learn cognitive skills. It is possible to learn abstract material through modelling (cognitive modelling).*<sup>34</sup>

He also emphasised that, “behaviour modelling in industrial settings typically is designed to teach complex social skills and generalization of responses to novel contexts”.<sup>35</sup> The teaching of leadership would fit this description.

Based on Goldstein and Sorcher’s early work to categorise the retention process into “symbolic coding, cognitive organisation, and symbolic rehearsal”,<sup>36</sup> Decker went on to show that symbolic coding enhances behaviour modelling training.<sup>37</sup> He saw the primary purpose of behaviour modelling training was, “to teach new behavioural and/or decision making skills through the use of modelling, retention aids, behavioural rehearsal, social reinforcement, and transfer-of-training principles”.<sup>38</sup>

Goldstein and Sorcher also identified the potential importance of behaviour modelling for training supervisors, but did not undertake extensive testing of their hypotheses.<sup>39</sup> Latham and Sarri undertook more extensive testing of the benefits of modelling in increasing supervisors’ interpersonal skills and found significant increase in performance over a control group using normal training techniques.<sup>40</sup> Very little work has been undertaken on the benefits of modelling for increasing performance, particularly regarding leadership development, since this time. That is, until the introduction of the Defence Leadership Development Project within the Australian Defence Force.

### Future Direction

The above discussion highlights the importance of cognitive modelling in designing effective leadership development training. In May 1999, the Joint Education and Training Group within Headquarters

Australian Defence Force formed a small project team to develop a cohesive framework to integrate leadership development, education and training across the Defence Organisation. The framework will articulate a coherent, through career leadership education and training system that takes account of the diverse needs of the Defence organisation and its personnel.

The underlying theoretical construct for the framework will be based on cognitive modelling. The theory is, Defence leadership development programs will be more effective if they are centred on developing participants’ mental models, rather than gaining specific knowledge and skills. The schematic at **Figure 4** summarises the process of how leadership theory will be translated into reality, a challenge that many current leadership development programs fail to meet effectively. Based on a variety of leadership theories, formal and informal interventions will generate appropriate cognitive models to help individuals make more effective leadership decisions.

It is a relatively revolutionary, let alone evolutionally, concept for leadership development and the author could not find any evidence that it has been undertaken anywhere else in the world. The potential to improve leadership development, education and training is high, but the theory has yet to be proven. It will be interesting to see how the Project is accepted in the risk-averse culture within Defence.

The schema at **Figure 4** also shows one example of a cognitive model. The Project will use the Dynamic Capability Model that has been described in detail by the author in an earlier *Australian Defence Force Journal* article.<sup>41</sup> In summary, the Dynamic Capability Model provides a simple framework for helping leaders choose the most appropriate behaviour in a given situation. It does this by highlighting the variables involved in leadership decisions and displaying the relationship between them. It is a cognitive aid that can be taught to novices during leadership development programs or used by leaders with various degrees of expertise.

At the centre of the model are the essential competencies required of a leader: the knowledge, skills and attitudes, most often taught on leadership courses. The competencies are dynamic, constantly developing and maturing with time and experience. Furthermore, they are contextual and therefore subject to the nuances of a combination of the nature of the task performed, and the physical environment, organisational culture, and group dynamics within which they operate. The conduit between the two circles is behaviour. Concentrating on developing this



area is the key to both learning to lead and juggling complexity. A brief description of each of the variables appears below:

**Knowledge** – of oneself, profession or trade, and followers;

**Skills** – physical, conceptual, communications, interpersonal and decision making;

**Attitude** – a positive or negative frame of mind, values, forms the essence of vision;

**Behaviour** – is the conduit, a dynamic, two-way flow of actions based on reasoned input;

**Organisational Context** – culture (pattern of shared beliefs, values and ethos), climate philosophy and structure;

**Physical Environment** – geography and resources available to the leader; and

**Group Dynamics** – synergy, power, experience, interdependency and structure.

## Conclusion

This article proposed that the key to effective leadership development lies in individuals developing effective cognitive models for managing the complex behavioural decisions involved in the process of leadership, rather than simply memorising the isolated knowledge and skills competencies required of a leader. Cognitive models allow leaders to learn complex behaviours, organise existing information and learn new information because they provide a framework for processing abstract concepts and skills, and extrapolating them to new activities. To date, there has been very little research on the impact of cognitive modelling in leadership development programs.

Effective leaders have a well-developed capacity to identify, structure and retrieve the information

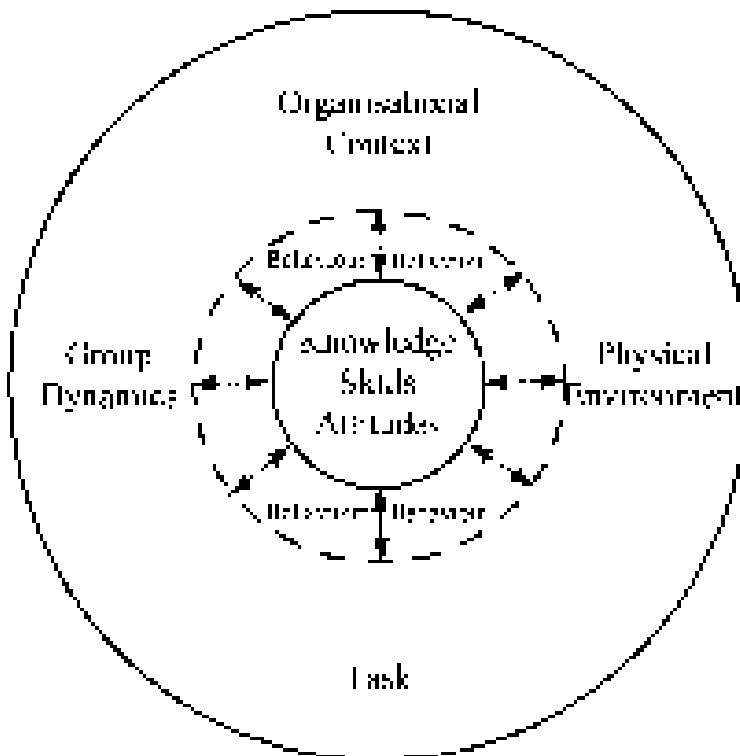


Figure 5 – *Dynamic Capability Model*®

required for deciding on the most appropriate leadership behaviour in a particular situation. They have a clear picture of the context in which they are acting and an understanding of the implications of their actions in influencing follower behaviour. This highly individualised picture of the context is based on efficient cognitive models that they have developed while learning to juggle complexity.

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*Eric Stevenson has contributed to the Australian Defence Force Journal on previous occasions. This article is based on the latest research for his Doctoral Thesis at the Australian Defence Force Academy, where he is in his fourth year of part-time study. His thesis entitled, "Learning to Lead is a cognitive model for designing more effective leadership development programs". Eric spent 24 years in the Australian Army and is now a public servant working in the Joint Education and Training organisation where is the Assistant Director Education Policy.*

## Book Reviews

**AGAINST THE SUN: THE AIF IN MALAYA 1941-42** by Jane Uhr. Published by Allen and Unwin 1998, \$29.95.

*Reviewed by John Donovan*

This book is both interesting and annoying.

It is interesting in the deeper perspective that it gives to the AIF campaign in Malaya in 1941-42 and in the descriptions of many individual members of the AIF, a force now largely forgotten by Australian society. Jane Uhr gives more emphasis to the operations of the AIF on the east coast of Malaya than the official history does, and I found these parts of the book extremely interesting. Although I had previously read both the official history and Major General S. Woodburn Kirby's 1971, *Singapore The Chain of Disaster*, I had not previously understood the intensity of the operations carried out there. For this insight alone, I would recommend this book to those with an interest in Australia's military history.

To an extent the book falls between two thematic positions, involving as it does both discussion of the broader sweep of the campaign and an intimate description of the actions of junior participants. That said, I found the battle descriptions, which switch between the perspective of commanding officers and the "worm's eye" view of the men on the ground, gave me an understanding of the events of the Malayan Campaign as they were recalled by the participants at both levels.

The book is annoying, however, in a number of essentially minor ways. The writing style does not flow as smoothly as it might, largely because the author has a habit of mixing tenses. Quotes from participants describing particular incidents come in the expected past tense, but descriptions of actions are sometimes given in the present tense and sometimes in the past. While this might be a stylistic artifice of the author, I found it distracting.

I also feel that the author missed some opportunities to give an insight into the make up of the AIF (in many ways quite different to the peacetime force with which we are more familiar). Many family relationships get a mention, with several fathers and sons, including the Varleys (one the CO of the 2/18th Battalion, the other a platoon commander in the 2/19th Battalion, with a second son serving in the Middle East). The fate of the senior Varley (lost in the sinking of the *Rakuyo Maru* in September 1944) is detailed,

but that of his son (who survived the prison camps to return to Australia) is not, while other "characters" such as Ringer Edwards of the 2/26th Battalion, said to have been the model for the character played by Peter Finch and Bryan Brown in the two film versions of Neville Shute's novel *A Town Like Alice*, pass briefly across the pages.

Overall, worth reading, as the insights provided more than outweigh the stylistic annoyances.

**AIRLINES OF ASIA SINCE 1920**, R.E.G. Davies, Paladwr Press, through Putnam Aeronautical Books (Brassey's), London, 1997, illustrated (black and white), with maps, 572 pages, ISBN 0 85177 855 0. Distributed by Airline Publishing Ltd., Shrewsbury, U.K. Price U.S.\$65.00.

*Reviewed by Michael Fogarty*

This is the latest R.E.G. Davies book dealing with the history of the world's airlines – Airlines of Asia. Paladwr Press publishes it under a special arrangement with Brassey's of London, which now publishes the Putnam series of aeronautical books. The book contains 250 photographs and 75 maps in support of 540 pages of text and 28 pages of comprehensive index. John Stroud has also collaborated on this edition.

All countries are covered, from Afghanistan eastwards. There are seven chapters on Japan (including the then Manchukuo), six on China, 12 on the Indian sub-continent (of which four are on India), three on the Philippines, etc. This is a complete reference book on the history of air transport that has transformed the economy of the world's largest continent.

"Reg" (aka Ron) Davies is well credentialed to write such a book. In his working life, he is the Curator of Air Transport, National Air and Space Museum, and the Smithsonian Institution, Washington. Indeed, it is an extension and update of his earlier (1964) classic work, "A History of the World's Airlines", now out of print but considered as a cult book for any serious study on the origins and development of commercial aviation. His other works also cover aviation histories of the United States, Latin America, Saudia, Lufthansa and Aeroflot.

It is clear that much research went into the book that is obviously not reflected in the slim two-page

bibliography. Restraint in writing is to be admired but similar coyness in listing complete sources should be avoided. Again, this work is pitched to a dedicated audience which explains the lack of scholarly footnotes which might be expected in a more academic handling of the subject. That treatment does not detract from the coverage as a more formal approach would have deadened the impact the author intended to achieve. It is written in a racy (often florid, but not lurid) style, which has its own appeal over drier works on a similar topic. This very freshness is its own strength rather than a comparative weakness. Reg Davies writes in a fine style – despite the boyish enthusiasm for his subject.

The author has researched and written in-depth, showing an informed appreciation of the role of air transport development in modernizing societies. His backgrounding on Far-east Asia included a long flight across northern Siberia, in an Antonov An-2; about 4,000 miles in 300-mile hops, 12 days north of the Arctic Circle in a remote and inhospitable area. However, his writing on some of the well-heeled airlines of the region shows that their PR machines spared no effort in making him comfortable with the profile, achievements and aspirations of their national flag carrier. While some of the material drifts into “info-tainment”, at least he examines some delicate political issues the airlines concerned might not normally include in annual company reports.

Today, Asian airlines are high in the world ranking and many have outstanding reputations for efficiency and service. They also have some of the youngest airline fleets. The Pacific Rim is an area, which is now recording the greatest worldwide growth in air traffic. Australia too shares in that bounty in providing high standards of comfort, cabin staff service and entertainment to its passengers. In a survey conducted by Inflight research of England, which assessed the standards of the world’s 67 international long-haul airlines, Qantas (sixth) and Ansett (second) made it into the top 10 in a survey of customers (*SMH*, 25 July 1998). All this is reassuring to the Australian aviation industry.

The Centre for Asia Pacific Aviation noted last year that “... national GDP growth rates, a major travel determinant, were forecast to fall in many Asian countries, several into negative growth. Excess capacity is also plaguing routes, despite order deferrals and fire sales of new and used aircraft. If aviation is a consistent barometer of economic development, these signs are clearly ominous for an uncertain world economy” (*The Australian*, 21 December 1998).

Despite the author’s best attempts, the publishers included some screamers, which need be mentioned here. Why are the margins so small? The type could be larger. Their need to produce the book by a deadline impacted on the overall quality of the book. Some pictures are distorted for the limitations of format – appearing as stretched or flattened airplanes. In several cases, reversed images are evident. On checking captions, readers will notice that a Caravelle picture was swapped with an Ilyushin 14. Nonetheless, the author triumphs in his book as he puts between the covers of a single volume the results of half a century of research – much of it “in the field”. One expects that another author, with greater resources and production support, could do a comparable effort but it would not be worth waiting another 50 years to take that chance. This book will survive as the standard industry bible; the authoritative text on the economic history of Asian air transport in the 20th century.

Air catastrophes in Asia have also had their effect on the Australian economy. One Australian insurance giant incurred a loss of \$60 million in 1997-98 through a series of aviation crashes involving Korean Air, Air China, Silk Air and Federal Express (see the *Daily Telegraph*, 15 August 1998). Curiously, many airlines do not advertise solely on their safety standards: so as not to tempt fate. In short, he reminds us of the narrow margin that always lies between safety and disaster. Despite pressures to de-regulate aviation sectors, the disastrous experience of some of the baby flots re-inforces the need to keep maintenance, training, operation, equipment and licensing standards to their highest levels. As the author reminds us, 90% of aviation is on the ground. For example, consider the political framework in which international airlines operate: bilateral agreements on traffic rights, etc.

Of particular utility is the author’s comparison of the many aircraft he has flown on. For example, one can only agree, why so few 747 SP series built? The DC-8 is remembered as an excellent aircraft (something the reviewer can personally attest to for a memorable flight on JAL in 1979 from Tokyo to Sydney) for the smoothness of its flight.

There is much more that can be said here but even less space to do so. Suffice it to say, some of the stronger issues included in this book can be summarized as follows: imperial aviation policies, the politics of the Concord, the glamour of flying boat travel, the experience of those obscure pre-war airlines in China, Japanese military and civilian airlines services throughout Asia during the Pacific War and post-war developments to return commercial

air links to normalcy. *Airlines of Asia* is a comprehensive reference book which is highly recommended for enthusiast, scholar or general reader alike. It should find its way into every major library for the intrinsic value it offers. For anyone with a professional or amateur interest in aviation history, it is essential for its wide and detailed study of the subject. In the end, the price will be amortized over many years for the continued enjoyment and available reference it will provide to its fortunate owner.

**IN THE SERVICE OF THE EMPEROR: Essays on the Imperial Japanese Army, Edward J. Drea, 1998, University of Nebraska Press, Lincoln USA 299pp, \$80.95.**

*Reviewed by Major Tim Gellel*

Sun Tzu's famous dictum encouraging commanders to understand their adversary applies equally to the study of military history. For any Western reader interested in the Pacific War of 1941-45 there has been a dearth of reliable and in-depth analysis of the Japanese forces, in particular on the Imperial Japanese Army (IJA). Those references that are available are often compiled primarily from Allied sources as Japanese sources remain largely inaccessible due to the perceived complexity of the Japanese language. Further, in the case of the Pacific War, the victors, understandably, were the first to publish their version of events. Edward Drea, a proficient Japanese linguist undaunted by the challenge of the 102-volume *Japanese Official History of the Pacific War* has, in part, redressed this imbalance.

*In the Service of the Emperor* is a compendium of twelve essays written on or about the IJA from 1939 until its dissolution at the end of the second World War. Fittingly, Drea opens with an analysis of the IJA's disastrous defeat at the hands of the Soviet Union along the Mongolian frontier in the summer of 1939. This reminds the reader that the IJA was at war well before the Imperial Japanese Navy (IJN) attacked Pearl Harbor. Two schools of thought had existed in the Japanese military. Prior to 1941 it was the IJA's ambition to expand further into northern China, Mongolia and the Soviet Far-east that prevailed. Instead, the Red Army's victory at Khalkin Gol (or Nomonhan as the Japanese refer to it) was a crushing defeat for the IJA. Materially the two armies suffered similar casualties, but for the IJA the greatest defeat was a spiritual one. The IJA's faith in offensive spirit (*seishin*) had proved no match for superior armoured tactics and the door to the northern expansion was closed.

Adding insult to injury, the Nomonhan loss supported the IJN's preference to strike south into Asia and the concomitant war with the USA. Despite the apparent strategic swing, the IJA's tactical focus remained rooted on selected lessons from its past, and the Nomonhan incident influenced the IJA's preparation for the forthcoming Pacific War. Accordingly, the IJA had restructured for a land war in China and along the Soviet border leaving it poorly organised and ill-prepared for the string of amphibious operations that lay ahead. Contrary to contemporary Western belief, Drea affirms that the IJA was neither better equipped nor better trained for its advance into South-east Asia than the Allied armies it vanquished. The IJA maintained only three divisions trained and equipped for amphibious operations, had not conducted jungle warfare training on any scale and, in 1941, had held its largest annual manoeuvres based upon the need to fight against a fortified Soviet defence line. The string of early land victories in the opening phases of the Pacific War reinforced the IJA's faith in *seishin* and left it ill-equipped to oppose the subsequent Allied counter-offensives.

Having thus set the scene, Drea compares development of the IJA and Allied doctrine throughout the war, and the victor's interpretation of the conflict. Another essay examines the harsh life of the IJA conscript recruit, and in some part explains the IJA soldier's capacity for cruelty, their rigid adherence to orders, ability to tolerate the harshest conditions and their fatalistic willingness to die for their Emperor. Almost as an aside, there follows a thumbnail portrait of an important, but to the West largely unknown Japanese general officer, Adachi Hatazo. Adachi saw service in Manchuria and China before being given command of the 18th Army in Papua New Guinea, where he led the futile defence of the island's east coast ports against the US and Australian advance. Despite embracing the qualities expected of a great leader, Adachi, like so many other Japanese generals, failed to prevent the war crimes from being committed by officers under his command. Following the delivery of a guilty verdict against him at the Rabaul War Crimes Trials, Adachi suicided in atonement for the loss of so many Japanese soldiers under his command.

The third section of the book deals primarily with the application of the signals intelligence war against Japan, its mechanisms and its results, and in doing so reflects some of the substance of author's previous works. One chapter in particular focuses on the efforts of No 55 Australian Wireless Section in Papua New Guinea.

However, it is the concluding (and by far the longest) chapter that provides one of the most significant insights into the IJA. Repeatedly promised a rapid and decisive victory, Emperor Hirohito, the IJA Commander-in-Chief, is explained as a monarch in search of a chimera-like opportunity to seek a conclusion to the war in which the IJA and IJN had long lost the initiative. In seeking to preserve his nation, the Emperor had to maintain the national spirit, or *kokutai*, of which he was central component.

*In the Service of the Emperor* is neither light bedtime reading, nor is it a work for the reader seeking a single volume almanac on the IJA. Rather the independent chapters help to place much of the single volume works of other authors into perspective. The stand alone nature of Drea's chapters nevertheless encourages their individual digestion.

A cynic might dismiss *In the Service of the Emperor* as a mere binding of essays together into one cover, but to do so would be to underestimate the importance of Drea's work. Few works delve into the nature of the IJA, a situation all the more curious when we compare the number of books readily available on its Axis counterpart the German Wehrmacht.

*In the Service of the Emperor* is an important work and, now that the psychologically significant 50th anniversary of the end of the Second World War has passed, one that will hopefully encourage other scholars to assess objectively the IJA's role in the second World War, and not merely outline it as an adjunct to describing the Allied victory in the Pacific.

**WARRIOR OF KOKODA: A Biography of Brigadier Arnold Potts, by Bill Edgar, Allen and Unwin, Sydney, 1999, \$29.95, 318pp.**

*Reviewed by Squadron Leader Mark Quilligan*

Command and control have been extensively commented upon in a plethora of publications in recent times. It is refreshing to read a biography that evaluates the attributes of a warrior who possessed the ability to make command decisions that were relevant to battle, and yet was respected by his subordinates, if not his superiors.

Arnold Potts, Gallipoli and western-front veteran, holder of the Military Cross and Distinguished Service Order, mentioned in despatches four times, commanding officer of the 2/16 Battalion of the 2nd AIF and brigade commander of the 21st and 23rd brigades was a soldier's soldier.

The bravery and leadership shown by Brigadier Potts are attested to from many sources in the biography. Here was a man who lead from the front and whose focus was on the battle.

The biography is fairly one sided, although there are occasional adverse comments, usually by Blamey supporters, and the author takes a number of causes on board.

The strategic command decisions of the New Guinea Campaign were based on intelligence that was flawed. Academic and military analysis of the campaign tends to support this assertion. There seems to have been little regard for battlefield intelligence. In part this seems to have resulted from the personalities of the two main military leaders, Generals MacArthur and Blamey.

Politically motivated military decisions by MacArthur and Blamey are with the benefit of hindsight seen at best as indifferent to the plight of the soldiers' involved, and at worst immoral as the respective commanders' feared for their personal futures, and were not averse to sacrificing others to retain their positions.

Brigadier Potts was not a staff man, nor a paperwork specialist, nor as revealed from the text especially politically aware – he was a soldier.

Brigadier Potts according to some comments in the biography was one of those leaders who you should only call upon "by breaking glass in time of war". I feel that there is a substantial weight of evidence that contradicts this opinion.

Interestingly, Blamey was quickly retired by the government of Prime Minister Chifley. MacArthur headed into history with his historic clash with President Truman, still a controversial event in American history.

Arnold Potts was sacked from command of the 21st Brigade and sent to the backwaters by Blamey. He lived to be awarded a civil OBE from a grateful West Australian community. He never received military accolades from the nation he so faithfully served.

Arnold Potts was a citizen soldier, not a member of any exclusive club, a warrior not a politician, and a commander who held the respect and admiration of his subordinates.

Current leaders facing command and career decisions could do well to read this biography, and assess what actions they would have taken in similar circumstances.

**LAND WARFARE DOCTRINE 1: The Fundamentals of Land Warfare. Published by Doctrine Wing, Combined Arms Training and Development Centre. 1998.**

*Reviewed by Dr Alan Ryan, Land Warfare Studies Centre.<sup>1</sup>*

It must be a new Army when doctrine manuals are published in a glossy, user-friendly and almost non-service format. With generally enthusiastic dust-cover testimonials from prominent academics and defence commentators as well as a scholarly use of reference materials *LWD 1: The Fundamentals of Land Warfare* appears a significant departure from the axiomatic tomes which once determined the principles of how the Australian Army wages land warfare. In fact, this volume is the second in the series of this title to be released as a generally available document, the first being a public version of a restricted pamphlet published in 1993. Although this book offers a more lucid exposition than its predecessor of the global and regional strategic environment in which Army will need to operate, it is still saddled with the problems of trying to fulfil a professional educative function within the Army whilst advocating land warfare capabilities to a wider audience.

Publishing doctrine in an age of uncertainty is a risky enough task in itself, let alone taking on the job of demonstrating the Army's mission to an often dubious public. Consider the changes on the international scene that have occurred in the last decade, much less since the last edition only six years ago. Long held expectations of a stable, if antagonistic, international system vanished overnight, to be replaced with a short-term hope that western liberal democracy could expect to impose its values on a grateful world. The "end of history" seemed to herald an era in which future warfare would be essentially asymmetric with conflicts being resolved by the stand-off delivery of munitions, whilst large scale land warfare became a thing of the past. At the time of writing, Europe is at war, few of these verities have been borne out and the problems of enunciating a philosophy of national security seem more difficult than ever. That however, is what *LWD1* must do: describe "the way the Army thinks about, and prepares for conflict and war". It will come as little surprise to note that the Army considers this edition to be a transitional document and is already anticipating the next edition to be published in 2001 - no doubt to meet a considerably different global situation.

This document is clearly more a monograph than a manual and reflects the Chief of Army's injunction

that it be considered a "work in progress", a step in the Army's intellectual journey into the information age. Unlike earlier editions, it recognises that unpredictability characterises not only military operations, but the whole strategic environment in which Australian armed forces may be called on to play a role. Consequently, it is significantly more ambitious than earlier publications in both the time frame for force development which it anticipates and the range of operations which the Australian Defence Force may need to mount. Indeed, it is refreshing to note that the publication integrates the Army mission into a joint service vision.

That approach takes Australian strategic thinking from a restrictive philosophy of continental defence to a maritime concept of operations in the littoral environment that is our region. It is certainly more realistic about the types of Land Force tasks which the Army might be expected to carry out in the near future. This departure from the reactive model of defence, (with its contingent limitations on the Government's freedom of action in any given situation) clearly attempts to implement the thinking outlined in the 1997 paper, *Australian Strategic Policy* by moving the Army to a more pro-active policy of engagement. The Army is thus the first Service to publish fundamental doctrine revised to meet the Government's requirements. Not surprisingly, the practical and cost implications of "making a direct contribution to the maintenance or broader regional stability" have drawn criticisms from media and academic commentators alike. These reactions are misconceived. Documents such as *The Fundamentals of Land Warfare* outline responses to realistic contingencies and are formulated in keeping with higher level policy. To argue, as some have done, that the Army in being does not have the resources to carry out that tasking evades the central point. If Australian forces do not have the capacity to sustain the types of operations which are required by their political masters, then that is a budgetary problem, not a failing of the authors of operational doctrine.

One problem with doctrine is that, by its very nature, it is dogmatic and any publication which seeks to define its field thus lays itself open to attack. By seeking to be all things to all readers, this book falls into that category. Viewed as a contemporary essay on the problems of waging land warfare in the contemporary Australian strategic environment, *LWD1* is a success. Thoughtful readers however, will want to question some of the underlying assumptions behind this book. It can be argued that this is a good thing; that the questioning of institutional truths only hones the ability of our information age forces to do

battle. However, keystone doctrine is generally expected to facilitate certainty, curiously, some of the reductionist elements in this book serve only to decrease it.

Of greatest concern is the unqualified status given to The Revolution in Military Affairs (RMA) and the too easy expectation that the combination of technology, innovation and “the knowledge edge” will “tidy up” combat. More attention to the enduring nature of armed conflict might obviate the impression that this book might leave of an antiseptic battlespace dominated by intellectual, almost Olympian warriors. The chapter on modern land warfare commences with a quote from Geoffrey Blainey’s work, *The Causes of War*: “The idea that great advances in the technology of warfare inevitably led to shorter wars was held by many generations, but falsified by many wars”. Unfortunately, there is little elaboration of this theme and the reader would be forgiven for thinking that the traditional battlefield had given way to a rational environment where outcomes will be determined by the application of reasoned games theory. Undoubtedly, advanced information systems, the digitisation of the battlespace and enhanced weapons systems have changed the way we wage war, but it is open to question whether this represents a paradigm shift in the nature of war itself. Although it is important to try to predict accurately the changing face of battle, it is necessary to beware of falling into easy assumptions that rapid advances in technology will prove any different from the other major changes in warfighting which have made ours the most lethal century ever. It is easy to forget that nuclear strike, *blitzkrieg*, and before that, attritional warfare were the “revolutions” of their day.

Although the book sets out to create a specifically indigenous doctrine, many of the ideas reflect current US pre-occupations with the idea of the RMA and force capability being a “system of systems”. The American authority Donald Kagan has recently reminded us that whilst technology is important, there are no “silver bullets”, a fact which recent events in Kosovo should emphasise again. A trap here is that what works for the world’s only superpower might not necessarily make a great deal of sense for a middle level power with a small population. Whilst the US can maintain unchallenged capabilities across a broad spectrum, Australia cannot expect to have unparalleled technological superiority in every contingency. The prevailing idiom of this work reflects a strategy of power based on an assumption of technological and professional superiority. The recognition of a prevailing school of thought does not amount to imbibing a philosophy of waging war that

is compatible with all our circumstances. One wonders whether a book entitled *The Fundamentals of Land Warfare* should be drafted in language better likely to age well; the buzzwords of each generation are rarely particularly impressive to the next.

Interestingly, there has been widespread comment that *LWDI* does not go far enough, some pundits have urged that future doctrine might include modifications to the “Principles of War” to accommodate the RMA. This approach is based on an argument that war is becoming more complex. At the same time, an equal body of opinion considers that whilst the means of waging war is continuing to change, the nature of battle is immutable. *The Fundamentals of Land Warfare* does not address this issue, and by effectively siding with the RMA model of future warfighting it leaves the work with a logical gap. Whilst no resolution of this dispute is to be expected, some acknowledgement of the dangers of technology based planning should be included. Clausewitz pointed out that as war is an act of violence it reacts upon the feelings more than the intelligence of the combatants - the extent of this reaction depends not on the degree of civilisation but upon the importance and duration of the interests involved. Most contemporary conflicts have highlighted the importance of understanding the irrational - particularly where war is waged between substantially different cultures. Our strategists would do well to include these factors in our doctrinal thinking.

Perhaps the most positive aspect of this publication is that it re-establishes warfighting as the core business of the Army. To a large extent this reflects the appreciation that the end of the Cold War has introduced a multitude of new threats, what the British historian Norman Stone calls “the new Dark Ages”. Whatever one thinks of the US derived term “warfighting” (whatever happened to fighting wars?), no text on land warfare should devote its main thrust to low-level operations and peacekeeping, as was the case in earlier editions. A combat ready Army might be able to fulfil those functions but if they become the force’s *raison d’être*, then it is unlikely that the Army will be able to fulfil its primary obligation to Australia.

This point raises the purpose of periodically published doctrine. We know we have to have it, but why? Should doctrine represent a national philosophy for the use of armed force, or should it be restricted at service level to the means by which a force applies its capabilities to achieve tactical success? The answer is that it does both and whilst admirably concise and clearly expressed, this short work is perhaps over-



ambitious. As Army keystone doctrine it belongs primarily to the philosophical dimension of the knowledge hierarchy. Despite this, *LWDI* seems to exceed its brief by enumerating various aspects of the knowledge edge that might be better dealt with at the application level of doctrine. More “big picture detail” and less of perceived innovation, might guarantee this work a longer shelf life and broader applicability. However, given its role as transitional doctrine, this is not a major problem.

These observations do not detract from the value of this book as a summary of the Army’s core beliefs on the conduct of military operations. *LWDI* is the most realistic assessment of the Army’s responsibilities and functions to emerge in the decade since the end of the Cold War. Future editions might take its lead whilst avoiding the tendency to neologism which appears to confuse the fundamentals of land warfare with the new tools at the commander’s disposal.

**VIETNAM: A History by Stanley Karnow, Pimlico, An Imprint of Random House, 1991. 768 pages including photographs, maps, chronology of events and 104 pages of appendixes.**

*Reviewed by Lieutenant Colonel Alistair Pope (Retired)*

This is the first time that I have written an unsolicited review, so there has to be something special about the book. Secondly, any book of over 750 pages which is read from cover to cover certainly has something going for it! Thirdly, it is rare that a blurb on the cover carries more than a modicum of truth, but in this case the *Boston Globe’s* proclamation that this is “the most comprehensive, up-to-date (*as at 1991 anyway*) and balanced account”, is well deserved.

Stanley Karnow has made a most welcome contribution to the history of the Vietnam War. For a journalist who spent nearly 30 years covering the whole series of Indo-Chinese conflicts in Vietnam, Laos and Cambodia, he appears to have retained a remarkably dispassionate detachment from both sides. This is even more outstanding because he met and discussed both contemporary and historical events with almost all of the major leaders and players of all sides. It would be unfair to say “both sides” as the book demonstrates that Vietnam was always an ever-changing kaleidoscope of vested interests and alliances.

Having recently re-read Bernard Fall’s *Street Without Joy*, and feeling the same sense of dread and foreboding as I did when I first read it 33 years ago, I

felt that Karnow’s account gives a much better insight into events, and the duplicity and machinations of *all* the Government’s involved. The soldier’s of all sides generally did their duty within the limitations of their training, the political and social events surrounding them and the leadership responsible for them. However, this was truly the television news war and even front-line soldiers could not escape being influenced by the events portrayed daily at home and relayed to them by anxious (or often antagonistic) relatives and “friends”. What remains so pernicious for so many veterans is that in the end (although the war was ended by military means), the military outcome was not the decisive factor. As Colonel Harry Miller so devastatingly recorded at his first meeting with his equivalent in Hanoi on his mission to negotiate the release of American POW’s; “You know you never defeated us in a single major battle”. The NVA Colonel pondered for a moment then replied “You know, you are right, but it is also irrelevant”. For all the killing and dying that went on for the final 30 years after the end of WWII the military effort was but a sideshow to the political centre stage.

Although this is a history of Vietnam, it is heavily concentrated on the recent events over the past 30 years. Vietnam was founded as an entity around 208BC and the first two millennium are recorded in 100 pages. Fortunately, there is enough interest to retain readership of those curious enough to buy a 700+ page tome! The next 75 pages cover the French phase from their earliest venture in the late 1600s to the last vestige of the major colonial war from 1946 to the French defeat and withdrawal in 1954. As usual, there is a multitude of places in the text not represented on any map.

In retrospect, that would have been the end of the matter, and north and south Vietnam would have been united through some form of democratic election or after a relatively brief civil war. However, in the late fifties the apparently inexorable rise of international Socialism, the developing “Cold War” between the USA and the USSR, the fall of China to Mao Tse Tung’s Communists in 1949, the tied Korean War in 1953, the defeat of the French in Vietnam, and the global rise of insurgencies and terrorism, all conspired to propel east and west to use Vietnam as their chosen battleground for a trial of ideological strength. Chapter 7, called “Vietnam is the Place” clearly describes the mood of the United States Government to this perceived challenge to their power and rivalry with the eastern bloc.

There are some enlightening gems of historical fact and analysis. The description of the so-called

“Tonkin Gulf Incident”, which more than anything else eventually propelled the United States into committing ground troops to aid a client state, is demonstrated beyond reasonable doubt to have been a fiction. I have yet to see a refutation of the analysis (and doubt that I will). Basically, a couple of inexperienced and apprehensive radar operators “detected” a swarm of torpedoes coming at their ships, the *Turner Joy* and the *Maddox*. Their reaction was to set off a three hour “battle” which, observed from the air by Admiral John Stockdale, saw “no boats, no boat wakes, no ricochets off boats, no boat gunfire, no torpedo wakes; nothing but black sea and American firepower” (page 386). It is little comfort to learn 35 years after the event that a war many thought was a mistake really was.

The enthusiasm for the war among all Americans in 1964, and their national pride in exerting power for power’s sake will be a revelation for many. Nine years later, having split and drained the soul of America and many of its Allies, the United States desperately sought a way out at any price. Finally, having left south Vietnam to its fate President Ford unilaterally declared in a speech on 23 April 1975 in New Orleans that “Today, Americans can regain the sense of pride that existed before Vietnam” (page 681). As with any good politician he was probably sincere at that moment. President Thieu’s bitter parting words as he fled to Taiwan on Anzac Day appear to be more fitting as he declared that he was deserted by “an inhumane act by an inhumane ally.”

Although the book was first issued in 1983 and revised in 1991 it ends with the end of the war. It would have been well worth-while adding an annex dealing with events such as the invasion of Cambodia, the war with the Chinese in 1979, and the process of unification and reconstruction. These could have reasonably been included as Karnow interviewed some of the Vietnamese leaders as late as 1981. However, it may be that they would have been more reticent to discuss such recent events and that Karnow would have been equally reluctant to jeopardise the interviews he was granted, which revealed such a wealth of information. I look forward to the sequel in due course as Karnow has a very readable style and has produced a book which is both a good reference, and a good read.

**UNCERTAIN FATE: an Australian SAS Patrol in Vietnam, Graham J. Brammer, Allen and Unwin, St Leonards, 1997.**

*Reviewed by Major Darren Kerr, Australian Intelligence Corps*

This very readable book should appeal to those who like a good war story that emphasises realism without the exaggerated extremes of the usual Rambo-type characters common in much of today’s military fiction. Written by a former Australian SAS soldier, the novel is a fictionalised account of the trials and tribulations of an Australian SAS patrol on a reconnaissance/ambush mission in the jungles of South Vietnam. Of course, this is not to be a “normal” patrol – if there ever was such a beast for the SAS in Vietnam – and Brammer’s characters are thrown into all manner of combat encounter before they are finally extracted under fire.

Clearly drawn from the author’s own first hand knowledge, the novel is at its strongest when describing the realistic minutiae of being part of a wartime SAS patrol, particularly in the demanding setting of South Vietnam. At these moments it is an engrossing novel which reads like a good Tom Clancy. Brammer writes with a plain and succinct style that is very reminiscent of the approach adopted by many Vietnam-era war correspondents – factual but with an emotional edge. This allows him to provide vivid scenes of encounters with the enemy that do not get lost in hyperbole. Brammer has a deft touch when describing combat. The novel also provides an excellent insight into the inner workings of an SAS patrol wherein each man has a critical role to play and if anyone fails the whole patrol is threatened. Brammer shows that there can be no excess baggage in such demanding and life-threatening situations.

Like Clancy though, the novel is at its weakest when trying to deal with the complex emotional interactions of individual soldiers within the patrol. Starting out strong, characterisation becomes blurred, personal motivations are not sustained, and no character ever really emerges from the page as a living entity. Of course, Brammer is not on his own here, any review of the vast majority of war-novels will demonstrate that describing combat is much easier than tangling with the inner-workings of what sustains and motivates men in combat. An example of this was the recent movie, *Saving Private Ryan*, which opened with probably the most realistic war scenes in motion-picture history and then metamorphosed into a one-dimensional soap opera. In *Uncertain Fate* though, this is not a fatal flaw in what is an otherwise excellent novel. Just read it as an absorbing story of combat in Vietnam by one who has been there, and not as a psychological examination of men under fire.