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IRISH DEFENCE FORCES

Defence Forces
Review 2022

STRENGTHEN
THE NATION

Defence Forces
Review **2022**

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STRENGTHEN THE NATION

Change or Continuity?
Ireland's Defence Forces in an Era of Unprecedented Conflict and Challenge

In Association With University of Galway

Preface

"Military leaders must have a solid intellectual foundation. Closed systems – armies with little or no intellectual tradition, with low tolerance for internal dissent and healthy culture and acceptance of negative critique from subordinate officers are doomed to failure."

(George Friedman)

Building on the success of last year's Review, 2022's Review is themed 'Change or continuity: Ireland's Defence Forces in an era of unprecedented conflict and challenge.' The theme was chosen in light of the on-going war in Ukraine and the salience of Report of the Commission on the Defence Forces.

The Defence Forces Review provides a forum in which contributors can present their research and facilitate discussion on a wide range of defence-related matters for the benefit of the wider Defence Community in Ireland and beyond.

My thanks to the Editors of the Defence Forces Review for 2022, Comdt's Shane Quinlan and Stephen Molumphy. Despite a very busy schedule working on the staff of the Command and Staff School, they shouldered this editorial burden with energy, commitment and enthusiasm.

For this year's edition, they have had the pleasure of working in academic collaboration with the University of Galway. A special word of gratitude to their fellow editor, Dr Brendan Flynn for his expert insights and invaluable contributions in making this collaborative effort a success. Additionally, a team of expert academics from the University of Galway contributed to the peer review process, thus enhancing the academic quality of the publication.

Again, many thanks to all our contributors without whose commitment and generosity the production and publication of this year's Review would not be possible.

Further copies of the Review are available from the Defence Forces Public Relations Branch at info@military.ie or online at http://www.military.ie/info-centre/publications/defence-forces-review.

Eugene Cooke
Lt Col
Officer in Charge
Public Relations Branch

Editors Notes

The large scale Russian invasion of Ukraine on 24 February 2022 was Europe's first major war in decades and has profound consequences for the future of European security and defence. Since that time, the EU and its member states have united in their support for Ukraine and condemned Russia's unprovoked and unjustified military aggression. On 15 November 2022, the EU council adopted the decision to launch the European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine) to continue supporting Ukraine against the ongoing Russian war of aggression. The aim of this mission is to enhance the military capability of the Ukrainian Armed Forces and enable them to defend Ukraine's territorial integrity and sovereignty. Fellow EU members, Finland and Sweden who traditionally adopted a non-aligned stance, applied for NATO membership, a monumental shift of policy in the face of Russian military actions. The government of Ireland, as a member of the EU, had decided on a comprehensive review of the Defence Forces component of its defence organisation (comprising of both the Department of Defence and Defence Forces) in 2021. The final report released only weeks after the Russian invasion of Ukraine identified the multifaceted threats facing Ireland, particularly from the maritime, air and cyber domains. Significantly, it outlined a roadmap for government to enhance the military capability of the Irish Defence Forces to enable them to defend Ireland's territorial integrity and sovereignty in the maritime, air, land and cyber domains.

Consequently, this year's edition of the Defence Forces Review examines the theme of change or continuity of Ireland's Defence Forces and takes an in-depth view of western military policies. Given the scale of the recent conflict in the Ukraine, the salience of the Report of the Commission on the Defence Forces, together with wider societal and professional challenges, there exists a very strong rationale for fundamental change as regards Irish defence concerns.

The 2022 Defence Forces Review is published in collaboration with University of Galway and we are delighted to have as part of the joint editorial team: Dr. Brendan Flynn, Dr. Lisa Walshe, Comdt. Shane Quinlan and Comdt. Stephen Molumphy.

In this Review, fourteen articles are published covering relevant and pertinent contributions on the requirement for transformation of Ireland's defence policy and the defence organisation as a whole. These fourteen submissions include a meticulous analysis of Ireland's national security policy, and the requirement for organisational change of the Defence Forces in the wake of the Report of the Commission on the Defence Forces and the correct implementation of the working time directive. There are articles addressing Russian justifications for the invasion of Ukraine, how accountability and justice for war crimes committed in Ukraine can be pursued and a legal consideration of the recent Russian military exercises off the Irish coast. There are also articles addressing the future of the Reserve Defence Forces, the future of Artillery within the Irish military and an interesting insight into the future opportunities for enlisted leaders within the Defence Forces. While practical limits prevented us from publishing all submitted proposals, we were overwhelmed with the interest demonstrated from serving and retired personnel, academics and civilian experts who all engage here with Irish defence and security issues to produce what is a very valuable contribution to Ireland's defence discourse.

This Review also publishes abstracts from the research thesis completed by Irish and overseas students from the 4th Joint Command and Staff Course, who completed an MA in Leadership, Management and Defence Studies, taught in partnership between Maynooth University and the Command and Staff School in the Irish Military College. This partnership is an established relationship that has developed over two decades to date, with over 500 military students graduated with an MA. As part of that process they have completed theses on a wide range of topics. The thesis abstracts presented here reflect the wide range of topics of relevance to the Defence Forces and Department of Defence, and the continuous professional military education which promotes international best practice and supports the defence organisation's positive development towards future defence and security challenges.

This book would not have been possible without the hard work of all who have contributed to it, including the authors, the (anonymous) peer reviewers and the team from the Defence Forces Printing Press, especially Pte Shane Mulholland. The editors would like to thank them all for their hard work and we hope you enjoy this publication.

Editorial Team

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Editor's Biographical Statement

Dr. Brendan Flynn is Assistant Professor and Head of Discipline, Political Science, at the School of Political Science and Sociology, University of Galway. His research interests include maritime security and defence and security studies more broadly. He teaches European politics and Ocean and Marine politics and has lectured at the Irish Defence Force's Joint Senior Command and Staff Course and the Land Component Staff Course. He was a co-editor of the 2018 Defence Forces Review. Recent publications include: Flynn, Brendan. "Knowing your CJEF from your JEF: Europe's "Alphabet soup" of interstitial military cooperation-what relevance for cold war 2.0?." Defence Studies (2022): 1-21; Flynn, Brendan. "Non-state and Hybrid Actorness at Sea: From Narco-Subs to Drone Patrols." In Routledge Handbook of Maritime Security, pp. 287-298. Routledge, 2022.; Flynn, Brendan. "The coming high-tech Sino-American War at Sea? Naval Guns, Technology hybridity and the "Shock of the Old"." Defence Studies (2021): 1-22.

Dr. Lisa Walshe is assistant Professor/Lecturer in the School of Political Science and Sociology, University of Galway, where she has worked for over 20 years. She is an Academic Director of the BA Government (Politics, Economics and Law)in the university. Her teaching and research interests include: The Sociology of Identity and Belonging; Ethnicity; Nationalism; Social Exclusion, Civic Engagement and the Modern State as well as Classical Social and Political theory. She has a particular interest in Marxist and Durkheimian thought. She has also worked within the area of Community and Adult Education within the University of Galway with the remit of designing, developing and delivering programmes to support educationally disadvantaged groups in the BMW (Border, Midlands and Western) regions.

Commandant Shane Quinlan is an instructor in the Command and Staff School. He is an Army Officer with over 24 years' experience, and has held a variety of command, staff and training appointments throughout his career. His overseas service includes tours of duty to Kosovo, Chad, Bosnia, Lebanon and Syria from platoon commander right through to staff officer at the Force Headquarters level. He is a graduate of the 3rd Joint Command & Staff Course where he was awarded a MA in Leadership, Management & Defence Studies from Maynooth University.

Commandant Stephen Molumphy is an instructor in the Command and Staff School, Military College. He is an Army Infantry Officer with over 21 years' experience, and has served in various command, staff, training and operations appointments throughout his career. His overseas service includes tours of duty to Chad, Lebanon, Syria and with the Nordic Battlegroup. He has held appointments from Platoon Commander to Company Commander and Deputy Commanding Officer overseas and served as Commanding Officer of General Liam Lynch Camp in No. 1 Brigade. He is a graduate of the 24th Advanced Command and Staff Course in the UK Defence Academy, Shrivenham, has an MA from Kings College London, an MA from Maynooth University and an MBA from University of Galway. He speaks German, was captain of the Waterford senior hurling team, received an All-Star hurling award and is currently the manager of the Kerry senior hurling team.

Table of Contents

A Celtic Zeitenwende? – Continuity and Change in Irish National Security Policy

Professor Andrew Cottey

Abstract

This article discusses whether the Ukraine war is likely to trigger major changes in Irish national security policy. The article argues that Irish national security has for many decades been defined by four characteristics: a (very) low threat national security environment; free-riding, characterised by small defence forces with very limited combat capability and extremely low defence spending; a domestic political environment that militates against those who might argue for a 'strong defence' approach to national security; and an approach to EU foreign, security and defence policy cooperation that can be characterised as good citizenship but cautious engagement. The Ukraine war has not altered these features. We should expect more continuity than change in Irish national security policy.

Introduction

The Ukraine war has triggered significant changes in European security, including Germany's zeitenwende[1], Finland and Sweden's applications to join NATO, NATO's re-focusing on collective defence and an arguably more realpolitik EU foreign and security policy. This article argues the Ukraine war is unlikely to trigger comparable changes in Irish national security policy, identifying four long-term characteristics that remained unchanged by the Ukraine war.

The biggest recent change in Irish security policy arises not from the external environment but from internal circumstances. Long-term underfunding of the military combined with serious recruitment and retention problems resulted in a crisis in the Defence Forces, calling into question the military's ability to fulfil the roles required of it (for example, in terms of being able to put vessels to sea). In response, in December 2020 the government established a special Commission on the Defence Forces to make recommendations on the future of the Irish military.

The Commission's report, published in February 2022, identified three possible levels of ambition (LOA) for the Defence Forces. LOA 1 would maintain current capability, which the Commission argued would 'leave the Defence Forces unable to conduct a meaningful defence of the State against a sustained act of aggression from a conventional military force' and 'require a reduced commitment to international peace support, crisis management and humanitarian operations due to capacity constraints'. LOA 2, enhanced capability, would involve 'building on current capability to address specific priority gaps in our ability to deal with an assault on Irish sovereignty and to serve in higher intensity Peace Support Operations.' LOA 3, conventional capability, would involve 'developing full spectrum defence capabilities to protect Ireland and its people to an extent comparable to similar sized countries in Europe.'[2]

In July 2022 the government approved a decision to move to LOA2 by 2028, including increasing the defence budget to €1.5 billion (in 2022 prices) by 2028 – the largest increase in defence

1 Zeitenwende is translated as the end of an era or a historical turning point and has been used to describe major changes in German security policy following the February 2022 Russian invasion of Ukraine, in particular a tougher approach towards Russia and a willingness to spend significantly more on defence. See Jana Puglierin, Arm for the storm: Germany's new security strategy, European Council on Foreign Relations, 25 August 2022, available at: https://ecfr.eu/article/arm-for-the-storm-germanys-new-security-strategy/
2 Report of the Commission on the Defence Forces (Dublin: Commission on the Defence Forces, 2022, pp. iv-v and 21-23, https://www.gov.ie/en/publication/eb4c0-report-of-the-commission-on-defence-forces/

spending in the country's history – and expanding the Defence Forces from their current personnel establishment of 9,500 to 11,500.[3] While the full impact of these developments remains to be seen, the outcome will hopefully be a more capable military (albeit still limited compared to other small European states), operating on a more sustainable footing.

Despite these changes, the core argument of this article is that the central underlying features of Irish national security policy a – low threat environment, free-riding, a domestic environment that militates against radical change in security policy and an approach to EU security and defence cooperation based on good citizenship but cautious engagement – remain unchanged. While we may expect some further changes in Irish national security policy, a Celtic zeitenwende is unlikely.

A Low-Threat Security Environment

Compared to many countries, Ireland faces a low, arguably very low, threat national security environment. The likelihood of an invasion or military attack on Ireland is low. While other newer threats, such as cyber attacks or attacks on undersea internet cables may be more likely, the implications of such attacks are likely to be limited compared to invasion or war.

Classical national security threats – involving invasion, attack or coercion by military means – are heavily dependent on geography. Countries which live next door to imperial powers or other states with expansionist intentions, have unresolved territorial disputes or are geographically proximate to areas of geopolitical tension are more likely to find themselves subject to invasion or attack or drawn into war.

Since 1945, and arguably since independence in 1921, Ireland's geographic situation and changed relationship with the United Kingdom have made it a relatively lucky country in terms of national security threats. Ireland's location on the far western edge of Europe have made it relatively distant from the geographic centre of European political-military conflicts.

The unresolved situation in Northern Ireland did constitute a national security threat for Ireland and this led to an expansion of the Defence Forces, with the military playing a significant role in countering terrorism and monitoring cross-border activity.[4] While the terrorist threat arising from the situation in Northern Ireland was real and serious, it was also limited in scale and did not represent an existential threat to the Republic of Ireland. Since the 1990s, further, the Northern Ireland peace process has greatly reduced this threat, enabling reductions in the Defence Forces, especially as relates to their counter-terrorism role.

Today, Ireland's national security environment remains a low threat one. Although Russia's more aggressive military posture and worsening Russo-Western relations since the 2010s have resulted in the increased presence of Russian air and naval forces in the airspace and seas close to Ireland,

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3 Department of Defence/Irish Defence Forces, Building for the Future– Change from Within: High Level Action Plan for the Report of the Commission on the Defence Forces, Dublin: Department of Defence, 2022, p. 6, https://www.gov.ie/en/publication/519f7-hlap-commission-on-the-defence-forces/
4 Dan Harvey, Soldiering Against Subversion: The Irish Defence Forces and Internal Security During the Troubles, 1969–1998. (Newbridge: Merrion Press, 2018).

the likelihood of an outright Russian attack on Ireland surely remains very low. Deliberate Russian military action of a more limited character against Irish Naval Service or civilian vessels or civilian aircraft is also low, if only because such action would seem to have no potential benefit for Russia. The most likely risk scenario is of an incident arising from a collision or near-miss in the air or at sea involving Russian military aircraft or naval vessels.

Beyond these more traditional types of inter-state threats, there are newer threats, of which cyber threats and possible attacks on seabed internet cables have particular relevance for Ireland. The highly globalised nature of the Irish economy and the presence of major multinational companies and significant internet server farms in Ireland make the country a particularly attractive target for cyber attacks, whether by criminal groups, 'rogue states' or major powers – serious disruption of Irish cyber infrastructure could have significant economic and communication impacts in Europe, the transatlantic space and perhaps globally.

Ireland's vulnerability to cyber attacks was highlighted by the May 2021 ransomware attack on the Health Service Executive (HSE). The HSE cyber attack also hints at Ireland's vulnerability to cyber attacks or disinformation in other areas, such as, for example, air traffic control, the banking system or social media disinformation activities in relation to electoral processes or referenda (including not only in the Republic of Ireland, but also Northern Ireland, where such activities could exacerbate tensions between unionists and nationalists or even hypothetically trigger renewed violence). Whether cyber attacks should really be viewed as of the same magnitude as more traditional military threats, however is debatable: while cyber attacks could cause significant socio-economic disruption, it is not clear that they could cause large-scale loss of life and even less likely that they could threaten the political independence or even existence of a state.

A significant portion of transatlantic internet cables also transit the seabed close to Ireland and hit land in Ireland, making waters close to Ireland (including Ireland's territorial waters and Exclusive Economic Zone (EEZ)) an attractive target for attacks on such cables. Again, however, while attacks on internet cables could cause (very) significant socio-economic disruption, it seems unlikely they would result in large-scale loss of life or pose a threat to Ireland's political independence or existence as a state.

Overall, while one can debate the exact scale and character of various threats, a balanced assessment suggests that Ireland faces a low, arguably very low, level of actual or potential threats to its national security compared to many other states. While Ireland has particular vulnerabilities relating to cyber and disinformation threats and Russian military activities in its vicinity and the Russian invasion of Ukraine may have increased these risks somewhat, the country's overall threat landscape has not changed dramatically.

Free-Riding

A second prominent feature of Irish national security policy, it can be argued, has been free- riding. Free-riding is where states benefit from a good provided collectively by a group of states but only

contribute in a limited way, if at all, to the costs of providing that collective good. Free-riding is recognised as a common phenomenon in international politics: NATO's European members have long been accused of free-riding on the United States.[5] Here, it should be noted that free-riding is not a publicly declared or deliberate national policy or strategy, but rather a form of strategic behaviour emerging from particular circumstances that make free-riding possible.

While it may be unpalatable to acknowledge it, Ireland would appear to be a particularly strong example of free-riding. For many years Irish defence policy has been based on the maintenance of a small military with very limited combat capability (including relative to other comparable small European states) and extremely low defence spending (again, relative to Ireland's size and compared to other small European states).[6] Ireland also rejected a US proposal that it join NATO when the alliance was established in 1948-49.

The scale of Irish free-riding is illustrated by data on defence spending – in recent years Ireland's defence spending has stood at about 0.3% of gross domestic product (GDP), making it one of the lowest spenders on defence not just in Europe but also globally, alongside some of the poorest countries in Europe and the world.[7] Air defence is also a particularly striking example of Irish free-riding: since the 1950s Ireland has maintained no combat air-force, de facto relying for air defence on the United Kingdom and NATO.

Arguably, Ireland has been a free-rider on NATO ever since the alliance was established in 1949, benefitting from the deterrence of the Soviet Union provided by the alliance and NATO's role in underpinning peaceful integration within the European Union while not contributing to NATO and maintaining very low defence spending.[8] Seventy years later that logic still operates.

Irish leaders may respond to the accusation of free-riding by arguing that, while Ireland does not contribute to collective defence via NATO, it does contribute to other collective goods, in particular peacekeeping and development aid, in substantive ways. Ireland has a long track-record of contributing to UN peacekeeping operations, as well as to a lesser extent to NATO and EU peacekeeping/crisis management operations. Relative to its size, Ireland is one of the largest troop contributors to UN peacekeeping operations and, in particular now makes, again relative to its size, larger troop contributions to UN peacekeeping than other European states.

Balanced against this, however, it should be noted that Ireland has been able to do this while maintaining particularly small armed forces and extremely low defence spending – suggesting that the country has not had to pay a high cost in order to make its contribution to peacekeeping. In terms of development aid, it is true that in recent decades Ireland has been a relatively strong contributor amongst developed states (with Overseas Development Aid (ODA) as a percentage

5 Gompert, David, and Richard Kugler. "Free-Rider Redux-NATO Needs to Project Power (and Europe Can Help)." Foreign Affairs 74 (1995).
6 Theo Farrell, 'The Model Army': Military Imitation and The Enfeeblement of the Army in Post-Revolutionary Ireland, 1922-42, Irish Studies in International Affairs, Vol. 8, 1997, pp.111-127.
7 Andrew Cottey, Submission to the Commission on the Defence Forces, Department of Government and Politics, University College Cork, March 2021, pp7-8, https://www.gov.ie/en/collection/0029c-public- consultation-commission-on-the-defence-forces/#academics (0.3% of GDP figure is for 2019).
8 This, for example, was the private (but not public) view of West German foreign policy-makers during the early Cold War. See Mervyn O'Driscoll, 'Hesitant Europeans, Self-Defeating Irredentists and Security Free-Riders? West German Assessments of Irish Foreign Policy during the Early Cold War, 1949-59', Irish Studies in International Affairs, Vol. 21 (2010), pp. 89-104.

of gross national income (GNI) usually viewed as the best comparator). Here, again, however, it should be noted that some other states, in particular the Netherlands and the Scandinavian countries, are also strong contributors in terms of ODA and do this while also making strong contributions to collective defence via NATO and/or significant investment in national defence.

The changes in Irish defence policy arising from the report of the Commission on the Defence Forces might, at first pass, be viewed as beginning to address Irish security free-riding. Even if the Commission's proposed second level of ambition is achieved over the next decade, however, Ireland will still make no contribution to collective defence, have a very limited territorial defence capacity, have no air defences and, in all likelihood, spend less on defence than most other EU member states. Implementation of the Commission's proposed third level of ambition would address some of the central elements of Irish defence free-riding, but seems a very distant prospect at best.

Finally, one might ask why states free-ride? The simple answer is 'because they can'. So long as larger powers are willing to contribute heavily to collective goods, this creates a structural incentive for other states to free-ride. From an Irish perspective, free-riding has been a very successful national security policy: since the 1930s Ireland has been able to maintain its independence and territorial integrity and avoid being drawn into war, while devoting only very limited resources to national defence.

Domestic Politics and National Security

The third enduring feature of Irish national security policy is a domestic political and institutional environment that militates against radical change in security policy, especially in what might be called a 'strong defence' direction (for example, by joining NATO, getting serious about territorial defence or pushing for a significantly stronger EU defence role).

The domestic political context for Irish national security policy is characterised by a number of elements. First, there is a strong domestic political consensus in favour of neutrality. Second, national security and defence are generally second or third order issues, unless neutrality is viewed as being threatened. Third, the Irish party political framework creates a situation in which government parties are vulnerable to being outflanked on the left by critics accusing them of 'betraying neutrality' or 'militarism' but there are few political incentives to make counter-arguments in favour of a stronger national security or defence posture.

Fourth, the armed forces are a politically weak constituency, while the absence of a defence industry means there is no powerful industrial (or trade union) voice making the case for investment in security and defence. Fifth, since Ireland joined the European Economic Community (EEC) in 1973, referenda on EU treaty changes, including as relates to security and defence, have become a political requirement, and the same would surely be the case for any hypothetical application to join NATO.[9] The experience of the referenda on the Nice and Lisbon treaties - when the Irish

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9 The extent to which such referenda are an absolute legal requirement can be debated, but regardless of this they have become a political necessity. See Gavin Michael Barrett, Taking the Direct Route - The Irish Supreme Court Decisions in Crotty, Coughlan and McKenna (No. 2). University College Dublin Law Research Paper No. 08/2009, Available at: http://dx.doi.org/10.2139/ssrn.1400029

public initially rejected these treaties, in part because of opposition to an EU defence role – makes political leaders wary of taking steps that might be defeated in a referendum.

Opinion poll evidence since the February 2022 Russian invasion of Ukraine does not suggest a major shift in Irish public opinion on national security. A March 2022 poll indicated 52% opposition to NATO membership, with 37% support, and also indicated 63% support for remaining neutral in the Ukraine war.[10] A second March poll suggested 48% support for NATO membership and 39% opposition, but also indicated 57% support for retaining a policy of neutrality.[11] An April 2022 poll indicated 66% support for Ireland's current model of neutrality, as opposed to 24% preferring change.[12] A second April poll indicated 71% support for retaining a policy of neutrality and 29% support for joining NATO.[13] A June-July survey suggested 52% support for joining NATO and 48% opposition (although this survey may be considered an outlier, as the methodology to some extent depended on leading questions).[14]

Overall, these polls suggest continued strong support for neutrality and a continuing low level of public understanding of security issues (as evidenced by apparent support for contradictory things – such as neutrality and NATO membership – at the same time). This public opinion landscape reinforces the political environment of national security: while senior political leaders have argued that there needs to be debate on national security and neutrality, it is striking that no prominent politician has argued for consideration of NATO membership.

The EU Dimension: Good Citizenship but Cautious Engagement

The fourth element of Irish security policy is an approach to the EU's Common Foreign and Security Policy (CSFP) and Common Security and Defence Policy (CSDP) which can be summarised as good citizenship but cautious engagement. Ireland's good citizenship on EU foreign, security and defence policy arises from a number of factors. First, the centrality of the EU to Ireland's economy and the country's overall foreign policy position means that Ireland has strong incentives to avoid being obstructionist in areas of EU policy – such as foreign affairs, security and defence – that matter to other member states, especially France and Germany. Second, particularly at the political elite level, there has been a recognition that the development of an EU foreign, security and defence policy may be a 'good thing', enabling the EU to exercise a significantly greater influence in the world than its member states can individually. Third, Irish foreign policy-makers have viewed the EU as a force multiplier for Irish foreign policy interests and priorities, such as support for multilateral institutions, conflict resolution and development policies.

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10 Kevin Cunningham, 'The Russian Invasion of Ukraine', IrelandThinks.ie, 9 March 2022, https://analysis.irelandthinks.ie/the-russian-invasion-of-ukraine/
11 Shawn Pogatchnik, 'Poll: More Irish want to join NATO in wake of Ukraine invasion', politico.eu, 27 March 2022, https://www.politico.eu/article/poll-more-irish-want-to-join-nato/
12 Pat Leahy and Dan McLaughlin, 'Overwhelming support for retention of Ireland's military neutrality', The Irish Times, 15 April 2022, https://www.irishtimes.com/news/politics/overwhelming-support-for-retention-of- ireland-s-military-neutrality-1.4853176
13 Sunday Times and Behaviour & Attitudes, April Opinion Poll 2022, https://banda.ie/wp- content/uploads/J.223455-Sunday-Times-Full-Report-April-2022.pdf
14 Caolán Rooney and Claire Cogan, 'Neutrality or NATO? Irish attitudes to neutrality and possible NATO membership', BehaviourWise, August 2022, https://www.behaviourwise.ie/irelands-views-on-neutrality-and-nato

Balanced against this, however, have been the domestic factors noted above, which have usually constrained Irish governments in their engagement with EU foreign, security and especially defence policies. This was most clear in relation to the EU's Nice and Lisbon treaties, when concerns over security and defence policy were factors in the rejection of those treaties by the Irish public in referenda in 2001 and 2008. In both cases the treaties were approved in subsequent referenda – in 2002 and 2009 – but only after Ireland received guarantees regarding its neutrality.

The result has been an approach to EU foreign, security and defence policy cooperation in which Ireland has generally been a constructive partner, but has rarely (if ever) been a leader and has engaged only rather cautiously with the EU's CSDP. At the operational level Ireland has made contributions to EU CSDP operations but these generally involved tens rather than hundreds of personnel.[15] The two exceptions to this have been a contribution of about 450 personnel to the EU mission in Chad and the Central African Republic (CAR) in 2007-09 and the deployment of Naval Service vessels to the Mediterranean in the second half of the 2010s as part of the EU's Operation Sophia. The biggest limitations on Irish contributions to EU CSDP (and other peacekeeping/crisis management operations) have been the declining size of the Defence Forces, financial constraints and lack of political support. In terms of technology development and procurement projects Ireland's involvement has also been limited.[16] Richard Whitman and Ben Tonra describe Ireland's position as 'comfortably within a European mainstream' on foreign policy and 'a long-term straggler' on security and defence'.[17]

Conclusion

The Ukraine war has triggered radical change in European security, including in Western policies towards Russia, NATO strategy and national policies, most notably Finland and Sweden's moves to join NATO. The central thesis of this article is that core features of Ireland's security environment and policies have not been fundamentally altered by the Ukraine war. Although Russian military activities in the seas and airspace around Ireland have intensified, Ireland's national security environment remains a relatively low threat one, certainly compared to many other states. This paper has argued that Ireland's strategic practice of free-riding is deeply embedded and there are no strong external pressures for Ireland to alter that practice. The domestic political environment, in terms of public opinion and the political party structure, militates against radical change in security policy. Ireland's policy of good citizenship but cautious engagement on EU foreign, security and defence policy has proved a viable approach in the overall context of the country's EU membership and, again, there are no strong pressures to change this policy.

This is not to suggest that there has been no change in Irish security policy or that there may not be further changes. There is clearly greater awareness of the challenge, if not threat, posed by Russian military activities in Ireland's immediate environment, although Ireland's ability to address that Russian challenge is likely to remain limited. In response to the Russian invasion of Ukraine,

15 Overseas Deployments, Irish Defence Forces website, https://www.military.ie/en/overseas-deployments/
16 Flynn, Brendan. "PESCO and the Challenges of Multilateral Defence Cooperation for Ireland: More of the Same or Sea Change?." Irish Studies in International Affairs, 29.1 (2018): 73-95.
17 Richard Whitman and Ben Tonra, 'Western EU Member States foreign policy geo-orientations: UK, Ireland and Benelux', in Hadfield, Amelia, Ian Manners, and Richard G. Whitman, eds. Foreign policies of EU member states, Abingdon, Routledge, 2017, p. 46.

Ireland has provided non-lethal assistance to the Ukrainian military (specifically, body armour and 'ready-to-eat' meals) via the EU's European Peace Facility (EPF) and will likely contribute forces to an EU mission to train the Ukrainian military (outside Ukraine).[18] The Ukraine war may prompt greater willingness to engage with EU defence cooperation, although there are likely to be limits to both Ireland's political willingness and military capabilities in this context too. The Ukraine war is also likely to prompt further debate on the 'triple lock' over the deployment of Irish forces overseas, given that an absolute requirement for UN Security Council authorisation gives a veto to Russia and China.

The biggest driver of change in Irish security policy, however, has been the domestic crisis in the Defence Forces, resulting in the report of the Commission on the Defence Forces and the government's commitment to implement the Commission's proposed Level of Ambition 2. The full impact of these developments remains to be seen. The economic crisis arising from the Ukraine war may constrain the resources available for defence. The outcome of the next general election, to be held by March 2025 at latest, will also have an impact: a government including Sinn Fein or possibly other smaller parties of the left may be less willing to spend on defence equipment and capabilities rather than military pay, especially in the context of other ambitious social and economic goals. Overall, we should expect more continuity than change in Irish national security policy in years to come.

18Conor Gallagher, 'Some €55 million in military aid given by Ireland to Ukraine', The Irish Times, 24 September 2022, available at: https://www.irishtimes.com/politics/2022/09/24/ireland-has-given-55m-in- military-aid-to-ukraine/ and Conor Gallagher, 'Irish commitment to Ukraine military training criticised but likely to be constitutional', The Irish Times, 31 August 2022, available at: https://www.irishtimes.com/ireland/2022/08/31/irish-commitment-to-ukraine-military-training-criticised-but- likely-to-be-constitutional/
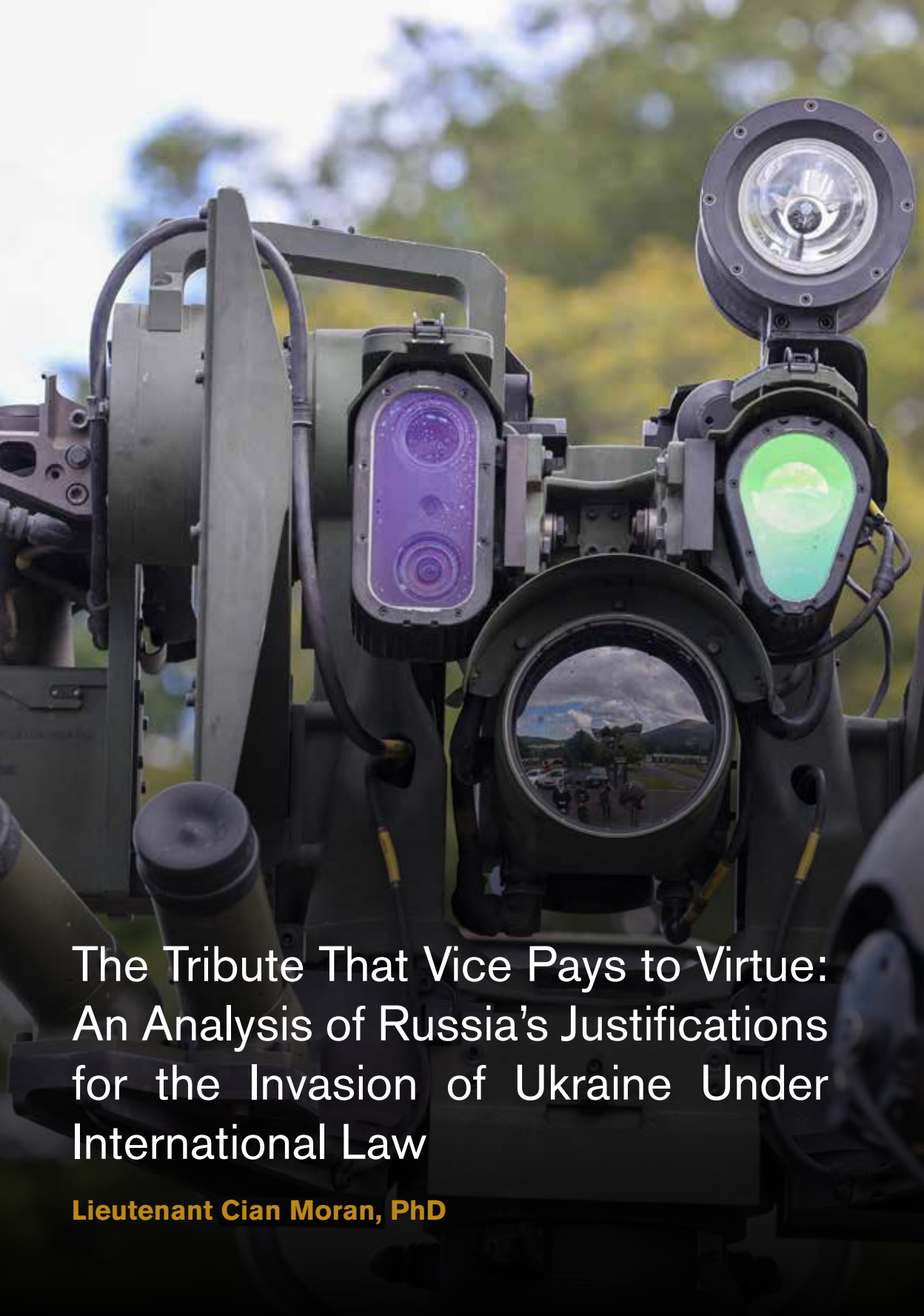
The Tribute That Vice Pays to Virtue: An Analysis of Russia's Justifications for the Invasion of Ukraine Under International Law

Lieutenant Cian Moran, PhD

Abstract

While Russia's invasion of Ukraine had negligible international support, Russia felt obligated to defend its actions under international law, using a variety of defences, notably self-defense (both individual and collective), humanitarian intervention and the protection of Russian nationals. This article will explore each of these areas and analyse their validity under international law and why each one is not relevant to Russia's actions. It will conclude that Russia had no lawful justification under jus ad bellum and its "special military operation" marks an egregious breach of the jus cogens on the prohibition of aggression.

Introduction

> *"The devil can cite Scripture for his purpose.*
> *An evil soul producing holy witness Is like a villain with a smiling cheek,*
> *A goodly apple rotten at the heart:*
> *O, what a goodly outside falsehood hath!"*
>
> *- The Merchant of Venice*

On the 24th February 2022, Russia's President Putin announced a "special military operation" into Ukraine[1] even after Russia dismissed any suggestion of their invading as "hysteria" or "fairy tales".[2]

Russia's military superiority in everything from troop numbers to military expenditure seemed overwhelming.[3] By contrast, Ukraine's military had fared extremely poorly during the Donbas War in 2014, with years of mismanagement and corruption resulting in a deficient military that was only saved from defeat by a well-organised civil society and the effectiveness of volunteer battalions[4] (most notably the far-right and controversial Azov Battalion).[5] However, extensive Ukrainian military reform[6] combined with external military aid, high Ukrainian morale and Russian strategic and logistical failures, prevented the swift victory that Russia expected.[7] At the time of writing, Russian forces have been forced to   retreat from Kyiv and northern Ukraine while the Kremlin has switched its goals to taking full control of the Donbas region, with no clear end in sight and the risk of a military stalemate that could drag on for months.[8]

The repercussions from Russia's invasion of Ukraine are profound. Putin laments the end of the USSR as well as Russia's decline,[9] and sees popular uprisings like Ukraine's Euromaidan Revolution as Western plots to contain Russia.[10] Russia sees Ukraine as part of the Russian metropole rather

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1 Vladimir Putin, Annex to the Letter Dated 24 February 2022 from the Permanent Representative of the Russian Federation to the United Nations Addressed to the Secretary-General: Address by the President of the Russian Federation (UN Doc S/2022/154 (24 February 2022). 2.
2 Adam Taylor, 'Russia's Attack on Ukraine Came after Months of Denials It Would Attack' Washington Post (24 February 2022).
3 Jakub Przetacznik and Linda Tothova, Russia's War on Ukraine: Military Balance of Power (European Parliamentary Research Service 2022). 1.
4 Taras Kuzio, Putin's War Against Ukraine: Revolution, Nationalism and Crime (Chair of Ukrainian Studies, University of Toronto 2017). 258-263.
5 See Michael Colborne, From the Fires of War: Ukraine's Azov Movement and the Global Far Right (Ibidem 2022).
6 Andrew Bowen, 'Ukrainian Armed Forces' (Congressional Research Service, 26 January 2022) <https://crsreports.congress.gov/product/pdf/IF/IF11862> accessed 30 May 2022.
7 Margarita Konaev and Polina Beliakova, 'Can Ukraine's Military Keep Winning?' Foreign Affairs (9 May 2022).
8 Steven Pifer, 'The Russia-Ukraine War at Three Months' (Brookings Institution, 23 May 2022) <https://www.brookings.edu/blog/order-from-chaos/2022/05/23/the-russia- ukraine-war-at-three-months/> accessed 2 June 2022.
9 Fyodor Lukyanov, 'Russian Dilemmas in a Multipolar World' (2010) 63 Journal of International Affairs. 19.
10 Anna Reid, Borderland: A Journey Through the History of Ukraine (Weidenfeld and Nicolson 2015). 272-273.

than a former foreign colony (much as Britain saw Ireland or France saw Algeria)[11] which has major repercussions for how it approaches one of the most fundamental areas of international law, that of national sovereignty. This is especially critical, given Putin still does not see Ukraine as a sovereign nation,[12] which was reiterated by Russia's Foreign Minister.[13]

Despite the unprecedented level of sanctions and Russia's almost "complete isolation within [UN]", for its disregard for international law,[14] Russia still felt the need to provide legal justifications for its actions. This is unsurprising as states always provide moral and legal justifications for their actions, regardless of how selfish their motives are.[15] Nonetheless, Russia's legal justifications have been heavily criticised by academics,[16] with the work of Henderson, Green and Ruys being especially worth noting[17] while even the normally neutral International Law Association released a statement "deploring the flagrant violation of international law by Russia [that] manifestly do not come within the exceptions to the prohibition of the use of force".[18] Apart from a few commentaries on the legal aspects of the invasion that appeared immediately after February 24th, this paper has been drafted before significant peer reviewed scholarship has emerged.

Putin invoked various legal justifications for the "special military operation". The use of force is heavily constrained under international law, given the threat and the use of force has been one of the major causes of international conflict throughout history.[19] As such, the threat or use of force is prohibited under Article 2(4) of the UN Charter,[20] and is jus cogens as well as prohibited under both treaty and customary law (although the exact scope is debatable).[21] There are certain exceptions to the prohibition on the use of force, both accepted and debated, which Russia invoked. These will be explored below. The purpose of this article is not to speculate what Russia's real motives are, nor to pass moral judgement. Rather, it is to analyse Russia's legal justifications and determine their validity in international law. Key in Russia's claims was self-defence.

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11 Kuzio (n 4). 37.
12 Billy Perrigo, 'How Putin's Denial of Ukraine's Statehood Rewrites History' Time (22 February 2022).
13 Reuters, 'Russia's Lavrov Questions Ukraine's Right to Sovereignty' (Reuters, 22 February 2022).
14 Oona Hathaway, 'International Law Goes to War in Ukraine' Foreign Affairs (15 March 2022).
15 Jack Goldsmith and Eric Posner, 'Moral and Legal Rhetoric in International Relations: A Rational Choice Perspective' (2002) 31 The Journal of Legal Studies. 118.
16 See Hathaway (n 19). John Bellinger III, 'How Russia's Invasion of Ukraine Violates International Law' (Council on Foreign Relations, 28 February 2022) <https://www.cfr.org/article/how-russias-invasion-ukraine-violates-international-law> accessed 3 June 2022. Anthony Dworkin, 'International Law and the Invasion of Ukraine' (European Council on Foreign Relations, 25 February 2022) <https://ecfr.eu/article/international-law-and-the-invasion-of-ukraine/> accessed 4 June 2022. Cathleen Powell, 'Russia's Invasion of Ukraine Is Illegal under International Law: Suggesting It's Not Is Dangerous' (The Conversation, 15 March 2022) <https://theconversation.com/russias-invasion-of-ukraine-is-illegal-under-international- law-suggesting-its-not-is-dangerous-179203> accessed 4 June 2022. Gabriella Blum and Naz Modirzadeh, 'The War in Ukraine and International Law' (Harvard Law Today, 2 March 2022) <https://today.law.harvard.edu/the-ukraine-conflict-and-international- law/> accessed 4 June 2022. Marko Milanovic, 'What Is Russia's Legal Justification for Using Force against Ukraine?' (European Journal of International Law: Talk!, 24 February 2022) <https://www.ejiltalk.org/what-is-russias-legal-justification-for-using-force- against-ukraine/> accessed 4 June 2022
17 See James A Green, Christian Henderson and Tom Ruys, 'Russia's Attack on Ukraine and the Jus Ad Bellum' [2022] Journal on the Use of Force and International Law. 1-26. 18 International Law Association, ILA Statement on the Ongoing and Evolving Aggression In and Against Ukraine (International Law Association 2022).
18 International Law Association, ILA Statement on the Ongoing and Evolving Aggression In and Against Ukraine (International Law Association 2022).
19 Manuel Fröhlich, 'The Responsibility to Protect: Foundation, Transformation and Application of an Emerging Norm' in Fabian Klose (ed), The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present (2018). 300.
20 Charter of the United Nations (1 U.N.T.S. XVI, 1945). Article 2(4)
21 Christine Gray, International Law and the Use of Force (Oxford University Press 2004). 29

Self-Defence

The right to self-defence is a key exception to the prohibition on the use of force and is seen as so fundamental, that the right of individual or collective self-defence is 'inherent' and thus exists independently from the UN Charter, although the Charter still mentions it in Article 51.[22] Putin invoked Article 51 in his decision to "carry out a special military operation" and claimed both an individual right of self-defence in defending themselves as well as collectively with the separatist Donetsk People's Republic and the Luhansk People's Republic.[23] Likewise, the sole justification for Russia's actions given to both the UN Secretary General[24] and the International Court of Justice (ICJ) was under self-defence.[25]

First is Russia's claim that it is acting in its own self-defence. Here, Putin highlights NATO's eastward expansion, which he insists NATO promised not to do (though this was a Russian assumption and not an explicit NATO guarantee).[26] Putin claims such an expansion is a matter of "life and death" for Russia, a "red line" which the US and its allies crossed, which is a threat to Russia's "very existence".[27] Nonetheless, under Article 51, the mere threat of force is insufficient and armed attack must take place before the right to self-defence can be invoked.[28] This was reaffirmed by the ICJ who noted that while there various types of armed attack, these must involve a "grave" use of force.[29] No such armed attack on Russia by NATO took place and instead, Putin relies on the threat of the use of force rather than one that actually took place. Such a concept of "anticipatory self-defence" is debated in international law, and though it has numerous detractors, many other jurists claim that customary international law permits the use of force in response to the "imminent threat" of armed attack.[30] Such acceptance under customary international law goes back to the Caroline incident in 1837[31] and states can use force for imminent self-defence when such force is also necessary and proportionate.[32] This is notable given that customary international law continues to exist separately from international treaty law, including for Article 51.[33] While states are generally uncomfortable with "anticipatory self-defence", they accept that the concept of self-defence permits states to respond to armed attacks.[34] However, no such NATO attack on Russia was imminent and at best, Russia's actions pre-empted a NATO attack that might occur sometime in the future. This was reiterated by Putin on his speech to commemorate Victory Day on the 9th May 2022, where he stated that an invasion of Russia's "historic lands" were in the making and that due to NATO "an absolutely unacceptable threat to us was steadily being created right

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22 Charter of the United Nations (1 U.N.T.S. XVI, 1945) (n 25). Article 51.
23 Putin (n 1). 6.
24 Letter Dated 24 February 2022 from the Permanent Representativeof the Russian Federation to the United Nations Addressed to the Secretary-General (UN Doc S/2022/154 (24 February 2022).
25 This was noted in International Court of Justice, Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation) (2022). Document (with annexes) from the Russian Federation setting out its position regarding the alleged "lack of jurisdiction" of the Court in the case (7 March 2022). 4.
26 See Mary Elise Sarotte, 'Not One Inch Eastward? Bush, Baker, Kohl, Genscher, Gorbachev, and the Origin of Russian Resentment toward NATO Enlargement in February 1990' (2010) 34 Diplomatic History. 139-140.
27 Putin (n 1). 5.
28 Emanuel Gross, 'Thwarting Terrorist Acts by Attacking the Perpetrator or Their Commanders as an Act of Self-Defence: Human Rights Versus the State's Duty to Protect It' (15AD) 2 Temple International & Comparative Law Journal. 213.
29 International Court of Justice, Nicaragua v. United States of America (ICJ Reports 14 1986). Para.191-195.
30 Niaz Shah, 'Self-Defence, Anticipatory Self-Defence and Pre-Emption: International Law's Response to Terrorism' (2007) 12 Journal of Conflict and Security Law. 97-98.
31 RY Jennings, 'The Caroline and McLeod Cases' (1938) 32 American Journal of International Law. 82-92.
32 Malcolm N Shaw, International Law (Cambridge University Press 2017). 861.
33 International Court of Justice (n 34). Article 176.
34 Shaw (n 37). 867.

on our borders", leading Russia to launch "a pre-emptive strike at the aggression".[35] Pre-emptive self-defence differs from anticipatory self-defence in that there is no "palpable and imminent threat".[36] Here, international law is far less ambiguous and while anticipatory self-defence is widely (but not universally) accepted, pre-emptive self-defence has no legitimacy in international law.[37]

It stretches belief to see how NATO's actions comprised an imminent threat to Russia. Putin claimed NATO was moving "ever closer" to Russia's border, and such a threat was an "ever growing, totally unacceptable threat to Russia".[38] However, prior to Russia's invasion, NATO had been in decline[39] to the extent that the President of France feared it was becoming "brain-dead".[40] Before invading, Russia demanded NATO remove troops from Eastern Europe as well as the removal of US nuclear weapons in Europe.[41] However, NATO had already committed not to deploy substantial numbers of permanent combat forces in new members and indeed, deployed very few troops or equipment in new members states between 1997 and 2014: only after Russia's annexation of Crimea, did NATO deploy relatively small numbers of multinational battlegroups in Eastern Europe.[42] In February 2021, NATO battlegroups in Eastern Europe comprised less than 5,000 troops, but this was drastically increased to 40,000 following the 2022 invasion of Ukraine.[43]

Consequently, Russia's attempts to invoke self-defence have no basis in international law, given the lack of an imminent threat. Likewise, no such threat came from Ukraine, which Putin referred to as "our historical territories", which was seeking NATO troops and   equipment and Russia could not feel safe when a "constant threat" existed in Ukraine.[44] Given Ukraine's seeming military weakness compared to Russia at the start of the war,[45] such a threat is farfetched, while Ukrainian membership of NATO was not forthcoming at the time of the invasion due to Ukrainian corruption, military deficiencies and inability to control its international borders.[46] As with the threat posed by NATO, Russia's justification under self-defence is as best, pre-emptive which has no legitimacy under international law.

The second area of self-defence invoked by Putin was collective, claiming Russia was operating in defence of the separatist regions of Donbas and Luhansk.[47] While a state can receive support under

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35 Bloomberg News, 'Here's the Full Translation of Vladimir Putin's Victory Day Speech' (Bloomberg News, 9 May 2022) <https://www.bloomberg.com/news/articles/2022-05- 09/full-transcript-here-s-russian-president-vladimir-putin-s-victory-day-speech> accessed 6 June 2022
36 Michael Reisman and Andrea Armstrong, 'The Past and Future Claims of Preemptive Self-defence' (2006) 100 American Journal of International Law. 525
37 Elizabeth Wilmshurst, 'The Chatham House Principles of International Law on the Use of Force in Self-Defence' (55AD) 4 The International and Comparative Law Quarterly. 964-968.
38 Putin (n 1). 2-5
39 William H McRaven, Peter Orszag and Theodore Bunzel, 'Made in the Alliance How to Shore up the Foundations of Transatlantic Solidarity' Foreign Affairs (20 April 2022).
40 The Economist, 'Emmanuel Macron Warns Europe: NATO Is Becoming Brain-Dead' The Economist (7 November 2019).
41 Gabrielle Tétrault-Farber and Tom Balmforth, 'Russia Demands NATO Roll Back from East Europe and Stay out of Ukraine' Reuters (17 December 2022).
42 Steven Pifer, 'Russia's Draft Agreements with NATO and the United States: Intended for Rejection?' (Brookings Institution, 21 December 2021) <https://www.brookings.edu/blog/order-from-chaos/2021/12/21/russias-draft-   agreements-with-nato-and-the-united-states-intended-for-rejection/> accessed 2 June 2022.
43 Sean Monaghan, Andrew Lohsen and Pierre Morcos, 'Designing New Battlegroups: Advice for NATO Planners' (Center for Strategic and International Studies, 15 April 2022) <https://www.csis.org/analysis/designing-new-battlegroups-advice-nato-planners> accessed 2 June 2022.
44 Putin (n 1). 5-6.
45 Przetacznik and Tothova (n 3).
46 Robert Burns, 'EXPLAINER: Ukraine Not Joining NATO So Why Does Putin Worry?' (Associated Press, 5 February 2022) <https://apnews.com/article/russia-ukraine- europe-russia-vladimir-putin-soviet-union-4619a72d1597673e4112b673a9f6fd9c> accessed 2 June 2022.
47 Putin (n 1). 6.

collective self-defence after declaring itself a victim of armed attack,[48] such a right under Article 51 is limited to armed attack against a "member state of the United Nations".[49] The separatist regions of Donetsk and Luhansk are not members of the United Nations and indeed, are only recognized as independent states by Russia, who did so days before its 2022 invasion of Ukraine, and their statehood quality is unconvincing.[50] Russia's recognition is insufficient to turn them into states.[51] While the right to self-determination exists under international law, a unilateral right to secede from a sovereign state is rarely accepted in law, save for the victims of colonization or oppression and there is no plausible evidence that the people of Donetsk or Luhansk faced such danger.[52]

With Donetsk and Luhansk not being states, let alone members of the UN, they have no right to collective self-defence under the UN Charter. It could be argued that they have the right to collective self-defence in customary international law, but then the same issues of anticipatory and pre-emptive self-defence remain. Since 2014, there has been armed conflict in the Donbas region between Ukrainian troops, separatists and Russian soldiers, but Ukraine never engaged in full-scale war, and instead engaged in an ostensible "anti- terrorist operation".[53] Considering the conflict was initiated by the separatists,[54] and they engaged in more force than was directed against them,[55] they cannot claim a right of self- defence. At any rate, the fact neither Donetsk nor Luhansk are states mean they cannot invoke collective self-defence under international law, nor can Russia come to their aid militarily.

The Protection of Russian Nationals

In his speech, Putin claimed that Russia was acting in defence of Russia and her people.[56] It could be argued that Putin was referring to defending Russian citizens within Russia, but Russia has previously invoked the protection of Russian citizens for its interventions in Crimea[57] and Georgia[58] while Russia's constitution claims its right to protect its citizen's abroad.[59] Such claims are not unprecedented in international law and there have been several interventions in history where the protection of nationals was used as at least a partial justification.[60] While such claims were undoubtedly permitted under international law before the foundation of the UN, their current legality is debatable.[61] While the UK also claims a similar right to invoke self-defence in the protection of its nationals, it notes such a use of force must be "necessary and proportionate"

48 International Court of Justice (n 34). Article 104.
49 Charter of the United Nations (1 U.N.T.S. XVI, 1945) (n 25). Article 51.
50 Sava Jankovic and Volker Roeben, 'Russia's Recognition of the DPR and LPR: The Revival of the Constitutive Theory of Recognition?' (Opinio Juris, 12 March 2022) <http://opiniojuris.org/2022/03/12/russias-recognition-of-the-independence-of-the- donetsk-peoples-republic-and-the-luhansk-peoples-republic-the-revival-of-the- constitutive-theory-of-recognition/> accessed 2 June 2022.
51 Green, Henderson and Ruys (n 22). 15.
52 Sofia Cavandoli, 'The Unresolved Dilemma of Self-Determination: Crimea, Donetsk and Luhansk' (2016) 20 The International Journal of Human Rights. 884-885.
53 Kuzio (n 4). 254.
54 Amnesty International, 'Eastern Ukraine Conflict: Summary Killings, Misrecorded and Misreported' (Amnesty International, 20 October 2014) <https://www.amnesty.org/en/latest/news/2014/10/eastern-ukraine-conflict-summary- killings-misrecorded-and-misreported/> accessed 2 June 2022.
55 Dworkin (n 21).
56 Putin (n 1). 6.
57 Russell Buchan and Nicholas Tsagourias, 'The Crisis in Crimea and the Principle of Non-Intervention' (2017) 19 International Community Law Review. 169.
58 Independent International Fact-Finding Mission on the Conflict in Georgia Volume II (September 2009). 285.
59 'The Constitution of the Russian Federation' Article 61(2) <http://www.constitution.ru/en/10003000-03.htm>. Accessed 3rd June 2022.
60 Gray (n 26). 126-127.
61 Tom Ruys, 'The "Protection of Nationals" Doctrine Revisited' (2008) 13 Journal of Conflict and Security Law. 233-235.

to the mission.[62] Such criteria of necessity and proportionality echo the same criteria for the aforementioned Caroline case, and are valid in extremely restricted circumstances.[63] Namely when they involve a "strictly localised and proportionate rescue operation.[64] However, this is not the case in Russia's intervention: while atrocities were undoubtedly committed by both separatists and Ukrainian troops in 2014, they were nowhere on the scale reported by Russia.[65] While abuses continued,[66] for such abuses to be committed on Russian citizens to reach the scale of "armed attack" is extremely dubious, nor are Russia's actions proportionate or necessary with such protection.[67] Compounding this is Russia's "Passportisation" in the Donbas region whereby since April 2019, its inhabitants can become Russian citizens via a simplified process.[68] Such "Passportisation" forms part of Russia's foreign policy and is widely seen as a violation of international law.[69] For other states to recognize the conferral of citizenship, there must be an acceptable connection between the state and the aspiring citizen as well as host state consent[70] which is absent in this case. Furthermore, such interventions were based on self-defence rather than any existing right on the use of force to protect citizens under customary international law.[71] For a state to naturalise the citizens of another country then use their protection as a justification for intervention is "abusive", given it unilaterally created the reason for the intervention to begin with,[72] and gravely weakens the prohibition on the use of force. Such Russians claims on the right to use force on the basis of ethnicity is a major concern in international security[73] and cannot be used as a pretext for self-defence.[74]

Humanitarian Intervention

The final potential justification invoked by Russia is that of humanitarian-intervention, with Putin highlighting that Russia was intervening to protect people who had been facing genocide by the Kyiv regime for eight years, and the need to stop the "genocide of millions.[75] Such intervention is known as humanitarian-intervention and is best described as:

> *The threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied.[76]*

Such humanitarian intervention has similarities to the use of force to protect nationals but is distinct in that it seeks to protect the subject of the intervention's citizens, as opposed to the

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62 UK Ministry of Defence, Joint Doctrine Publication 3-51 Non-Combatant Evacuation Operations (2021) 49. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachm ent_data/file/979907/20210412-JDP_3_51_NEO_web_V2-O_1_.pdf>.
63 Shaw (n 37). 972.
64 Roy Allison, 'The Russian Case for Military Intervention in Georgia: International Law, Norms and Political Calculation' (2009) 18 European Security. 178.
65 Amnesty International (n 59).
66 Office of the United Nations High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine 1 August 2020-31 January 2021 (United Nations 2021).
67 Green, Henderson and Ruys (n 22). 12-13.
68 Fabian Burkhardt, 'Russia's "Passportisation" of the Donbas' (2020) 41 German Institute for Economic Research. 1-4.
69 ibid.
70 Independent International Fact-Finding Mission on the Conflict in Georgia Volume I (September 2009). 18.
71 Independent International Fact-Finding Mission on the Conflict in Georgia Volume II (n 63). 286.
72 ibid. 288-289.
73 David Yost, 'The Budapest Memorandum and Russia's Intervention in Ukraine' (2015) 91 International Affairs. 536.
74 Allison (n 69). 180.
75 Putin (n 1). 5-6.
76 JL Holzgrefe, 'The Humanitarian Intervention Debate' in L Holzgrefe J and Robert Keohane (eds), Humanitarian Intervention: Ethical, Legal and Political Dilemmas (Cambridge University Press 2003). 18.

nationals of the intervening state.[77] While humanitarian-intervention had legitimacy in the nineteenth and early twentieth century,[78] its current status is at best, extremely unclear[79] and its advocates are far more likely to be academics than states.[80] A textual reading of the UN Charter's prohibition on the use of force does not refer to exceptions for humanitarian reasons,[81] while the state practice to argue for its continued existence under customary international law is extremely weak.[82]

Even if the existence of humanitarian-intervention is accepted, the importance of state sovereignty mean that only the most egregious atrocities, such as the deaths of "hundreds of thousands of people" can be a benchmark for humanitarian-intervention.[83] If genocide had been ongoing in Donetsk and Luhansk, Russia might have a point, but there is simply no evidence of this. Scholars of genocide, the Holocaust and World War II released a statement condemning Russia's "cynical abuse of the term genocide", deeming it "factually wrong, morally repugnant and deeply offensive".[84] Likewise, a professor of Holocaust studies highlighted that Russia had been repeating the "genocide myth" for years and there was no ethnic cleansing, let alone genocide, being committed against ethnic Russians or Russian speakers in Ukraine.[85]

Further eroding Russia's claims that it is operating against genocide is that Ukraine brought a case before the International Court of Justice, claiming Russia had made false accusation of genocide occurring in Luhansk and Donetsk, bringing the matter before the ICJ under the Genocide Convention to establish Russia had no lawful basis to do so.[86] Russia appears to realise the weakness of this claim, and in its submissions to the ICJ, claimed its "special military operation" was based on "the United Nations Charter, its Article 51 and customary international law".[87] Furthermore, it claimed that referencing genocide is not the same as invoking the Genocide Convention but claimed an "analysis of the dire situation in Donbass, including atrocities and genocide, provides a general humanitarian environment along with other factors and considerations".[88] As such, while Russia continues to claim genocide is occurring, it claims its actions are based on self-defence rather than humanitarian-intervention.

While the final decision of the case is ongoing, the ICJ notes that it has no evidence supporting Russia's claims of genocide and that it is doubtful that the Genocide Convention permits a signatory to intervene unilaterally against an alleged genocide.[89] Consequently, it gave a provisional order

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77 Ruys (n 66). 234.
78 Jean-Pierre Fonteyne, 'The Customary International Law Doctrine of Humanitarian Intervention: Its Current Validity under the UN Charter' 4 California Western International Law Journal. 223.
79 Władysław Czapliński, 'Customary International Law on the Use of Force'' (2018) 8 Wroclaw Review of Law, Administration & Economics. 100.
80 Simon Chesterman, Just War and Just Peace: Humanitarian Intervention and International Law (Oxford University Press 2001). 47.
81 Eric Heinze, Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention (State University of New York Press 2009). 80.
82 Chesterman (n 85). 64-84.
83 Robert Pape, 'When Duty Calls: A Pragmatic Standard of Humanitarian Intervention' (2012) 37 International Security. 41-42.
84 Izabella Tabarovsky and Eugene Finkel, 'Statement on the War in Ukraine by Scholars of Genocide, Nazism and World War II' Jewish Journal (27 February 2022).
85 Rachel Treisman, 'Putin's Claim of Fighting against Ukraine "neo-Nazis" Distorts History, Scholars Say' (National Public Radio, 1 March 2022) <https://www.npr.org/2022/03/01/1083677765/putin-denazify-ukraine-russia-history> accessed 3 June 2022.
86 International Court of Justice (n 30). Application instituting proceedings (27 February 2022) 1.
87 Ibid. Document (with annexes) from the Russian Federation setting out its position regarding the alleged "lack of jurisdiction" of the Court in the case (7 March 2022). 4.
88 ibid. 6.
89 Ibid. Order (16 March 2022) 13.

which held that Ukraine "has a plausible right not to be subjected to military operations by the Russian Federation for the purpose of preventing and punishing an alleged genocide in the territory of Ukraine",[90] and ordered Russia to halt the invasion but is has no mechanism enforce its decision.[91] Overall, there is simply no evidence to show genocide was or is being committed by Ukraine, with none of a multitude of monitoring organisations claiming genocide or anything close to it were taking place.[92]

Conclusion

While Russia initially claimed various justifications for its invasion of Ukraine, as highlighted above, none of these stand up to any scrutiny and neither self-defence (individual or collective), the protection of Russian nationals or humanitarian-intervention can be used as a credible justification for the use of force. However, Russian submissions made after Putin's February speech at the UN, ICJ and on Putin's Victory Day speech in May, Russia has reframed its "special military operation" as solely based on pre-emptive self-defence. One of the most fundamental aspects of the UN's foundation was the sovereignty of its members,[93] especially as the newly founded UN comprised many former colonies that sought to protect their sovereignty.[94] This was eloquently reiterated by Kenya's representative to the UN who highlighted the importance of state sovereignty and that the invasion of Ukraine marked the UN Charter's suffering under the "relentless assault of the powerful".[95]

The invasion of Ukraine marks an egregious breach of international law and Russia's isolation on the matter is extremely notable. It can be tempting to see Russia's actions as another nail in the coffin of international law, demonstrating its irrelevance in the face of blatant aggression. Russia, at the very least, felt the need to invoke international law and its highlighting of prior Western breaches of international law,[96] demonstrates the risks that can arise from Western military intervention, with interventions such as the 2003 invasion of Iraq eroding the West's credibility.[97] Nonetheless, such false equivocation is a "morally corrupt and irrelevant distraction" and does not detract from the illegality of Russia's action, nor justify it.[98] Rather, "past transgressions cannot abrogate present breaches".[99] The international response is notable, with Russia's international isolation and unprecedented sanctions[100] combining with the realization of the very things Russia feared: a resurgent (and potentially expanding) NATO, which has drastically increased its aid to Ukraine.[101]

90 Ibid.
91 Marika Lerch and Ionel Zamfir, 'International Court of Justice Preliminary Decision in Ukraine v Russia (2022)' (European Parliamentary Research Service and Directorate- General for External Policies, March 2022) <https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729350/EPRS_ATA(2022)729350_EN.pdf> accessed 3 June 2022.
92 Green, Henderson and Ruys (n 22). 23.
93 Jan Erik Schulte, 'From the Protection of Sovereignty to Humanitarian Intervention? Traditions and Developments of United Nations Peacekeeping in the Twentieth Century' in Fabian Klose (ed), The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present (Cambridge University Press 2018). 262.
94 Antony Anghie, 'The Evolution of International Law: Colonial and Postcolonial Realities' (2006) 27 Third World Quarterly. 748.
95 United Nations Security Council, 8970th Meeting (UN Doc S/PV8970 (21 February 2022). 8-9.
96 Putin (n 1). 3.
97 Marko Milanovic, 'Recognition' (European Journal of International Law: Talk!, 21 February 2022) <https://www.ejiltalk.org/recognition/> accessed 4 June 2022.
98 European Society of International Law, Statement by the President and the Board of the European Society of International Law on the Russian Aggression against Ukraine (European Society of International Law 2022).
99 Green, Henderson and Ruys (n 22). 25.
100 Hathaway (n 19).
101 Thomas Meaney, 'How Putin's Invasion Returned Nato to the Centre Stage' The Guardian (5 May 2022).

Furthermore, the rejection of Russia's justifications demonstrate that international law's integrity has merit, and flagrant violations of it will not be entertained. Overall Russia had no lawful justification under jus ad bellum and its "special military operation" marks an egregious breach of the jus cogens on the prohibition of aggression.
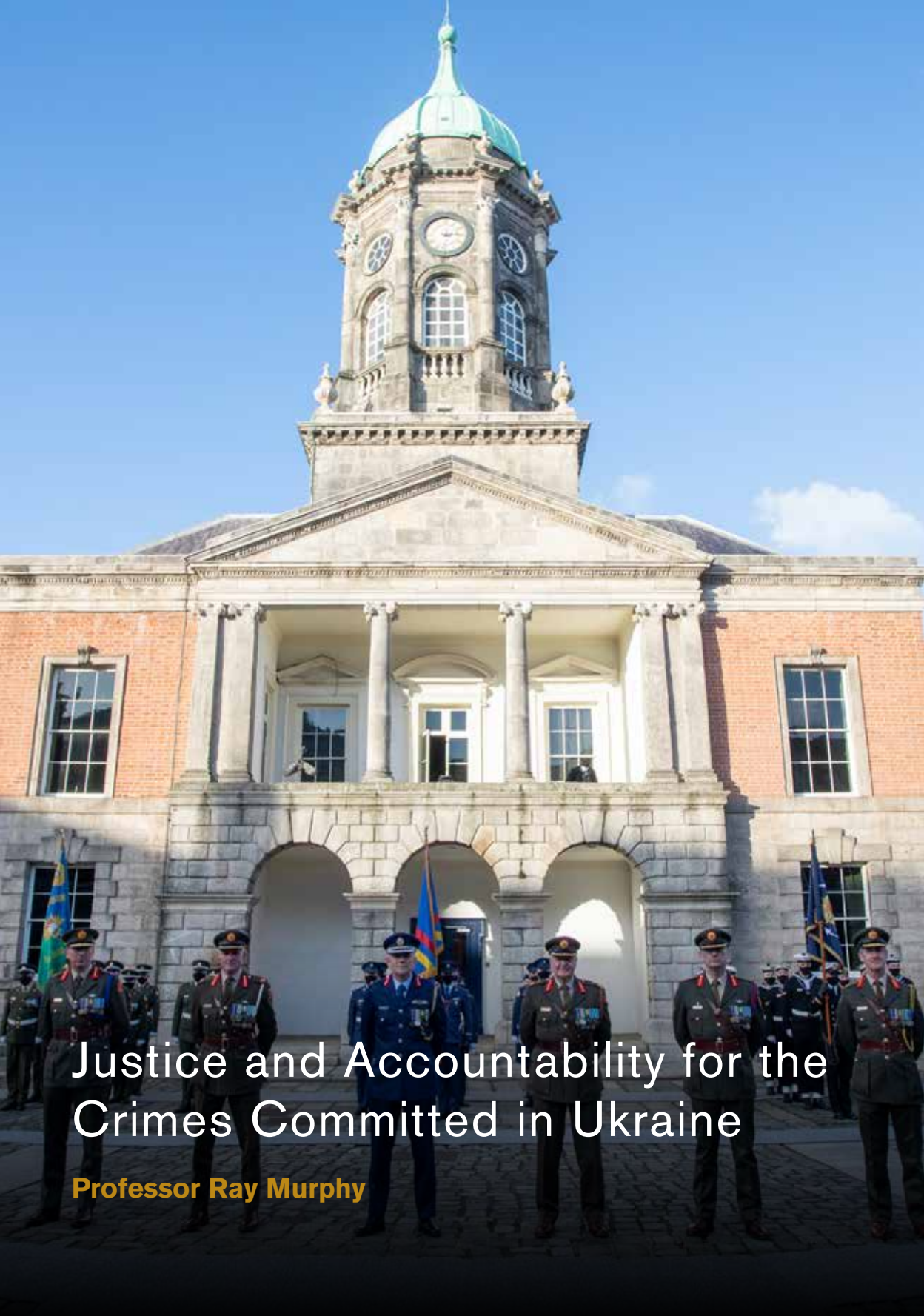
Justice and Accountability for the Crimes Committed in Ukraine

Professor Ray Murphy

Abstract

This article examines the prospects of holding those responsible for violations of international law in Ukraine accountable. The most significant challenge to contemporary rules of international humanitarian law is enforcement. This is a major weakness in the current international legal framework governing personal accountability. Despite the broad consensus that Russia's invasion is an unlawful act of aggression, there are limited options for holding its leaders criminally liable for this crime at present. A major challenge for implementing international criminal justice and ensuring accountability remains the selective policies and decisions of the major powers.

Introduction

Russia's invasion of Ukraine is "unjust, illegal and immoral…..The brutality of Russia's actions is an unwelcome reminder of the reality of today's world…".[1]

These are the words of An Taoiseach, Micheál Martin, when describing the actions of Russia in Ukraine in 2022.[2] This begs the question what, if any, are the international legal repercussions for President Putin, the Russian military, and civilian leadership in the Kremlin and on the battlefield.

The conflict in Ukraine has highlighted the importance of the rule of law in international relations, and the ongoing hostilities have focused attention on the laws of war, or international humanitarian law, as it is now more commonly known. International humanitarian law regulates the methods and means of warfare, providing the legal framework and definition of what constitutes a war crime.[3] Its aim is to limit human suffering, even in extreme situations such as armed conflict.

In the past, the international community has acted to create specific machinery to repress breaches of humanitarian law. Two leading examples were the Nuremberg War Crimes Trials (under which the Nazi leadership was tried), and the International Criminal Tribunal for the Former Yugoslavia[4]. More recently, the establishment of the International Criminal Court (ICC) heralded a major development in international mechanisms to ensure accountability. It is noteworthy that Article 8 of the Rome Statute of the ICC is the most recent attempt to codify war crimes.[5] It refers to a range of actions that are happening in Ukraine such as intentionally directing attacks against civilians or civilian objects, attacking or bombarding by whatever means, towns, villages, dwellings or buildings that are undefended, or intentionally causing starvation.[6]

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1 "Taoiseach Expects Constitutional Assembly on Irish Neutrality," The Irish Times, 29 May 2022, https://www.irishtimes.com/politics/2022/05/29/taoiseach-expects-constitutional-assembly-on-irish-neutrality/.
2 "Ukraine: Civilian Casualty Update 20 June 2022," OHCHR, 20 June 2022, https://www.ohchr.org/en/news/2022/06/ukraine-civilian-casualty-update-20-june-2022. As at 20 June, the Office of the UN High Commissioner for Human Rights (OHCHR) had documented 4,569 deaths and 5,691 injuries. Moreover, approximately 12.1 million people have been forcibly displaced by the hostilities, according to a 15 June OCHA humanitarian impact situation report. That figure includes 7.1 million internally displaced people and five million refugees who have fled Ukraine to neighbouring countries.
3 "United Nations Office on Genocide Prevention and the Responsibility to Protect," United Nations accessed 5 July 2022, https://www.un.org/en/genocideprevention/war-crimes.shtml.
4 "International Criminal Tribunal for the Former Yugoslavia, United Nations, accessed 5 July 2022, https://www.icty.org/.
5 "Rome Statute of the International Criminal Court" International Criminal Court, accessed 6 July 2022, https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf.
6 Ibid.

The International Criminal Tribunal for the former Yugoslavia (ICTY) was a court of law established by the UN in 1993 to deal with war crimes, crimes against humanity and genocide that took place during the conflicts in the Balkans in the 1990s.[7] As the conflicts spread across the former Yugoslavia, the UN Security Council was compelled to act in response to multiple credible reports of atrocities. During its mandate, which lasted from 1993 - 2017, the ICTY had a profound impact on the development and interpretation of international humanitarian law. It also provided victims with an opportunity to have their voices heard and proved that those suspected of bearing the greatest responsibility for atrocities committed during armed conflicts can be held accountable.[8] More importantly, as it was established in accordance with a binding Security Council resolution under Chapter VII of the UN Charter, all states were required to support and co-operate with the Court.

This article examines the prospects and challenges in holding those responsible for war crimes in Ukraine accountable. Although war crimes are most often committed by military personnel, they may also be perpetrated by civilians. In this way, all categories of persons may be held criminally liable for violations of the rules of war. A war crime must have a sufficient link to an armed conflict and be closely related to the hostilities taking place. This distinguishes it from ordinary criminality. The Geneva Conventions and their Additional Protocols form the core of international humanitarian law. [9] These embody a number of fundamental principles[10], chiefly that of military necessity, humanity, distinction and proportionality.[11]

The International Criminal Court

The creation of the ICC marked a milestone in the progressive development of international criminal justice and accountability. Despite trenchant opposition from several major powers including the US, China, Russia and India, the so-called Rome Statute of the Court came into force on 1 July 2002.[12]

Within the framework of the Court, the Office of the Prosecutor has a key role to play in the investigation and prosecution of the crimes within its jurisdiction. It is an independent organ and because of its role, it is arguably the most vital. The Prosecutor is responsible for examining situations such as that of Ukraine, but only after establishing that it comes within the jurisdiction of the Court. The Court has jurisdiction to prosecute individuals when the crime of genocide, crimes against humanity, war crimes and aggression appear to have been committed. It may then initiate investigations and prosecutions against the individuals who are allegedly most responsible for those crimes. However, the Court is based on an international treaty, the Rome Statute, and states that have not ratified the statute are not normally bound by its provisions.[13]

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7 Supra note 4. The Security Council unanimously adopted Resolution 827 (1993) under Chapter VII of the Charter, formally establishing the International Criminal Tribunal for the former Yugoslavia.
8 Ibid.
9 "The Geneva Conventions and Their Commentaries," International Committee of the Red Cross, 20 May 2021, https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions.
10 "Fundamental Principles of IHL," Fundamental principles of IHL | How does law protect in war?, accessed 5 July 2022, https://casebook.icrc.org/glossary/fundamental-principles-ihl.
11 Emily Crawford and Alison Pert, International Humanitarian Law (2nd edn), (Cambridge University Press, 2020), 30-53.
12 William Schabas, The International Criminal Court: A Commentary on the Rome Statute, (Oxford University Press, 2010), Preface.
13 Schabas, The International Criminal Court, Article 13, 293-304.

Despite the fact that neither Ukraine nor the Russian Federation is party to the ICC Statute, Ukraine's ad hoc acceptance of the Court's jurisdiction under article 12(3) of the Rome Statute provides the Court with the necessary jurisdiction over crimes against humanity, war crimes, or genocide arising in the current conflict.[14] In early 2022, Ireland joined with 42 other countries in the unprecedented diplomatic move of referring the situation in Ukraine to the Court.[15]

The Court will initiate investigations, in accordance with the legal criteria set by the Rome Statute, only when the national authorities have failed to uphold this primary responsibility and in the absence of genuine national proceedings. In this way, national authorities bear the primary responsibility, to investigate and prosecute those most responsible for the commission of such crimes. To date, Ukrainian national authorities have initiated multiple investigations and a number of prosecutions of what are deemed low level perpetrators. While it is understandable to want to pursue speedily any captured soldiers guilty of war crimes, such haste may come at a price, especially in respect of ensuring fair trials according to international standards.

The most significant challenge to contemporary rules of international humanitarian law is enforcement. Gen. Aleksandr Dvornikov, Russia's commander in Ukraine also oversaw the Kremlin's brutal campaign in Syria. It is unfortunate that there has been little or no accountability for the crimes committed in Syria and Yemen. This is a major weakness in the current international legal framework governing accountability. It also gave Putin and his cohorts the wrong message regarding accountability.

A fundamental principle of international humanitarian law is that of individual criminal responsibility. International courts and tribunals are chiefly concerned with the senior political and military leaders responsible for atrocity crimes. It is critical that all violations are investigated and those responsible held accountable. However, all crimes must be proved beyond a reasonable doubt.

Codification of War Crimes

The United Nations Commission for the Investigation of War Crimes was established in the aftermath of World War II in order to prepare the groundwork for the prosecution of war criminals arising from atrocities committed during the war.

The relationship between war crimes, genocide and crimes against humanity is somewhat complex due to the historical development of each category of international crime. Alleged war crimes must always be linked to an armed conflict. In the case of genocide or crimes against humanity, there is no requirement for these crimes to take place in the context of a war or armed conflict. However, such crimes can often be part of a wider conflict.

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14 ICC Press Release, Ukraine accepts ICC jurisdiction over alleged crimes committed since 20 February 2014, 8 Sept 2015. https://www.icc-cpi.int/news/ukraine-accepts-icc-jurisdiction-over-alleged-crimes-committed-20-february-2014.
15 "Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Additional Referrals from Japan and North Macedonia; Contact Portal Launched for Provision of Information," International Criminal Court, 11 March 2022, https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-additional-referrals-japan-and.

The concept of a war crime is broad and encompasses many different acts committed during an armed conflict. It is synonymous in many people's minds with ethnic cleansing, wilful killings, sexual violence, bombardment of cities and towns, concentration camps and similar atrocities. War crimes may be defined as serious violations of the rules or principles of international humanitarian law – for which persons may be held individually responsible.

In this context, it is important to note that there is evidence of crimes against humanity being committed in Ukraine. These occur when a civilian population is deliberately attacked in a widespread or systematic manner. Crimes against humanity should not be confused with war crimes and do not require a link to an armed conflict. It is noteworthy that an attack on a civilian target may be evidence of one or all of the above crimes, depending on the context. Some political leaders, including US President Biden and Ukrainian president Volodymyr Zelensky, have also accused the Russians of committing genocide in Ukraine.[16] The threshold of proof in the case of genocide is very high and requires intent to destroy a group based on nationality, race, religion or ethnicity be established.

Russia's Invasion of Ukraine is an Illegal War of Aggression

The crime of aggression involves those in a leadership role. The judges at Nuremberg described it as the "supreme international crime".[17] A suspect must be in a position to "effectively exercise control over or to direct the political or military action of a state."[18]

Since the adoption of the UN Charter in 1945, there is a general prohibition on the use of force by states except in accordance with the provisions of the Charter. Individuals violating international law governing the use of force may be charged with the crime of aggression or crimes against peace. There were no grounds to support the claim by Russia of self-defence. Indeed, all of Putin's claims have been thoroughly refuted as pretexts for the invasion.

Russia's invasion entails a flagrant unlawful use of force against the territorial integrity of Ukraine. Putin's thinly veiled references to resort to nuclear weapons should other states intervene militarily are also unlawful threats of force contrary to the UN Charter.[19] Nevertheless, at present, aggression cannot be prosecuted as a crime before the ICC as neither Russia nor Ukraine are parties to the relevant provisions of the Rome Statute. In theory, the UN Security Council could give the Court jurisdiction, but any attempt to do so would be vetoed by Russia.

President Putin exercises significant control within the Russian Federation. So too does Alexander Lukashenko in Belarus, who may be implicated by "allowing" one's own territory to "be used by"

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16 "Ukraine War: Biden Accuses Russian Troops of Committing Genocide in Ukraine," BBC News, BBC, 13 April 2022, https://www.bbc.co.uk/news/world-us-canada-61093300.
17 "Crime of Aggression," International Criminal Database, Asser Institute accessed 5 July 2022, https://www.internationalcrimesdatabase.org/Crimes/CrimeOf... aggression.
18 Kevin Jon Heller, Retreat From Nuremberg: The Leadership Requirement in the Crime of Aggression, European Journal of International Law, Vol. 18, 477-97, (2007). Marco Milanovic, Aggression and Legality: Custom in Kampala, Journal of International Criminal Justice, Vol. 10 (2012), 165-187.
19 "Latest Developments: Legality of the Threat or Use of Nuclear Weapons: International Court of Justice," Latest developments | Legality of the Threat or Use of Nuclear Weapons | International Court of Justice, accessed 5 July 2022, https://www.icj-cij.org/en/case/95.

another state "for perpetrating an act of aggression against a third State".[20] The Nazi regime in Germany was also highly centralized. According to the International Military Tribunal:

> *Hitler could not make aggressive war by himself. He had to have the cooperation of statesmen, military leaders, diplomats, and business men. When they, with knowledge of his aims, gave him their co-operation, they made themselves parties to the plan he had initiated.[21]*

One possible option to circumvent the current obstacles to prosecuting the crime of aggression before the International Criminal Court is to amend the Rome Statute. This amendment would entail allowing the UN General Assembly to refer situations to the Court on occasions when the Security Council is prevented from doing so by a permanent member exercising its veto power. Ireland could play a leading role in diplomatic efforts to amend the Rome Statute to allow the Court receive requests to investigate and prosecute the crime of aggression from the General Assembly acting under the so-called "Uniting for Peace" mechanism.[22]

Despite the broad consensus that Russia's invasion is an unlawful act of aggression, there are limited options for holding its leaders criminally liable for this crime at present. A proposed special international tribunal for the crime of aggression was received favourably by the Ukrainian authorities.[23] An ad hoc court along the lines of those created for Sierra Leone and Cambodia and a domestic Ukrainian tribunal with support from a body such as the Council of Europe are other possibilities.

These approaches have their merits, but they also face challenges and obstacles. The International Criminal Court has already been operational for two decades, albeit with an imperfect record. A one-off tribunal may serve to reinforce the view that international justice is selectively applied, and often to further the ends of Western powers.

Conclusion

While there will very likely be future prosecutions for war crimes occurring in Ukraine, much of the death, destruction and displacement currently being witnessed may not give rise to criminal responsibility, even if an inevitable by-product of an aggressive war. This reinforces the case for the prosecution of the crime of aggression. If a trial for aggression did proceed before the International Criminal Court, Ukrainian victims would be entitled to participate in proceedings and receive reparations.

20 Tom Dannenbaum, Mechanisms for Criminal Prosecution of Russia's aggression against Ukraine, Just Security, 10 March 2022, https://www.justsecurity.org/80626/mechanisms-for-criminal-prosecution-of-russias-aggression-against-ukraine/.
21 International Military Tribunal. Trial of the Major War Criminals before the International Military Tribunal "Blue Series": Volume 22. 1945. Periodical. 468-469 https://www.loc.gov/item/2011525338_NT_Vol-XXII/.
22 "Security Council Deadlocks and Uniting for Peace: An Abridged History," Security Council Report, accessed July 5, 2022, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Security_Council_Deadlocks_and_Uniting_for_Peace.pdf. The General Assembly is empowered under the 1950 "Uniting for Peace" resolution to step in and recommend action when the Security Council cannot act to respond to breaches of the peace or acts of aggression. It was this mechanism that allowed the General Assembly to adopt the "Aggression against Ukraine" resolution condemning Russia's invasion as a violation of the UN Charter. See generally Andrew J. Carswell, "Unblocking the UN Security Council: The Uniting for Peace Resolution", Journal of Conflict and Security Law, Volume 18, Issue 3, (Winter 2013), 453–48.
23 "Ukraine: MEPS Want a Special International Tribunal for Crimes of Aggression," News European Parliament, May 19, 2022, https://www.europarl.europa.eu/news/en/press-room/20220517IPR29931/ukraine-meps-want-a-special-international-tribunal-for-crimes-of-aggression.

Just four months since the start of Russia's military offensive, the humanitarian situation across Ukraine continues to deteriorate rapidly, with civilian casualties exceeding 10,000.[24] Ukraine is embroiled in a protracted international armed conflict that poses an existential threat to its existence as an independent state and is causing a catastrophic humanitarian crisis on a scale not seen in Europe since the break-up of the former Yugoslavia in the 1990's.[25] In this way, the situation may appear unprecedented. However, from the perspective of international humanitarian law, the situation in Ukraine does not give rise to a need to create a new rule book: humanitarian law was designed to limit the consequences of exactly such conflicts. The key challenge remains how to ensure their enforcement and how to hold accountable those who are responsible for violations. At the end of the Yugoslav conflict, the UN Security Council established the International Criminal Tribunal for the Former Yugoslavia following the adoption of a binding resolution.[26] At present, there is no prospect of this precedent being followed. However, since the referral of the situation in Ukraine to the International Criminal Court, it is significant that the Court now has jurisdiction.

A major challenge for implementing international criminal justice and ensuring accountability remains the selective policies and decisions of the major powers. The US was most hostile to the International Criminal Court during the Trump Administration and it even imposed sanctions against the Court's prosecutor and other staff. The former US Secretary of State Mike Pompeo denounced the Court as a "kangaroo court".[27] He threatened that the US would punish the Court employees for any investigation or prosecution of Americans in Afghanistan or for prosecuting Israelis for alleged abuses against Palestinians. Ireland, to its credit, has been a consistent supporter of the Court. It is hardly surprising that there is a degree of cynicism in the Global South.

Prosecuting war crimes involves greater challenges and requires more resources than when investigating serious domestic crimes. The recent attempts to do so have taken many years to conclude. At the time of writing, Ukraine is a crime scene and there are unprecedented resources going into investigating what is happening there. Furthermore, there are many international and national precedents for the successful prosecution of alleged war criminals. Responding to criminality on such a large scale as Ukraine is a challenging task. Overburdening of the judicial system, failure to observe due process and fair trail procedures are real risks in such situations. Resource constraints compel prosecutors to make difficult choices in what cases to pursue. Such decisions must be based on a transparent but flexible strategy. However, selectivity permeates every aspect of the international response to Ukraine, and this is most evident in the policies towards refugees from elsewhere and the often feeble reaction to the forgotten conflicts on the African continent and the Middle East in particular.

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24 "Ukraine: Briefing on 'Incitement to Violence Leading to Atrocity Crimes," Security Council Report, June 20, 2022, https://www.securitycouncilreport. org/whatsinblue/2022/06/ukraine-briefing-on-incitement-to-violence-leading-to-atrocity-crimes.php?utm_medium=email&utm_campaign =20+June+Campaign&utm_content=20+June+Campaign+CID_bd80c7545dc02219e28e97c33ff74aab&utm_source=Email+Newsletter&utm_ term=Ukraine+Briefing+on+Incitement+to+Violence+Leading+to+Atrocity+Crimes.
25 Supra note 2.
26 Supra note 4.
27 Mike Corder, "International Criminal Court Condemns US Sanctions Order, AP NEWS, 12 June 2020. https://apnews.com/ article/31bbd2e94a4445675983798ef0a1442a.
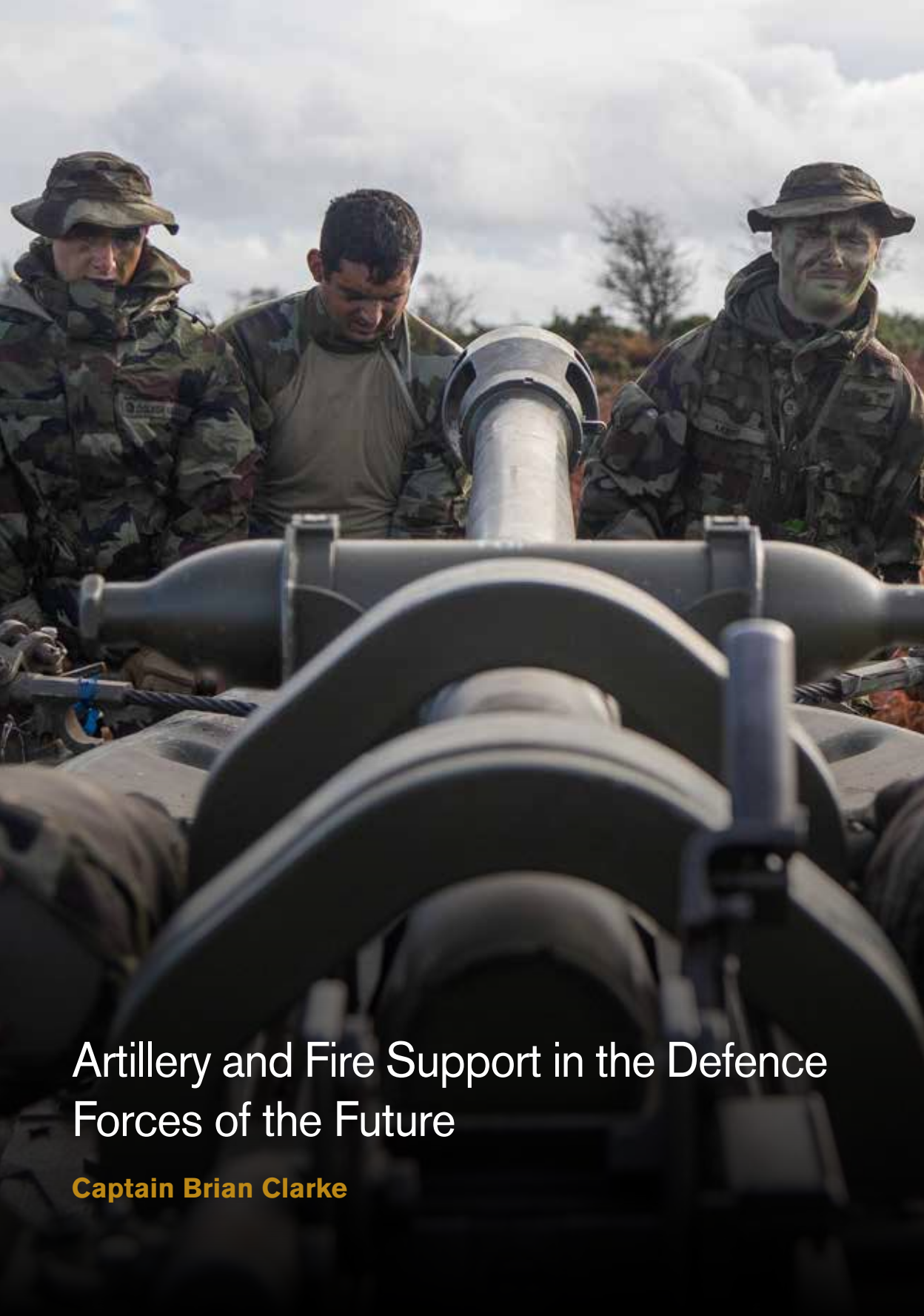
Artillery and Fire Support in the Defence
Forces of the Future

Captain Brian Clarke

Abstract

The roles of the Artillery Corps and fire support in the Irish Defence Forces are of renewed relevance. With the Ukraine War waging at the heart of Europe, political interest in more challenging Peace Support Operations, and the Commission on the Defence Forces calling for enhanced fire power for the Army, artillery and fire support for the Defence Forces of the future are of principal importance. This paper details the place of artillery on both United Nations mandated Peace Support Operations and in contemporary conflict, it explores changes in the Irish defence policy environment, and examines the realities of what robust Peace Support Operations can mean for deployed troops. The roles that artillery has played to date for the Irish Defence Forces are presented, along with an exploration of what roles, capabilities, and force protection enhancements a well-equipped and staffed Artillery Corps could bring in the future. This paper argues that a capable and modern Artillery Corps would enhance Ireland's ability to protect its own troops and civilians on overseas deployments, and would bolster Ireland's status as a partner of choice for Peace Support Operations and defence collaboration.

Introduction

The roles that artillery plays can often be overlooked or misunderstood. With an increased requirement for peacekeepers to be able to defend themselves and others, and with war once again waging in Europe, these roles are crucial to successful military operations, and are an essential capability for a modern armed forces. The future disposition of the Defence Forces is being considered by the government following the publication of the Report of the Commission on the Defence Forces in 2022. What the Defence Forces may be asked to do in the future is also being considered. At this pivotal point in time for the Irish Defence Forces, it is of great importance to examine and understand the role that artillery plays today, the changes that defence in Ireland is facing, and the key capabilities that a well-resourced and staffed Artillery Corps could bring in the future.

The Role of Artillery in Peace Support Operations and Modern Conflict

In simple terms, the provision of fire support on the ground against land and air based threats is the role of the artillery element of the Army.[1] In Ireland's case these roles breakdown further to providing fire support to land components, light field battery support to Irish peacekeepers, and tactical level air defence to land components.[2] There are a plethora of specific skillsets and capabilities required within these roles. Modern artillery units provide capabilities such as surveillance, target acquisition, use of unmanned aerial vehicles (UAVs) for reconnaissance, counter battery strikes, enhanced observation, and advanced warning of attack. These skills and capabilities are required for any modern artillery unit to provide their overall core function of fire support. They are also invaluable to commanders in a modern operating environment where information, deterrence, and advanced warning of threats can be decisive in mission success. This remains true for every level of operation from low intensity peacekeeping to conventional war fighting.

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1 Irish Defence Forces, "Artillery Corps", https://military.ie/en/who-we-are/Army/Army-corps/artillery-corps/, Accessed 10 August 2022.
2 Ibid.

Peace Support Operations

Artillery has played a key role in peace support operations. The Irish Artillery Corps first deployed overseas in a fire support role in 1960 as part of Ireland's contribution to the United Nations peacekeeping mission in the Congo, (ONUC). In 1962 and 1963 the Irish Heavy Mortar Troop of the 38th Infantry Battalion, drawn primarily from the now disbanded 4th Field Artillery Regiment, provided significant amounts of fire in support of friendly forces engaging in battalion and brigade level attacks.[3] Irish troops received similar fire support from other contingents during combat, specifically having Indian Army heavy mortars fire on targets for them during the battle to take the town of Elizabethville.[4] Since these early days of Irish peacekeeping, the Artillery Corps has been in an almost constant state of providing a fire support capability to Irish units in places such as Lebanon, Chad, and Liberia.[5] Despite it not being required to provide such a lethal level of support since Ireland's involvement in ONUC, such a capability remains essential. The Artillery Corps has also provided surveillance and observation skills on deployments. The Artillery Corps operates UAVs for target acquisition, surveillance, and information gathering.[6] Artillery UAVs were used in surveillance of armed groups as an early warning system when the Defence Forces were deployed as part of EUFOR Chad in a robust protection of civilians role.[7] The Artillery Corps also provided a mortar battery for force protection on the same mission.[8] Artillery UAVs have even been used in support of the civil authorities at home in Ireland.[9]

Artillery has played a vital role in peace support operations for other militaries also. In 2006 the French Army deployed self-propelled 155mm artillery guns and artillery radar to the United Nations Interim Force in Lebanon (UNIFIL), where Irish troops also serve, providing a significant deterrent to aggression against peacekeepers.[10] The French Artillery Corps' COBRA radar is still deployed with UNIFIL and provides a vital service in the tracking and early warning of munitions being fired in the UNIFIL AO.[11] The British Royal Artillery deployed self-propelled 155mm artillery guns to Bosnia in 1996[12], and their towed L118 105mm light howitzers were used in action to protect the civilian population of Sarajevo city in 1995.[13] These same weapon systems are in use by the Irish Artillery Corps today.[14] The United States Army also deployed 155mm artillery on peace support operations in Bosnia. They provided a significant deterrent to attack and an illumination capability allowing friendly forces to identify snipers and other potential aggressors at night.[15] Artillery has played a significant role on more contemporary peace support operations also. The United Nations Organization Stabilization Mission in the Democratic Republic of

3 Dan Harvey, A Company Action (Dublin: Maverick House, 2014). P. 156.
4 Dan Harvey, Into Action: Irish Peacekeepers Under Fire, 1960 – 2014 (Dublin: Irish Academic Press, 2017). Pp. 76 – 77.
5 Lt Col Ralph Riccio (US Army Retd), 'Some Thoughts on the Artillery Corps', The Artillery Club, May 2020. http://artilleryclub.ie/wp-content/uploads/2020/05/Thoughts-on-the-Arty-Corps-Lt-Col-Ralph-Riccio-Retd.pdf. Accessed on 29 July 2022.
6 Dáil Éireann, Paul Kehoe TD, Dáil Debate – Defence Forces Equipment, (10 May 2018).
7 Kristin Bergtora Sandvik and Maria Gabrielsen Jumbert, 'The Good Drone' (New York: Routledge, 2016). P. 47.
8 Don Lavery, 'Hills Alive with the Sound of Mortars as Chad Troops Get Ready', Irish Independent, April 2009.
9 Conor Lally and Barry Roche, 'Military Drone Used in Garda Search for Tina Satchwell in Cork', Irish Times, March 2018.
10 Arnaud de la Grange, 'France Deploys Heavy Weapons in Lebanon', Le Figaro, August 2006.
11 'No UNIFIL Alert in South Lebanon', Kuwait News Agency Paris, January 2008. https://www.kuna.net.kw/ArticleDetails.aspx?id=1966453&language=en. Accessed 01 August 2022.
12 Associated Press Video Archives, 'Bosnia: Kupres: UK Troops Deploy Heavy Artillery', https://www.youtube.com/watch?v=Fc-7mylPXUo&ab_channel=APArchive. Accessed 10 August 2022.
13 'British Gunners Dig in to Protect Last Tenuous Lifeline to Sarajevo', The Independent (UK), July 1995. It should be noted that the French and Dutch armies also provided artillery as part of this mission.
14 International Institute for Strategic Studies, The Military Balance – 2018 (London: IISS, 2018). P. 117
15 Combat Studies Institute, Field Artillery in Military Operations Other Than War: An Overview of the US Experience, (Kansas: CSI Press Fort Levenworth, 2019). Pp. 35 – 36.

the Congo (MONUSCO) has within its structure a combined arms brigade containing infantry, special forces, artillery, and other assets established to directly target aggressors.[16] The Force Intervention Brigade (FIB) was forced to use artillery guns, mortars, and attack helicopters in combat in support of MONUSCO after employment of mortars and rockets by armed elements on numerous occasions.[17] It also uses UAVs in support of its operations.[18] Despite being generally seen as an item of war, artillery and all of the required skillsets and capabilities that come with it, are evidently highly valuable to peace support operations.

Modern Conflict

Artillery remains a central component of any NATO standard combined arms force. The long range and mobile artillery gun is considered essential in support to battalion level operations.[19] A combined arms approach to warfighting is the "simultaneous application of several arms to achieve an effect on the enemy […]".[20] This approach is central to the doctrine of NATO member states as "[…] no single arm of the land force can operate entirely independently of other arms […]".[21] In modern conflict artillery has played a prominent role. The British Army relied heavily on their L118 105mm light howitzers during their Afghanistan campaign, where their relative lightness and ability to be airlifted allowed the Royal Artillery to provide close fire support from Forward Operating Bases.[22] Most significant troop contributing countries to the International Security Assistance Force (ISAF) in Afghanistan provided their own artillery capability. More recently, in Ukraine, the centrality of artillery to modern conflict is plainly visible. Russian doctrine favours the liberal use of artillery, while western and NATO doctrine focuses more on precision fires and manoeuvre warfare.[23] After having spent over twenty years fighting insurgencies using many of the same artillery systems in service decades before the Afghanistan and Iraq wars began, the West may have somewhat neglected the development of its artillery, while Russia focused on artillery and indirect fire capabilities.[24] In Ukraine the conflict has been described as an "artillery war"[25] by the Ukrainian Deputy Head of Military Intelligence, with the Ukrainians claiming to be firing between five and six thousands artillery shells per day in the summer of 2022.[26] Ukraine has been given artillery systems from many western countries in order to bolster its chances against the onslaught of the artillery focused Russian Army.[27] As well as equipment, western nations such as the UK and New Zealand have provided artillery specific training to the Ukrainian Army also.[28] It has been argued that Ukraine's best use of artillery would be in countering the artillery threat

16 United Nations Security Council, Resolution 2098 (2013), UN Doc S/RES 2098.
17 'UN Chief Deplores Killing of Tanzanian Peacekeeper', ReliefWeb, August 2013. https://reliefweb.int/report/democratic-republic-congo/un-chief-deplores-killing-tanzanian-peacekeeper. Accessed 09 August 2022.
18 United Nations, Report of the Secretary General on the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo (2015), UN Doc S/015/486.
19 French Army, Fundamentals of Combined Arms Maneuver, (Paris: Armee de Terre, 2012). Pp 64 – 66.
20 NATO, 'Online Terminology Search and Definitions'. https://nso.nato.int/natoterm/Web.mvc. Accessed 16 August 2022.
21 British Army, Land Operations Doctrine, Army Doctrine Publication AC 71940P (Warminster: British Army Land Warfare Development Centre, 2017) Para. 7-03.
22 '19 Regiment Royal Artillery Returns from Afghanistan', UK Ministry of Defence, October 2012. https://www.gov.uk/government/news/19th-regiment-royal-artillery-returns-from-afghanistan. Accessed 03 August 2022.
23 Paul Cramers, 'Long Live the King (of Battle) The Return to Centrality of Artillery in Warfare and its Consequences on the Military Balance in Europe', FINABEL European Army Interoperability Centre, October 2019. https://finabel.org/long-live-the-king-of-battle-the-return-to-centrality-of-artillery-in-warfare-and-its-consequences-on-the-military-balance-in-europe/. Accessed 12 August 2022.
24 Ibid.
25 Isobel Koshiw, 'We're Almost Out of Ammunition and Relying on Western Arms, Says Ukraine', June 2022.
26 Ibid.
27 Olena Hrazhdan, 'Ukraine's Artillery Ups its Game', Institute for War & Peace Reporting, August 2022. https://iwpr.net/global-voices/ukraines-artillery-ups-its-game. Accessed 16 August 2022.
28 'NZDF Artillery Team to Train Ukrainians Alongside UK', New Zealand Defence Fores, May 2022. https://www.nzdf.mil.nz/news/nzdf-artillery-team-to-train-ukrainians-alongside-uk/. Accessed 09 August 2022.

posed by Russia, as it is central to Russian doctrine.[29] Ukraine has used its own counter battery radar in conjunction with its UAVs to direct the fire of its newly acquired western artillery systems, as well as their older ex-soviet equipment.[30] They have focused on targeting Russian artillery ammo depots and other targets essential to Russia's indirect fire capabilities.[31] It is clear that artillery retains its status as being a central component of conflict today.

Changes in Irish Defence

The Irish Defence Forces is facing a period of significant change. Minister for Defence and Foreign Affairs, Simon Coveney TD, has outlined his wishes for the Defence Forces to partake in more specialised, robust, and challenging peace support operations, particularly across the Sahel and in difficult roles such as the protection of civilians.[32] The White Paper on Defence 2015 states that the Defence Forces will maintain a land component with "all-arms conventional military capabilities".[33] The White Paper also states that NATO is the standard setter for modern armed forces, and that if Ireland is to continue being an acceptable partner for peacekeeping operations then it is "[…] necessary for the Defence Forces to be trained and equipped to NATO standards".[34] The Report of the Commission on the Defence Forces made clear that the Army should have significantly improved mobility, firepower, and force protection[35], and that sufficient firepower should be provided to enhance the Army's combat effectiveness.[36] The Commission has also recommended that the Army have an artillery regiment (or regiments) of five hundred personnel each, which would be a significant increase in size on the current artillery unit structure.[37] The Commission has also outlined its vision of the Defence Forces in the future as being "[…] a partner of choice for robust multi-national peace support, crisis management and humanitarian relief"[38] operations. During the Commission's public consultation phase the Department of Foreign Affairs made its own submission where it called for the Defence Forces to partake in more specialised peacekeeping and in closer cooperation with NATO and the EU on peace support operations in the future.[39] In response the government has committed to a relatively significant increase in defence spending, and have signalled their intent to act upon a large amount of the Commission's recommendations.[40] The Commission has specified in its vision for the Defence Forces that it will "[…] serve in higher intensity peace support, crisis management and humanitarian relief operations" overseas.[41] It is evident that Defence Forces overseas operations may very well lay in more challenging and robust deployments to Africa and other more troubled regions throughout

29 Sam Cranny-Evans, 'The Role of Artillery in a War Between Russia and Ukraine', Royal United Services Institue, February 2022. https://www.rusi.org/explore-our-research/publications/commentary/role-artillery-war-between-russia-and-ukraine. Accessed 14 August 2022.
30 Ibid.
31 Denys Davydenko, Margaryta Khvostova, Olga Lymar, 'Strike Traction: How the West Can Support a Ukranian Counter-Offensive', European Council on Foreign Relations, July 2022. https://ecfr.eu/article/strike-traction-how-the-west-can-support-a-ukrainian-counter-offensive/. Accessed 07 August 2022.
32 Conor Gallagher, 'Irish Peacekeeping Future: More Specialised, Complex, and Dangerous', Irish Times, July 2021.
33 Government of Ireland, White Paper on Defence (Dublin: Government of Ireland, 2015) P. 65.
34 Ibid.
35 Commission on the Defence Forces, Report of the Commission on the Defence Forces (Dublin: Commission on the Defence Forces, 2022) P. 28.
36 Ibid. P. 54.
37 Ibid. P. 45.
38 Ibid. P. 21.
39 Department of Foreign Affairs, 'Submission to the Commission on the Defence Forces Public Consultation' (Dublin: Commission on the Defence Forces, 2021). https://www.gov.ie/en/collection/0029c-public-consultation-commission-on-the-defence-forces/#government-departments-and-agencies . Accessed 01 August 2022.
40 Conor Gallagher, 'Defence Forces to Hire 6000 Extra Troops as Budget to Reach €1.9Bn by 2028', Irish Times, July 2022.
41 CoDF, Op. Cit. P. 22.

the world in the relatively near future. It is also clearly a goal of government for the Defence Forces to strive towards NATO standards. This goal has only been reinforced by the recommendations of the Commission. Central to a NATO standard 'conventional all arms' land component capable of engaging in such deployments in a safe manner, is a credible Artillery Corps.

The Reality of Robust Peacekeeping Operations

The seriousness of Ireland again partaking in more robust peace support operations on a larger scale cannot be understated. In order for a military to contribute to such operations, it must at a minimum be able to defend itself and counter threats. There are some ongoing peace support operations that can be considered robust in this context. Almost all of them are in Africa, and most of them are in the Sahel. Irish Army Ranger Wing soldiers are more than familiar with the robust nature of deployment to this region. In 2020 they survived a significant IED attack on one of their patrols when deployed to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).[42] British peacekeepers deployed to MINUSMA killed two fighters in combat when they were attacked while on patrol in 2021.[43] In the nine years that MINUSMA has been operating since 2013, it has lost 275 peacekeepers, over three times the fatal casualties the Irish Defence Forces has sustained while deployed on UN operations since 1960.[44] Unfortunately many of the Irish soldiers who lost their lives in the service of peace were killed by indirect fire. Indirect fire such as mortars and artillery remains a significant threat to peacekeepers and a major contributor to peacekeeper casualties in Mali today.[45][46] The European Union Training Mission (EUTM) Mali has even trained the Malian Army in the use of artillery to combat the threat from opposing forces.[47] Established in 2010, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) has lost 230 peacekeepers[48] and artillery and mortars are also a significant threat to peacekeepers there.[49] The United Nations Interim Security Force for Abyei (MINUSFA) has lost 49 peacekeepers since 2011.[50] The United Nations Mission in South Sudan (UNMISS) has also lost 103 peacekeepers since 2011[51] where mortar attacks on UN posts[52] and patrols are a cause of fatal casualties.[53] This sample of missions reveals that indirect fire remains a major threat to peacekeepers today.

42 Conor Gallagher, 'Three Irish Army Rangers Lightly Wounded in Mali Roadside Blast', Irish Times, February 2020.
43 Ministry of Defence. "British Troops Engage with Terrorist Fighters in Mali.", MoD Press Release, 21 October 2021.
44 United Nations, "MINUSMA Webpage", https://peacekeeping.un.org/en/mission/minusma, accessed 14 August 2022.
45 'Mali: Three UN Peacekeepers Killed in Attack in Kidal', United Nations News, June 2017. https://news.un.org/en/story/2017/06/559202-mali-three-un-peacekeepers-killed-attack-kidal. Accessed 11 August 2022.
46 'Two UN Peacekeepers Killed, 10 Wounded in Mali Mortar Attack', The Defence Post, April 2018. https://www.thedefensepost.com/2018/04/05/un-peacekeepers-killed-mali-kidal-aguelhok/. Accessed 11 August 2022.
47 'Young Malian Soldiers Become the Pioneers of the 614th Field Artillery Battery', EUTM Mali, March 2021, https://eutmmali.eu/young-malian-soldiers-become-the-pioneers-of-the-614th-field-artillery-battery/. Accessed 11 August 2022.
48 United Nations, "MONUSCO Webpage", https://peacekeeping.un.org/en/mission/monusco, accessed 14 August 2022.
49 Thomas Hubert, 'UN Peacekeeper Killed in DR Congo Skirmishes', France24, August 2013. https://www.france24.com/en/20130828-congo-drc-monusco-peacekeeper-killed-m23-goma-kivu-rebels. Accessed 10 August 2022.
50 United Nations, "MINUSFA Webpage", https://peacekeeping.un.org/en/mission/unisfa, accessed 14 August 2022.
51 United Nations, "UNMISS Webpage", https://peacekeeping.un.org/en/mission/unmiss, accessed 14 August 2022.
52 'Four Die in Attack on UN Compound in South Sudan', United Nations News, May 2015. https://news.un.org/en/audio/2015/05/600552. Accessed 06 August 2022.
53 Josh Chin, 'Violence in South Sudan Kills Two Chinese UN Peacekeepers', The Wall Street Journal, July 2016. https://www.wsj.com/articles/violence-in-south-sudan-kills-chinese-u-n-peacekeeper-1468224678. Accessed 19 August 2022.

The Place of Artillery in the Defence Forces of the Future

The Defence Forces of the future would benefit greatly from an Artillery Corps capable of providing a full spectrum of deployable artillery capabilities, including: mobile fire support, deployable artillery radar, tactical level air defence, counter battery capabilities, UAV capabilities, and surveillance and target acquisition capabilities. Operation of self-propelled guns would significantly enhance the mobility and firepower of the Army, and would allow for significantly greater 'stand-off' range in protection of Irish peacekeepers than the lower level mortar fire support usually deployed with Irish units offers. More mobile and agile self-propelled 105mm howitzers mounted on smaller vehicle such as HUMVEEs and APCs have been developed in the US.[54] In the UK a mounted 155mm howitzer for the newly developed 'Boxer' APC has been developed.[55] The French military use the CAESAR truck mounted 155mm howitzer.[56] Several European Union member states are currently developing a mobile artillery platform through the PESCO framework.[57] Self-propelled artillery is no longer confined to large and expensive tracked vehicles like the older British AS90.[58] The enhanced range provided by mobile artillery guns is superior to lesser capable self-propelled mortars, which can also provide some level of enhanced fire support. Heavy mortar turrets for APCs such as the Finnish manufactured Patria NEMO system provide enhanced mobility and firepower for ground forces.[59] Older fashioned open top mortar carrying APCs such as the Italian Centauro AMC are still widely used and available.[60] Even towed artillery still has a place in modern militaries. The US Army has recently upgraded their version of the L119 105mm light howitzer that is also used by the Irish Artillery Corps.[61] Lighter guns such as these still provide a vital capability in expeditionary military operations.

Tactical level air defence would also be an essential capability. Modern tactical level air defence systems are of use against both conventional low flying manned hostile aircraft, and UAVs which could be used for surveillance or targeting of peacekeepers by threat actors. Non-sophisticated UAVs are readily available and are easily used in attacks as IEDs or IED carriers. In conjunction with air defence radars and missiles, lower level counter UAV systems such as the 'Nightfighter X' now in use by air defence troops in the UK can be used in a force protection role.[62] Modern artillery systems are almost useless without their sensors, and a strong radar capability is also essential. The Commission on the Defence Forces has noted that the current air defence and radar systems used by the Artillery Corps are almost obsolete.[63] This is most likely due to the age of the systems, and the fact that they cannot provide a counter battery capability. Enhanced counter battery and air

54 AM General, '2-CT Hawkeye MHS', https://www.amgeneral.com/what-we-do/platforms-automotive-systems/vehicle-lineup/humvee-2ct-hawkeye-mhs/. Accessed 30 July 2022.

55 ARTEC, 'Artillery Competence RCH 155', https://www.artec-boxer.com/index.php?id=55. Accessed 29 July 2022.

56 'Ukraine Parades New French CAESER Howitzer', France24, June 2022. https://www.france24.com/en/live-news/20220615-ukraine-parades-new-french-caesar-howitzer Accessed 15 July 2022.

57 European Union, 'EUROARTILLERY PESCO Project, https://www.pesco.europa.eu/project/indirect-fire-support-capability/. Accessed 11 August 2022.

58 British Army,
'Artillery Equipment – AS90', https://www.Army.mod.uk/equipment/artillery-and-air-defence/

59 Patria Group, 'Patria NEMO Mortar System', https://www.patriagroup.com/products/mortar-systems-120-mm/patria-nemo-mortar-system. Accessed 02 August 2022.

60 IVECO and OTO MALERA, 'Centauro AMC Mortar Carrier', https://www.iveco-otomelara.com/wheeled/CentauroAMCMortarCarrier.php. Accessed 01 August 2022.

61 US Army, 'M119 Howitzer Still Plays Critical Role for Army', https://www.Army.mil/article/155135/M119_howitzer_still_plays_critical_role_for_Army/. Accessed 01 August 2022.

62 Alex Walters, 'Nightfighter X: The Royal Marines' New Counter-UAV System', Forces News, November 2021. https://www.forces.net/news/nightfighterx-royal-marines-new-counter-uav-system. Accessed 04 August 2022.

63 CoDF, Op. cit., P. 28.

defence capable radar is essential for the Artillery Corps of any capable armed forces. The British Royal Artillery use the Arthur MAMBA Mobile Artillery Monitoring System mounted on similar vehicles to those currently used for the Irish Artillery Corps' SAAB Giraffe radar system.[64] The Royal Regiment of Australian Artillery use the smaller and more deployable AN/TPQ-48 Lightweight Counter Mortar Radar (LCMR).[65] The Royal Regiment of New Zealand Artillery also use the same system in conjunction with their L119 105mm light towed howitzers.[66] Such systems allow a commander to have advanced warning of indirect fire directed towards their own troops, or civilians they're supposed to protect. These systems also provide accurate data to allow for such threats to be targeted in self-defence if needs be. More modern systems exist, such as the SAAB Giraffe 4A, which can fulfil the role of both counter battery radar and air defence radar together.[67] Both capabilities are no longer exclusive to each other in terms of equipment All of these capabilities are what is expected of a modern Artillery Corps internationally.

Integration Into Overseas Units

The Artillery Corps of the future could significantly improve the safety of Irish peacekeepers, and those they are charged to protect, by providing these capabilities on future robust peace support operations. The Irish military generally deploys overseas units in the form of Infantry Battalions or Infantry Groups. Despite their naming convention, these units are almost always combined arms forces with elements from every corps of the Army, not just the Infantry Corps. This model will likely continue. As part of a future enhanced Artillery Corps' contribution to such units it could provide a package of mobile fire support, advanced warning and threat detection, UAV observation, and air defence capabilities if needs be. Such a package would provide significant abilities for Irish peacekeepers to protect themselves on long range patrols and in camp, and to protect vulnerable civilians. It would also provide a potent deterrence to potential threat actors. These capabilities could even enhance the force protection and abilities of a whole peacekeeping force in a similar fashion to the enhanced capabilities offered to UNIFIL by the presence of the French artillery's COBRA radar.

64 SAAB, 'Arthur Radar', https://www.saab.com/products/arthur. Accessed 02 August 2022.
65 Australian Defence Forces, 'AN/TPQ-48 Lightweight Counter Mortar Radar', https://www.Army.gov.au/our-work/equipment-uniforms/equipment/artillery/tpq-48-lightweight-counter-mortar-radar. Accessed 02 August 2022.
66 Gordon Arthur, 'NZ Revamps Artillery with New Sensors and Digital Backbones', Shephard Media, July 2021. https://www.shephardmedia.com/news/landwarfareintl/nz-revamps-artillery-new-sensors-and-digital-backb/. Accessed 03 August 2022.
67 SAAB, 'Giraffe-4A Radar', https://www.saab.com/products/giraffe-4a. Accessed 02 August 2022.

Conclusion

The role to be played by artillery in modern conflict and peace support operations is central, and can be decisive. The intent of government to involve the Defence Forces in a more meaningful and challenging contribution to peace support operations in the future, while also building on the Defence Forces' current capabilities towards NATO standards, is clear. Ireland currently enjoys a relative freedom of choice in what peace support operations it takes part in. The capabilities examined in this paper are the standards expected of the artillery elements of modern NATO standard armed forces. These standards are what may be expected of the Defence Forces in the future if Ireland is to retain its privileged position in terms of choice of missions. If Ireland were to aspire to these standards for its Artillery Corps, such enhancements could not only benefit the Defence Forces in terms of enhanced protection for its troops and others, but also in its standing as a partner of choice for multinational operations.

Para Bellum:
Assessing Europe's Industrial Capacity to Answer Europe's New Military Budget Increases

Dr Elise Lefeuvre

Abstract

The Government of Ireland announced a significant military budget increase for the first time in decades. This is excellent news for the Irish Defence Forces that need capacity enhancement and new equipment. However, Ireland is not the only EU country to increase its military budget. The Russian invasion of Ukraine has triggered several dramatic budget increases across EU countries. All these announcements have started to materialise into orders. Yet, the question is whether the military industry has the capacity to address such an inflow of new orders. The purpose of this article is to assess this capacity. The article looks at two companies, Rheinmetall and Thales, to understand their pipeline status and financing capacities. Pipelines are at an all-time high, and financing capacities have generally constrained leeway. Thus, the military industry will experience several bottlenecks, also due to an unfavourable macro-economic environment (e.g. higher energy and raw materials prices). In such a context, the Irish Defence Forces will most likely queue up for some times until 'early birds' and bigger customers are served.

Introduction

Military expenditure has returned as a priority in several EU political agendas following the Russian invasion in Ukraine. Germany tapped the highest increase with a revised yearly budget of €80bn bringing Germany into the NATO range of 2% of GDP, together with an additional €100bn one-off investment. On the Irish side, the need for a budget increase was identified as a key topic in the Commission on the Defence Forces' Report,[1] as the Irish Defence Forces have to upgrade and expand their material (estimated budget of up to c. €3bn/0.8% of GDP vs currently €1.1bn/0.3% of GDP).[2] The Minister for Defence agreed to an incremental increase to €1.5bn budget by 2028.[3] All these increases are primarily meant for purchasing new military equipment as the box below illustrates:

- Irish defence procurement priorities according to the LOA2 in the Commission Report
- Pursue Equipment Development Plan 2020-24 (incl. 80 Mowag Armoured Personnel Carriers, a Pilatus PC-12 aircraft, new Casa CN-295 aircrafts, modernised ICT Systems, etc.)[4]
- Vehicles equipped with STANAG level 4 armour and adequate firepower to replace Piranhas
- New air defence system to replace RBS70 MANPADS
- Subsea cables monitoring, MCM and survey capabilities, submersibles, underwater drones, etc.
- A multi-role vessel as part of a 9-ship minimum navy
- Replacement of two P50 class OPVs
- New coastal radar capability

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1 Commission on the Defence Forces. "Report of the Commission on the Defence Forces." April 8, 2022. https://www.gov.ie/en/publication/eb4c0-report-of-the-commission-on-defence-forces/.
2 Ibid, p 12.
3 RTE Reporters. "Defence Forces Budget to Increase to €1.5 Billion by 2028." RTE, July 12, 2022. https://www.rte.ie/news/2022/0711/1309673-defence-spending/.
4 Department of Defence and Defence Forces. "Equipment Development Plan 2020-24." June 26, 2020. https://www.gov.ie/en/publication/9bd58-equipment-development-plan/.

- Primary radar system with civilian ATC integration and recognised air picture capability
- 2 extra medium helicopters and 8 'super medium' helicopters
- Anti-drone and counter UAV technologies
- Increased cyber software, hardware, training, and related infrastructure
- Extra infrastructure/building for ARW/SOF

To be successful, any increase of military expenditure must match industrial capacity. This article investigates the impacts of the increased demand on the military industry. Analysing the current shape of the defence sector is a macro exercise, and so this article will more specifically look at two European market leaders, Rheinmetall and Thales, to better appreciate their production capacities.

It is important to note that these companies are not the only ones that can meet future Irish needs, as there is a wide pool of companies worldwide that can serve Ireland as well. Rheinmetall and Thales are not representative of the entire European defence sector, but they are two leading companies in their respective sectors (vehicles, weapons, plus ammunition; and defence electronics and sensors) and therefore they provide useful examples for assessing the industrial capacity to address the increasing demand. Drawing from this analysis, the article will conclude with an assessment of the potential risks for Ireland arising from such production constraints – although there is a significant budget increase for Irish equipment, there may remain supply issues.

Market Composition and Special Features of the European Defence Sector

The European defence industry is characterised by some large market leaders, such as Airbus,[5] BAE Systems,[6] Thales,[7] Safran,[8] Leonardo,[9] Rheinmetall,[10] and Dassault.[11] Thales, Airbus, and Safran have a significant share of civilian business, and they are therefore not pure military players. In addition, more than 2,500 SMEs operate in the military value chain, although many of them primarily act in the civilian sector, their products and innovations can have a military use (often referred to as 'dual use').[12] There are c. 550 Irish defence-related SMEs, representing a €2.4bn export market in 2019.[13] Most of these SMEs operate in the dual use area, being merely producers or suppliers of IT, electrical or software systems. Ireland has also few defence companies that design, manufacture, and supply finished defence kit or services. Increasingly, the EU is attempting to steer innovation and competitiveness in the European defence sector, and this is led by a new Commission DG for Defence Industry and Space (DEFIS).[14] Its main achievement to date is the establishment of the European Defence Fund with a 2021-2027 budget of €8bn to invest in

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5 Airbus SE, France, €52.1bn 2021 revenues and €88.74bn market capitalisation dd. 10-Nov-22.
6 BAE Systems plc, UK, €19.5bn 2021 revenues and €24.91bn market capitalisation dd. 10-Nov-22.
7 Thales SA, France, €16.2bn 2021 revenues and €26.79bn market capitalisation dd. 10-Nov-22.
8 Safran SA, France, €15.2bn 2021 revenues and €48.54bn market capitalisation dd. 10-Nov-22.
9 Leonardo SPA, Italy, €14.1bn 2021 revenues and €4.19bn market capitalisation dd. 10-Nov-22.
10 Rheinmetall AG, Germany, €5.6bn 2021 revenues and €7.26bn market capitalisation dd. 10-Nov-22.
11 Dassault Aviation SA, France, €4.9bn 2021 revenues and €12.19bn market capitalisation dd. 10-Nov-22.
12 DEFIS, "Defence SMEs". Accessed July 18, 2022. https://defence-industry-space.ec.europa.eu/eu-defence-industry/defence-smes_en.
13 Gallagher, C. "Is Ireland Funding the Military Adventures of Its European Neighbours?" The Irish Times, April 25, 2022. https://www.irishtimes.com/news/ireland/irish-news/is-ireland-funding-the-military-adventures-of-its-european-neighbours-1.4860703#:~:text=There%20are%20about%20550%20firms,of%20Ireland%27s%20beef%20export%20market
14 EU Commission. "Directorate-General for Defence Industry and Space." Accessed July 18, 2022. https://ec.europa.eu/info/departments/defence-industry-and-space_en.

research, mainly in favour of SMEs.[15] The EDF will benefit some Irish SMEs and Ireland plans to give a €150m contribution to the EDF.[16]

The Ukraine war has been a game changer for the defence sector,[17] and the military industry is working on expanding capacities to address orders (hiring new staff, adding shifts etc.).[18] While this joint public and private effort is ongoing, the question is whether the change brought by the war is structural. That is to say, should the war end quicker than expected and should the situation go swiftly back to normal, the public sector may reduce its budget, cancel its orders, and this would be problematic for the industry, which would have invested in expanding its production capacity without making the projected sales. Therefore, it is reasonable to expect industry to expand their production capacities carefully until the change is confirmed to be structural.

A characteristic of the European military industry is the restricted access to commercial banks. Several banks refuse to serve the military industry based on their internal policies and ethical governance considerations.[19] This ban limits the possibility to access financing facilities, hence the military industry operates with other sources of funding, such as own working capital and customers prepayments. For the same reasons, the military industry has a difficult access to investors, leading to a restricted capacity to raise equity and debt on the markets, but this trend might change as the share prices of the military sector have dramatically increased since Feb-22, showing a stronger interest for this sector.

Another issue is having the public sector as sales sponsor[20] and client. Contrary to the private sector, the public sector as client has more bargaining power, tends to unilaterally impose its conditions, and usually pays late – or at the very least at delivery – due to public finance constrains. This characteristic renders invoicing conditions difficult for industrials, who are thus left with little leeway. Additionally, the public sector is sometimes both client and major shareholder, i.e., Airbus (11% French State-owned, 11% German State-owned, and 4% Spanish State-owned), Thales (35% French State-owned), Safran (17% French State-owned), and Leonardo (30% Italian State-owned). Hence, these companies are even more subordinated to states' conditions.

15 DEFIS. "The European Defence Fund" (2021). Accessed July 18, 2022. https://defence-industry-space.ec.europa.eu/eu-defence-industry/european-defence-fund-edf_en.
16 Government of Ireland. "EU Funding for Irish Defence and Security Enterprise and R&D – Maximising the Opportunities" (2021). Accessed July 18, 2022. https://www.gov.ie/en/press-release/c8d2c-eu-funding-for-irish-defence-and-security-enterprise-and-rd-maximising-the-opportunities/.
17 There has not been U-turn in the Irish defence policy yet, but some politicians have spoken for enhancing Irish defence capabilities and firepower. See two tribunes of Irish MEPs: Barry, A. "Ireland Must Reconsider Its Policy of Military Neutrality." The Parliament Magazine, May 17, 2022. https://www.theparliamentmagazine.eu/news/article/ireland-must-reconsider-its-policy-of-military-neutrality, and Kelly, S. "Bolstering Defence Policy in Ireland Does Not Have to Come at the Expense of Neutrality." The Parliament Magazine, May 18, 2022. https://www.theparliamentmagazine.eu/news/article/bolstering-defence-policy-in-ireland-does-not-have-to-come-at-the-expense-of-neutrality.
18 This expansion leads to costs, like hiring costs (new salaries are usually more expansive than existing salaries to attract employees). Rheinmetall intends to hire between 1,500 to 3,000 new staff over the next years. Rheinmetall AG. "Rheinmetall AG Investor Relations Conference FY2021 Transcript.", March 17, 2022. https://ir.rheinmetall.com/download/companies/rheinmetall/Presentations/2022-03-17_Rheinmetall_Transcript_Conference_Call_FY2021.pdf. Rheinmetall AG. "Rheinmetall AG Investor Relations Conference Q1 2022 Transcript." May 6, 2022. https://ir.rheinmetall.com/download/companies/rheinmetall/Presentations/220506_Rheinmetall_Transcript_Earnings_call_Q1_2022.pdf.
19 The trend has very slightly changed since the Ukraine war with Commerzbank and SEB stating some propensity to finance the defence sector. Bloomberg Reporters. "Banks Change Course on Weapons Finance as Defence Spending Soars." Bloomberg, March 3, 2022. Accessed July 18, 2022. https://www.bloomberg.com/news/articles/2022-03-03/banks-change-tack-on-weapons-finance-as-defense-spending-soars#xj4y7vzkg.
20 Sales are usually sponsored by the governments due to the high political implications of military equipment sales. Rheinmetall AG Investor Relations Conference Q2 2022 Transcript.

In summary, the military industry faces now all-time full pipelines and still has to cope with uneasy financing and invoicing conditions. This has an impact on production capacity, as the companies cannot raise additional cash easily to accelerate and widen their production.

Strategic Role of Rheinmetall for Swift Rearmament

Rheinmetall AG[21] is an almost pure defence player[22] and a traditional military manufacturer, as it primarily sells weapons, ammunition, and trucks (e.g., Lynx and Puma). The weapon and ammunition business is the most profitable (17.6% operating margin), and the truck business is the largest (€1.8bn representing 33% of sales).[23] Rheinmetall is a main supplier to the Bundeswehr (c. 30% of sales), and thus it is in the frontline to absorb the new German demand.[24] Rheinmetall already reported a significant higher order intake, primarily for ammunitions and tanks (€14-16bn forecasted for 2022 and 2023 vs €4.7bn in 2021). [25] Large orders are to be placed by Germany, with a forecast of c. €7-9bn by 2023, including two large contracts in the €500-800m range. On top of that, Rheinmetall expects Germany to place further large contracts reaching a total of €30-35bn, including €7bn for ammunition. Other order intakes in the €300-500m range are expected to cover the war in Ukraine, but this will depend on the German political capacity and willingness to support the Ukrainians.

In addition, several countries have started placing orders and may place further contracts in 2022 and 2023. The largest are Australia (€4bn), Italy (probably in the single-digit billion range), Greece (€3.5bn and more tenders expected), Hungary (€7bn), Lithuania (€150m), and the UK (€200m). Furthermore, discussions are ongoing with the USA for a €40bn vehicles contract. Finland and Sweden represent high order opportunities as they are joining NATO and increasing their defence capacity.

Rheinmetall's pipeline is full and while they will welcome additional order intakes, their challenge is to rapidly convert these orders into sales. As of now, Rheinmetall forecasts six months for the delivery of ammunitions, and 12 months for material, such as trucks.[26] These delays are primarily relevant for short-term needs, for example should Germany place orders for the benefit of Ukraine, but not for Ireland whose orders may not materialise until 2025.

Rheinmetall faces external and internal constrains that impact its production capacity. Rheinmetall has been spending more working capital to build up inventory, mainly for raw materials and electronics,[27] to answer the high demand in weapons, ammunitions, and systems. By doing so, Rheinmetall prevents supply chain disruptions and ensures on-time deliveries. Customers' prepayments are a key source of funding for Rheinmetall, but these prepayments have been lower and Rheinmetall is asking customers for down payments and milestone payments mainly for buying materials. Rheinmetall states that customers understand this payment constraint and are ready to help with prepayments as it is the

21 Created in 1889, headquartered in Düsseldorf, credit rating Baa2/Stable (Moody's).
22 As of FY21, military equipment represented 67% of sales, with the rest of sales being dual-use. Rheinmetall AG. "Annual Report 2021." March 17, 2022. https://irpages2.equitystory.com/download/companies/rheinmetall/Annual%20Reports/DE0007030009-JA-2021-EQ-E-00.pdf.
23 Rheinmetall AG. "Annual Report 2021." March 17, 2022.
24 Forecasted Compound Annual Growth Rate 2021-2030 is 15% for sea, 15% for air, and 20% for land. Rheinmetall AG. "Conference Call Q2 2022". August, 5, 2022. https://ir.rheinmetall.com/download/companies/rheinmetall/Presentations/2022-08-05_Rheinmetall_Conference_Call_Half_Yearly_Financial_Report.pdf
25 Rheinmetall AG Investor Relations Conference FY2021 Transcript.
26 Ibid.
27 Ibid.

condition to receive their on-time delivery. Indeed, a lack of prepayments means that Rheinmetall should fund the production costs at its own expenses or with debt, but here it has the limited capacity to raise debt. Its current debt is relatively small (€1.1bn representing 14% of total equity and liabilities), mainly composed by promissory notes (€253m), an EIB[28] loan (€250m), commercial paper (€118m), and bank loans (€312m).[29] That is to say, Rheinmetall's financing agility is limited and depends on customers.

External headwinds are mainly coming from China, with increasing raw materials prices (aluminium and steel being particularly critical), semiconductor shortages, and supply chain disruption due to the lockdowns. In addition, record-high inflation in Europe plays adversely. Although some price increases can be hedged, uncovered increases will eventually be passed on to the clients, which means that military devices will become more expensive.

Rheinmetall is strongly linked to the German economy and policy, its share[30] price dramatically increased in Feb-22 moving from €96 on 24/02/22 to €160 on 28/02/22 (+67%), the landmarks being the start of the Ukraine war (24/02/22) and the watershed speech by Chancellor Scholz (27/02/22). This speech denotes a shift in German military policy, where Chancellor Scholz announced the budget increases. The financial package and new policy target address the lack of supply (including protection equipment and logistics vehicles),[31] and equipment modernisation.[32] The Bundeswehr will thereby transit from peacetime to a more warlike footing.

A potential strong headwind is likely to be the energy crisis. Germany faces gas shortages because of the war (gas accounts for 23.5% in the German energy mix and 57% of the gas is Russian).[33] Indeed, Gazprom cut by 60% its deliveries to Germany in Jun-22 leading the Bundesnetzagentur[34] to raise the 'alarm level', which denotes scarcity without rationing.[35] The Bundesnetzagentur asks companies to save energy and have warned that moving to the 'emergency level' would involve rationing. 'Emergency level' ensures supply for households and hospitals, here the defence sector could be added to ensure that production continues particularly when weapons and ammunitions are critically needed on the Ukrainian front.

How Thales is Navigating the New Reality Post-Ukraine Invasion

Thales SA[36] manufactures advanced military equipment for land, air, and sea with technological components (not 'traditional' weapons and equipment like Rheinmetall). These are military communication solutions, flight management systems, radars, and drones. Thales has both civilian

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28 European Investment Bank.
29 Bank loans increased from €74m in Q1-22 to €312m in Q3-22, denoting support and interest from the banks.
30 Rheinmetall is a fully free floated company, i.e., no shareholder holding more than 5%. Ibid.
31 Rheinmetall AG Investor Relations Conference FY2021 Transcript.
32 Breakdown of the €100m investment is €2bn in apparel and personal equipment, €17bn in army, €21 in digitalisation for land, and €60bn in navy and airforce. Rheinmetall AG Conference Call Q2 2022.
33 Bundesministerium für Wirtschaft und Klimaschutz. 'Gas'. Accessed July 18, 2022. https://www.bmwk.de/Redaktion/DE/Textsammlungen/Energie/gas.html., and Büsker, A-K. "Die Bedeutung Von Gas Für Die Deutsche Energieversorgung." Deutschlandfunk, March 24, 2022. Accessed July 18, 2022. https://www.deutschlandfunk.de/energieversorgung-russland-deutschland-100.html.
34 The Federal Network Agency.
35 Bundesministerium für Wirtschaft und Klimaschutz. 'Bundesministerium für Wirtschaft und Klimaschutz ruft Alarmstufe des Notfallplans Gas aus Versorgungssicherheit weiterhin gewährleistet' (2022). https://www.bmwk.de/Redaktion/EN/Pressemitteilungen/2022/06/20220623-federal-ministry-for-economic-affairs-and-climate-action-announces-alert-level-of-the-emergency-plan-for-gas.html.
36 Created in 1893, headquartered in Paris, credit rating A2/Stable (Moody's) and A-/Negative (S&P).

and military business, 46% and 54% of sales respectively, and the military business is the most profitable with 12.4% EBIT[37] margin.[38] Thales is a key supplier to the French Army (30% of sales).[39]

The Ukraine war has not had an immediate impact on Thales, as was the case for Rheinmetall. After a slower Q1-22, Thales Defence and Security achieved a record order intake reaching €9.2bn YTD22,[40] including large orders (between €100m-900m) from Greece (Rafale), and France (Scorpion[41] and tactical radios),[42] leading to the record of a €29bn defence backlog.[43] The most demanded products are radios, airspace protection systems, and surface radars. This was also preceded by an exceptionally high 2021 order intake (€11bn including 13 large orders larger than €100m each) and with an all-time high backlog of €26bn. Thales is by nature less sensitive to short-term changes, because it sells advanced/technological military equipment, which reflects long-term projects and high military expenditure. This was reflected in its share price evolution, whose increase was lower than Rheinmetall, moving from €86 on 24/02/22 to €105 on 28/02/22 (+22%). This also denotes the less strategic importance of Thales for the Ukraine war, which is to-date a more traditional positional and artillery war – thus rather in critical need for Rheinmetall-like equipment.

Thales has also kept a low profile about the impact of the war on its defence business and strategy, most probably because Thales allegedly sold military equipment to Russia until recently[44] and this equipment has been reportedly used during the invasion.[45] Rheinmetall did not face similar controversies, also because the German military exports are subject to very stringent controls.[46] So far, Thales only reported that economic sanctions against Russia materialised in a €100m loss.[47]

Thales has good production capacities driven by high operating cash flow (€2.5bn in 2021 vs €1.1bn in 2020 and targeting €5.5bn over 2023).[48] Thales also needs significant cash to achieve its production due to its technological complexity, and due to the R&D needs to stay aligned with

37 Earnings before interest and taxes.
38 As of FY21 figures. See Thales SA. "2021 Full-Year Results," March 3, 2022. https://www.thalesgroup.com/sites/default/files/database/document/2022-03/Thales%20-%202021%20Full-Year%20results%20-%20slideshow.pdf.
39 The French Government set a €44bn 2023 defence budget (+7% vs 2022), where significant shares should be allocated to the purchase of new equipment. Forecast is €47bn in 2024 and €50bn in 2025. Thales SA. "9m 2022 order intake and sales". October, 26 2022. https://www.thalesgroup.com/sites/default/files/database/document/2022-10/Thales%20-%209m%202022%20order%20intake%20and%20sales%20-%20slideshow.pdf.
40 Sales were primarily boosted by 80 Rafale orders placed by the United Arab Emirates. Thales SA. "Thales reports its 2022 half-year results". July, 21 2022. https://www.thalesgroup.com/sites/default/files/database/document/2022-07/Thales%20reports%20its%20H1%202022%20results%20-%20Press%20release%20-%2021%20July%202022_1.pdf.
41 Modernisation programme of the French Infantry. It mainly aims at widening the use of robotics. Armée de Terre. "Le programme Scorpion" (undated). https://www.defense.gouv.fr/terre/nos-materiels-nos-innovations/nos-innovations/dossier-programme-scorpion/programme-scorpion.
42 Thales 2022 half-year results.
43 Thales 9m 2022 order intake and sales.
44 Thales reportedly sold military equipment to Russia until 2019 using financing from Russian banks, despite an embargo decided in 2014 after the Crimea invasion, France Info Reporters. "Guerre En Ukraine : Le Groupe Thales a Livré Jusqu'en 2019 à La Russie Des Kits Permettant D'assembler Des Caméras Infrarouges." France Info, April 30, 2022. https://www.francetvinfo.fr/monde/europe/manifestations-en-ukraine/guerre-en-ukraine-le-groupe-thales-a-livre-jusqu-en-2019-a-la-russie-des-kits-permettant-d-assembler-des-cameras-infrarouges_5111443.html.
45 BFM.TV Reporters. "Ukraine: Matériel Thales Retrouvé Dans Des Chars Russes." BFM.TV, June 26, 2022. https://www.bfmtv.com/international/asie/russie/ukraine-materiel-thales-retrouve-dans-des-chars-russes_VN-202205260062.html .
46 Article 26 of the Grundgesetz für die Bundesrepublik Deutschland (Basic Law for the Federal Republic of Germany 1949), full text available at https://www.gesetze-im-internet.de/gg/BJNR000010949.html. See for example the legal analysis of Ley, I. "Keine Waffenlieferungen in Krisengebiete?" Verfassungsblog, January 21, 2022. https://verfassungsblog.de/keine-waffenlieferungen-in-krisengebiete/#:~:text=Wie%20gesagt%3A%20Es%20gibt%20keine,%2D%2C%20NATO%2D%20oder%20Drittstaat.
47 Thales 2021 Full Year Results.
48 Thales 2021 Full-Year Results.

technological progress.[49] Thales has diversified cash cycles, being large projects with pre-payments (typically in defence and aerospace) and short-cycle flow business, which both allow regular cash entries.[50] Contrary to Rheinmetall, Thales has a good access to banks, as evidenced by the €1.5bn revolving credit facility gathering a pool of 17 banks.[51] This loan is most probably relationship defining, which means that banks supposedly serve Thales across various banking products and facilities. The majority State ownership and the presence of civilian business seemingly play in favour of the acceptance of Thales by commercial banks.

Thales faces the same external headwinds as Rheinmetall, i.e., sky-high inflation, supply chain disruption, higher raw materials and energy prices. Thales may be slightly less affected by energy scarcity compared to Rheinmetall, the French energy mix being less reliant on Russian gas (gas accounts for 16% in the French energy mix and 24% of that gas is Russian,[52] while nuclear energy meets a large share of electricity demand).[53]

Conclusion: Consequences for the Irish Defence Forces

Ireland has delayed the renewal and expansion of its military equipment for many years leading to the conclusions of the Commission on the Defence Forces, which assesses a significant lagging behind. The Commission recommended that the Government increase the defence budget to modernise and expand the Irish Defence Forces' material and the Minister for Defence agreed to an incremental increase to €1.5bn budget by 2028. The Department of Defence identified radar purchase as well as APCs[54] replacement, fleet equipment enhancement, new vessels, and new helicopters among actions with an undefined timeline.[55] For instance, radars and APCs can typically be purchased at Thales and Rheinmetall respectively, which both have full pipelines. Procurement planning will need to account for this. The Irish Defence Forces may also look for non-EU suppliers that have better production and pricing conditions, such as U.S. and South Korean or other globally based companies.[56]

Today, several EU/NATO nations have started to place significant orders, and prices are rising due to adverse macro conditions, potentially leading to higher down/milestone payments. Therefore, Ireland is very much likely to place its orders in an unfavourable environment, paying high prices, and queuing up after the quickest nations that place early orders. Furthermore, pricing may further increase due to the higher demand, potentially leading to a defence inflation higher

49 In addition, Thales conducts M&A to stretch its product offer, e.g. acquisitions of RUAG S&T (military simulation and training) in 2022 (€90m) and Moog navigation aids business (USA, military air traffic control) in 2021 (undisclosed price). Thales 2021 Full-Year Results.
50 Thales 2021 Full-Year Results.
51 Thales SA. "Thales signs €1.5bn climate-linked revolving credit facility." December 12, 2020. https://www.thalesgroup.com/en/group/journalist/press-release/thales-signs-eu15-bn-climate-linked-revolving-credit-facility.
52 Ministère de la transition écologique. "Bilan énergétique de la France" (2021). https://www.statistiques.developpement-durable.gouv.fr/edition-numerique/chiffres-cles-energie-2021/6-bilan-energetique-de-la-france. Sénat de la République française. "Union européenne - Russie : quelles relations ?' in Rapport d'information n° 307 (2006-2007)" (2007). https://www.senat.fr/rap/r06-307/r06-30714.html#:~:text=Si%20de%20nombreux%20pays%20d,Italie%20et%2024%20%25%20en%20France.
53 Ministère de la transition écologique (2021).
54 Armoured personnel carriers.
55 Ibid. p 28-32.
56 Rheinmetall identified South Korean companies as serious competitors with aggressive pricing. Rheinmetall AGConference Call Q2 2022. USA and Singapore can be added to this list. Poland recently placed a large order to the South Korean military industry, Smith, J. "Analysis: With massive Polish arms deal South Korea steps closer to Ukraine war" Reuters, July 29, 2022. https://www.reuters.com/world/with-massive-polish-arms-deal-skorea-steps-closer-ukraine-war-2022-07-28/.

than the normal inflation.[57] To date, Germany had to review its spending due to inflation, and it has postponed some naval and air-related purchases.[58] Similarly, Ireland may spend a lot more when placing its orders by the later 2020s. Moreover, the capacity of Irish companies to supply the required items seems unlikely given how few, unspecialized, or small Ireland's SME defence sector is. Countries such as Ireland, with a limited local military industry and with 'small' defence forces, should renew their equipment regularly, even during peacetime, so as not to face bottlenecks during times of heightened tension or war. An ideal solution would have been a coordinated placement of orders at NATO or/and EU level, but such a coordination did not happen, and this increases the likeliness of constrictions.[59]

Knowing the ongoing supply issues, Ireland may in addition seek for alternative ways for purchasing equipment, such as buying surplus kit that some militaries may be willing to offload. This may even speed up the procurement purchase rather than waiting until the late 2020s and 2030s. Ireland may also join the large order from a friendly state, but this would involve accepting the specifications of another state.

War in Ukraine and the increased likeliness of high intensity conflicts mean all European societies have to re-consider their support for the European defence industry and their industrial readiness for war-like conditions. As demonstrated in this analysis, a key element is to facilitate defence industrial production by ensuring that companies have adequate financing. States can leverage on higher pre-payments against the promise to receive on-time delivery. States may also ask commercial banks to facilitate military industry financing, and to accommodate this financing in such a way that it complies with and does not disrupt their ESG commitments (e.g., strict ring-fencing, tailored risk and profitability policies).[60]

Whatever Irish governments choose to do as regards defence spending or the level of ambition, this paper has argued that the European defence industry is currently experiencing delays, long pipelines, and much higher costs. That has implications for the timing of Ireland's planned new procurements, likely pushing them further into the future. Moreover, given rising costs, Ireland will have to pay greater attention to ensuring its Defence Forces get value for money as Ireland joins an already very long queue for more defence equipment in the wake of the Ukraine war.

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57 Hartley, K. "UK defence inflation and cost escalation" (2016) Defence and Peace Economics Volume 27 Issue 2 pp 184-207.
58 Rheinmetall Q3-22 Conference Call.
59 Turban, P, and Bauer, A. "Guerre En Ukraine : L'Allemagne va déroger a sa Constitution pour se réarmer." Les Echos, May 30, 2022. https://www.lesechos.fr/monde/europe/guerre-en-ukraine-lallemagne-va-deroger-a-sa-constitution-pour-investir-dans-son-armee-1410024.
60 As stated by Rheinmetall CEO "there is now a very clear statement from […] governments in Europe to say that it couldn't that defence industry is a harmful industry and therefore we are minimum neutral, maybe better in the ESG taxonomy", in Rheinmetall AG. "Rheinmetall AG Investor Relations Conference FY 2021 Transcript." March 17, 2022. https://ir.rheinmetall.com/download/companies/rheinmetall/Presentations/2022-03-17_Rheinmetall_Transcript_Conference_Call_FY2021.pdf. Thales CEO shared similar views in Caine, P, "Paix et développement durable sont-ils compatibles?" Les Echos, September, 28, 2022.
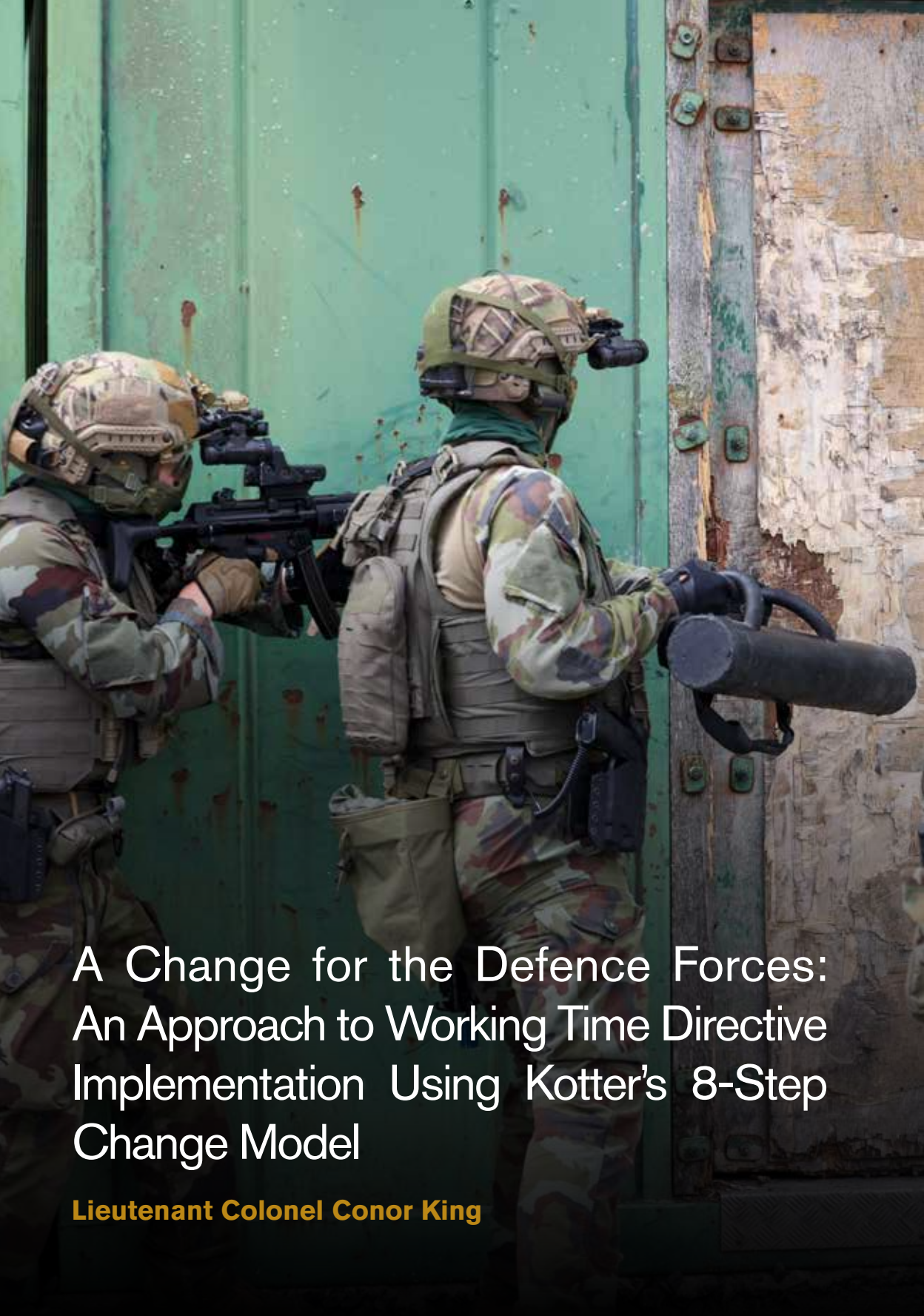
A Change for the Defence Forces: An Approach to Working Time Directive Implementation Using Kotter's 8-Step Change Model

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Abstract

This paper examines an approach to implementation of the Working Time Directive (WTD) for the Irish military, drawing on some of the literature on change management, specifically Kotter's 8 step change model. This would involve the adoption of influencing and persuasion techniques by the DF Change Leadership Team to enable successful implementation. It is argued that the WTD is an opportunity to improve work life balance and morale in the Defence Forces, and therefore positively affect retention.

Introduction

The Report of the Commission on the Defence Forces[1] published in February 2022 identified a requirement for transformational change to modernise the Defence Forces organisational culture, its human resources strategy and practices, to place human resources – Defence Forces people – at the centre of the organisation.

It recommended the implementation of a comprehensive approach to Strategic HRM within the Defence Forces with the establishment of a Strategic HR Change Leadership Team, to be led by an externally recruited Head of Transformation, who would support the Chief of Defence (CHOD) directly with the transformation of the Defence Forces. This was described by the Commission as both urgent and critical.

Working Time Directive

As an achievable retention and productivity measure, the Commission also recommended the expeditious removal of the blanket exclusion of the Defence Forces from the Organisation of Working Time Act 1997 subject to the application of certain justifiable derogations permitted by the Working Time Directive (WTD).

According to a recent conference report by EUROMIL (the association of professional military representative organisations in Europe) (2022,[2]) the Irish situation as regards the implementation of the WTD is that there is no longer an assumption that a blanket exemption of the directive applies, which was previously how the matter was incorporated into Irish law. However, a 2004 judgement of the Court of Justice of the EU (CJEU) found that a blanket derogation by the Spanish Government in respect of its armed forces amounted to a failure to adequately transpose the Directive. The CJEU interprets the normal activities of armed forces as falling within the scope of the 2003 Directive.

Expanding on its recommendation, the Report of the Commission on the Defence Forces stated that all routine activities of the Defence Forces, both operational and non-operational, should be subject to the Directive noting that this was 'in line with best international practice identified in other armed forces and similar arrangements in An Garda Síochána'[3]. It recommended that further

1 Report of the Commission on the Defence Forces accessed at https://www.gov.ie/en/campaigns/1e515-commission-on-the-defence-forces/
2 EUROMIL, 2022, Safety & Health: The Implementation of the Working Time Directive in the Armed Forces, accessed at https://euromil.org/wp-content/uploads/2022/05/2205_FINAL_report_WTD_Paris.pdf
3 Report of the Commission on the Defence Forces, pp. 90.

exemptions from the Directive should only be granted for 'exceptional' events[4] or 'extraordinary' events[5]. The Commission acknowledged that implementation is a significant piece of work, that progress has been extremely slow to date, but should result in the expeditious removal of the blanket exclusion and the Defence Forces being brought within the parameters of the Act.

In response to European case law, and the advocacy efforts by Defence Forces representative associations, the Irish official position has shifted over time with an acceptance that the WTD applies to the military but that this requires elaboration in the form of specific regulations which amend the legal situation. In a recent answer to Dáil Questions on the matter, Minister Simon Coveney clarified that the Government has committed to amending the Organisation of Working Time Act. He said, "significant work has been undertaken by military management, which has determined that a high percentage of the normal everyday work of the Defence Forces is in compliance with the working time directive. However, it has also been determined that some activities may require an exemption or a derogation due to their specific nature… work is being done on this and we recognise that more work has to be done."[6]

Pathways to Implement the Working Time Directive for the Irish Defence Forces

The Government has now accepted the requirement to bring the Defence Forces in line with the WTD provisions. Speaking to RACO's Signal Magazine[7] in December 2020, Minister for Defence Simon Coveney stated the following:

"The issues being considered are complex and there is a requirement to ensure that the health and safety of personnel is protected whilst the Defence Forces retain operational effectiveness. Discussions with the Defence Forces Representative Associations will be undertaken, as the current work evolves."

This commitment to discussion and consultation has to be very welcome and indeed echoes an observation repeatedly stressed by EUROMIL representatives reflecting on the wider European perspective, which has noted "the importance of regular communication channels with social partners" as central to a successful implementation of the WTD (EUROMIL, 2022: 4).

However, what is arguably needed is to link the agenda of transformational change management which was identified in the Commission on the Defence Forces Report with the pressing urgency of producing legally solid regulations which fairly draw the line between those duties which fall under the application of the WTD and those that will not. Luckily there are literatures on change management which provide us with a ready template to do this.

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4 Events that are inherently unpredictable
5 Events that, while predictable, are rare and impactful in scale and/or consequence
6 Reply by Minister Simon Coveney to Question No.70 from Deputy John Brady, T.D. Thursday October 6th, 2022, Vol.1027, No.3, https://www.oireachtas.ie/en/debates/debate/dail/2022-10-06/13/#s16
7 Minister Simon Coveney interview in RACO's Signal Magazine, Winter 2020, accessed at https://en.calameo.com/read/0061942696613bd9e1467

Leading Change

Kotter's 8 Step Change Management Model[8] is a process designed to help leaders successfully implement organisational change.

The first step is to **Establish a Sense of Urgency** about the need for change. In order to achieve lasting transformation, all involved should feel the sense of urgency for change. If they don't support the initiative, then the momentum will be difficult to maintain, and any changes made may not last very long. The goal of this step is to prepare employees for the forthcoming change and to encourage them to participate. Implementation should have the support of around 75% of the organisation's management, who should identify the Defence Forces' existing problems and opportunities. There should be open discussion with staff on why change is needed at this moment. Military management should create a discussion forum to discuss the challenges, threats, and possible solutions, and not be afraid to ask for support from stakeholders and industry experts. This may well entail a certain amount of institutional vulnerability, which Brown[9] has described as among the most accurate measure of courage in the context of change management.

Form a Powerful Guiding Coalition to convince people that change is necessary. This takes strong leadership and visible support from key people within the organisation. Managing change is not enough – you have to lead it. To lead change, you need to bring together a coalition, or team, of influential people whose power comes from a variety of sources, including job title, status, expertise, and political importance. Once formed, the "change coalition" needs to work as a team, continuing to build urgency and momentum around the need for change.

Create a Vision for Change – A clear vision can help everyone understand why you are asking them to do something. Determine the values that are central to the change, create a strategy to execute that vision and ensure that the change coalition can describe the vision in five minutes or less.

Communicate the Vision frequently and powerfully. It needs to be embedded within everything that the organisation does. On a daily basis leaders of the organisation should use the vision to make decisions and solve problems. What a change agent does is far more important – and believable – than what they say. They should talk often about the change vision, addressing peoples' concerns and anxieties openly and honestly. Crucially, they need to apply the vision to all aspects of operations – from training to performance appraisal, and even operations. They need to lead by example and tie everything back to the vision for change.

Removing obstacles can empower the people required to execute the vision and help the change move forward. Institutional structures for change need to be put in place, and barriers to change need to be continually checked for. Leaders of any change process need to ensure the organisational structure, job descriptions, and performance and compensation systems are in line with the vision for change. They also need to recognise and reward people for making the change happen. Those

8 Kotter, J.P. (1996) Leading Change. Harvard Business School Press, Boston.
9 Brown, B. (2012). Daring greatly: How the courage to be vulnerable transforms the way we live, love, parent, and lead. New York: Gotham Books.

who are resisting the change should be identified and engaged in dialogue about their motivations and concerns.

Create Short-Term Wins – Without these, critics and negative thinkers might hurt the progress. Defence Forces members need to see tangible benefits of this new way of working. The 'Accelerated Provisions' around rest periods that were introduced in 2019 could be referenced as an example of this[10].

Next, the Change Leadership team should **Build on the Change**. Quick wins are only the beginning of what needs to be done to achieve long-term change. After every win, analyse what went right, and what needs improving. Set goals to continue building on the momentum achieved. Keep ideas fresh by bringing in new change agents and leaders for the change coalition.

The final step is to **Anchor the Changes in the Organisational Culture**. To make any change stick, it should become part of the core of the organisation. Culture often determines what gets done, so the values behind the vision must show in day-to-day work. Management must make continuous efforts to ensure that the Working Time Directive is seen in every aspect of the Defence Forces. This will help give that change a solid place in the organisation's culture. It is also crucial that military leadership continues to support the change. This includes existing staff and new leaders who are brought in.

Kotter's Eight Steps to Transforming Your Organisation[11]

1 Establishing a Sense of Urgency
· Examining market and competitive realities
· Identifying and discussing crises, potential crises, or major opportunities

2 Forming a Powerful Guiding Coalition
· Assembling a group with enough power to lead the change effort
· Encouraging the group to work together as a team

3 Creating a Vision
· Creating a vision to help direct the change effort
· Developing strategies for achieving that vision

4 Communicating the Vision
· Using every vehicle possible to communicate the new vision and strategies
· Teaching new behaviors by the example of the guiding coalition

10 Irish Examiner 30 August 2019, Defence Forces make progress in battle to implement Working Time Directive https://www.irishexaminer.com/news/arid-30947273.html
11 Kotter, J.P., Leading Change: Why Transformation Efforts Fail. Harvard Business Review, January 2007

5 Empowering Others to Act on the Vision
- Getting rid of obstacles to change
- Changing systems or structures that seriously undermine the vision
- Encouraging risk taking and nontraditional ideas, activities, and actions

6 Planning for and Creating Short-Term Wins
- Planning for visible performance improvements
- Creating those improvements
- Recognizing and rewarding employees involved in the improvements

7 Consolidating Improvements and Producing Still More Change
- Using increased credibility to change systems, structures, and policies that don't fit the vision
- Hiring, promoting, and developing employees who can implement the vision
- Reinvigorating the process with new projects, themes, and change agents

8 Institutionalizing New Approaches
- Articulating the connections between the new behaviors and corporate success
- Developing the means to ensure leadership development and succession

There has been some criticism of Kotter's change management theory on the grounds that his model relies on a top-down strategy and does not place enough emphasis on the people who will be affected by the change or how it would benefit them individually. Critics argue that instead of focusing on employees, Kotter's eight-step strategy possibly over-emphasises urgency and reducing barriers to motivation. According to Kelley[12], organisations stand or fall partly on the basis of how well their leaders lead, but partly also on the basis of how well their followers follow.

With this in mind, it is useful to explore strategies for influencing and persuading the Defence Forces' most valuable resource – people.

Persuasion and Influencing Strategies for Defence Forces Personnel

In order to effectively implement the Directive, a comprehensive influencing and persuasion strategy will need to be devised and executed by the new Strategic HR Change Leadership Team. It will be necessary for this team to explore the perceived risks posed by the Directive to the operational capability of the Defence Forces, and to devise ways to mitigate these risks and allay concerns. In creating an influencing strategy, Battilana and Casciaro[13] argued in 2013 that strong ties provide the change agent with an affective basis to 'co-opt' potentially influential organisation members who are ambivalent about a change (fence-sitters). This increases the probability that the organisation will adopt the change.

12 Kelley, R. (1988). In Praise of Followers. Harvard Business Review, 66, 142-148.
13 Battilana and Casciaro, Overcoming Resistance to Organisational Change, Management Science 59(4), 2013

Conger (1998)[14] posited that effective persuasion involves 4 distinct and essential steps; establishing credibility, framing for common ground, providing evidence and connecting emotionally with the change recipients, or those who we wish to influence.

Credibility emanates from high levels of expertise and strong relationships. The SHRM Team must ask itself, 'how will others perceive our knowledge, track record and history of leading effective change?' That team must have a huge breadth of knowledge on the subject and the requirements for effective and successful implementation of the Directive into the normal work practices of the organisation. They should use proven methods, provide references and testimonials, show previous success in similar initiatives, bring in external experts, and use independent respected sources to build credibility and confidence. The previous research work of the Defence Forces representative associations could be valuable in this regard.

In **Framing for Common Ground**, change agents should reposition goals in a way that identifies common ground with those they intend to persuade. If the transition is to truly succeed, then this must come from within; personnel have to want to make the change and must be assisted in understanding the mutual benefits of wellbeing, work life balance and efficiency. Dialogue is crucial for this change to succeed.

Provide Evidence: All the data in the world is meaningless unless combined with meaningful and vivid examples of success. The rate of decline in personnel figures of the Defence Forces is concerning, and while the recent Commission report has reinforced the case for additional resources to implement effective retention and wellbeing initiatives, these will need to be supported by providing relevant, practical examples of how changing practices can work.

Connect emotionally with the audience, by understanding the emotional needs of those to be influenced to gauge how they will feel about the change. Matching the emotions in the persuasion efforts with Defence Force members' feelings or expectations, makes it easier to receive and process the message.

Grenny, Maxfield, and Shimberg[15] described six sources of influence, and argued that the main variable in success or failure is not which sources of influence leaders choose: but how many.

Link to Mission and values: Help stakeholders connect the changes to their deeply held values[16]. Create a strong sense of mission and purpose but get buy in rather than simply issuing orders. The use of pilot schemes in a variety of operational units will be instructive, and results should be shared.

Overinvest in skill building. A robust training initiative is at the heart of almost all successful strategies. Training on how to implement rest measures and ensure that the Directive is adhered to will be key to its success. Table-top exercises which test whether missions can be achieved under WTD limitations could build confidence and acceptance.

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14 Conger, J. (1998). The Necessary Art of Persuasion, in Harvard Business Review, May-June 1998.
15 Grenny, J., Maxfield, D., Shimberg, A. (2008). How to Have Influence, in MIT Sloan Management Review, Fall 2008.
16 DF Values are Respect Loyalty, Physical and Moral Courage, Integrity, Selflessness.

Harness Peer Pressure. Gain substantial support and involvement of enough opinion leaders throughout the organisation so that the credibility of the effort is unquestioned. Enlist these opinion leaders as change champions, role models and mentors.

Create Social Support. Use mentors to provide timely assistance. Encourage a 'just culture' of psychological safety where mistakes can be made, once they are learned from. Ensure the social supports are in place, providing authority, information, and resources to execute their missions and achieve their goals.

Align Rewards and ensure Accountability. Give people incentives to adopt new behaviours – compensatory time off; adequate rest breaks; better work life balance; family friendly work practices. Make sure people have 'skin in the game' by tracking these new behaviours and linking it to rewards they care about. Ensure there are clear and appropriate accountability structures and procedure to support the implementation of the Directive provisions[17].

Change the Environment. Does the environment (tools, facilities, software, information, policies, work processes) enable good behaviour? Are there enough cues and reminders to help people stay on course? Software packages could facilitate the smooth transition to new work practices. Change will likely be required for the current models for security duty, frequency of rotation, and realistic troop to task allocation. Finally, it will be vital to provide regular, precise and meaningful feedback to all levels of management regarding the success of their change efforts.

Given that military trained personnel very much sought after by private sector employers, ensuring there is a modern working-time system in place for the Irish Defence Forces is directly related to the recent well-documented challenges on retention and recruitment. Fixing the first issue is very much linked to fixing the second. Offering military personnel at all ranks as fair and realistic a work-life balance as is possible should be seen as an organisational priority. As the Directive itself states: "the improvement of workers' safety, hygiene and health at work is an objective which should not be subordinated to purely economic considerations.[18]"

Conclusion

The implementation of the Working Time Directive within the Defence Forces is achievable, and should not be feared, but rather viewed as an opportunity to improve employee work-life balance, and drive efficiency within the organisation. Working hours are a finite resource, and detailed planning and scheduling can make the most of that resource. The Commission on the Defence Forces was clear that modern personnel management systems with full accountability for implementation need to be introduced. Enacting the WTD should be seen in this context as an opportunity and not a threat. Such norms are simply now best practice as regards how a professional military force operates.

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17 The Commission recommended the introduction of a 'labour hours budget' for managers to ensure that the time of Defence Forces personnel is managed appropriately and efficiently by Government, by service commanders, and by those assigning duties at a local level, removing the 'free labour' aspect of military life.
18 Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time: Para (4)

As the Commission observed: "a number of European armed forces have compensatory mechanisms that are compatible with military service in Ireland and in line with public sector pay policy[19]". These include Time Off in Lieu, or the payment of overtime or certain allowances. It also noted the requirement to develop and implement a system for recording time and attendance, to ensure compliance with the provisions of the Directive and, while cognisant of the complexity and challenges involved in doing so across such a disparate organisation, the Commission stressed that such a system should be implemented without delay.

Increasingly there is an awareness that military professionalism, operational readiness and unit morale are linked with progressive personnel management practices. The is also a growing body of academic research on the importance of the military Work Life Balance[20], which is obviously strongly related to the issue of recruitment and retention. Implementation of the Directive will help to improve that balance, by introducing workforce planning, accurate time recording, and greater forecasting and certainty for personnel and their families. It will facilitate an arguably fairer compensation of members for hours worked and boost personnel retention, in turn strengthening Defence Forces capability. The Defence Forces simply cannot afford not to embrace the challenges of now implementing the Directive.

19 Report of the Commission on the Defence Forces, pp. 90.
20 Berndtsson, Joakim and Österberg, Johan (2022): A question of time? Deployments, dwell time, and work-life balance for military personnel in Scandinavia, Military Psychology, DOI: 10.1080/08995605.2022.2093090

Embracing Change - Outsourcing the Design, Supply and Management of the Irish Defence Force's Clothing and Wearables

James McCusker

Abstract

This paper engages with the theme of this year's DF Review, which explores change or continuity. It is argued the Irish Defence Forces/Óglaigh na hÉireann (OnH) should embrace a change agenda as regards the design, supply and management of military clothing and wearables. Outsourcing, which is common practice among many other professional militaries, could well yield important benefits which are detailed here.

Introduction

On 15 December 2020, the Government appointed a Commission to consider the appropriate capabilities, structures, and staffing of Ireland's Defence Forces (DF)/ Óglaigh na hÉireann (OnH) both the Permanent Defence Force (PDF) and Reserve Defence Force (RDF) with a view to the immediate future, and the uncertain period beyond 2030. On 9 February 2022, against the backdrop of the unprecedented social, political, and economic disruptive impact of the Coronavirus Pandemic, the Commission released its report, summarised by Vision/Transformation/Culture. In the same month the report was released, Russia invaded Ukraine.

Within the report, the term 'urgent', or a derivation thereof, was used 38 times, frequently preceded, or followed, with recommendations for 'change'. With the benefit of hindsight, in the context of the war in Ukraine and the prolonged disruption to global supply chains and markets due to the pandemic, how many more times should the term 'urgent' have been detailed in the report?

Therefore, need for fundamental change is not an aspirational or superfluous long-term objective. It is an urgent imperative. The report identified three tiers of Level of Ambition (LOA), current, enhanced,and conventional.

LOA 1 current capability: Aiming to uphold sovereign rights and serving on peace support operations to the same extent as at present. (Comparable budgets spend as present)

LOA 2 enhanced capability: Building on current capability to address specific priority gaps in our ability to deal with an assault on Irish sovereignty and to serve in higher intensity Peace Support Operations. (50% increase in budgets spend as present)

LOA 3 conventional capability: Developing full spectrum defence capabilities to protect Ireland and its people to an extent comparable to similar sized countries in Europe. (200% increase in budgets spend as present)

Irrespective of the objective of each Tier, the report painted a stark and concerning picture of the OnH current capacity to fulfil its core remit: "Our Mission is to provide the military capability to defend Ireland and assigned interests internationally."[1]

This paper addresses the theme of the Defence Forces Review 2022 which invited submissions to address the question of change and continuity. It makes the case for change. 'If you always do what you've always done, you'll always get what you've always got.'[2]

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1 Óglaigh na hÉireann' - Defence Forces Vision, 2022
2 Attrib. Henry Ford / Jessie Potter / Tony Robbins

Ireland's Government has subsequently committed to LOA 2, increasing OnH's budget, which currently sits at €1.1bn to €1.8bn[3] by 2028. Whilst this increase in funding is welcome, it still falls far short of comparable expenditure in other countries[4]. But, to paraphrase the founder and first Commander in Chief of the Irish Army, attention must not be on what more is needed, but to now relentlessly focus on how best to utilise this funding[5]. It is therefore imperative that the budget is spent prudently and effectively, with a focus from the outset on deriving value and effectiveness. This will require OnH and its stakeholders, to identify and then implement best practice and efficiencies within the operational model and ensure uniformed OnH personnel and resources are assigned to maximum benefit. It is our considered opinion that this will require the Irish Defence Forces to reform its core business operations, one that embraces best practice not just from other militaries in Europe and further afield, but also analysing and adopting initiatives and operational functions from public and private sector organisations that have also faced the same challenges.

The question therefore should not be whether to continue as is, or change. With the commitment to LOA 2, continuity is no longer an option. The questions therefore should be:

Q1   What does OnH need to change?

Q2   Why does it need to change?

Q3   What is the impact on OnH?

Q4   When does this change need to happen?

Q5   What benefits will be realised by this change?

Q6   Who can deliver this change?

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3 Adjusted for inflation: the actual costs of the plan are likely to reach at least €800 million by 2028, once inflation in military expenditure is considered, bringing the defence budget up to €1.9 billion. This is based on a "very conservative" assumption of 4 per cent in military expenditure inflation
4 Refer to Appendix i. NB the example of New Zealand, which not only shares highly comparable geo, socio and political indicators to that of Ireland, but is a leading exponent and exemplar of what can be achieved via outsourcing within its Defence Forces.
5 "Let us not waste our energies brooding over the more we might have got. Let us look upon what it is we have got" Michael Collins

These questions, at least in part, have been asked and answered within the Commission's Report[6].

Q1   What does IDF need to change?

"The scale of overall change recommended in the report is challenging and far-reaching."

Q2   Why does it need to change?

"... to meet the challenges of an evolving and complex world"

Q3   What is the impact on the OnH

"The transformational change required to deliver on this vision will require the Defence Forces to put its people at the centre of the organisation, and will involve reshaping its structures and capabilities, underpinned by cultural change and investment."

Q4   When does this change need to happen?

"The Defence Forces will need time and space to transform and modernise, but change is essential, and implementation cannot be long-fingered."

Q5   What benefits will be realised by this change?

"The Defence Forces will be a joint military force capable of providing the people of Ireland with a safe and secure environment and enforcing and protecting Ireland's sovereignty"

Q6   Who can deliver this change?

"...will require the engagement of external expertise to help drive and support the necessary transformation process."

As answered in the response to Q1 above, the scope for change is far-reaching. The Commission recommends root and branch actions, and innovations that are operational, administrative, and strategic, across the full remit of the OnH. This can be daunting for those tasked with driving the transformation. Whilst the increased budget brings opportunities to fund the modernisation and changes needed, there will be additional scrutiny of how it is allocated and the value that it derives to the OnH and the people of Ireland. When resources are finite, be it personnel, equipment or systems, or financial, OnH should therefore heed the recommendation in response to Q6: "… engagement of external expertise to drive and support the necessary transformation process."

Outsourcing
A catalyst to enable fundamental change, one which is recommended in the report, is that ensuring external expertise, otherwise known as outsourcing, should be utilised where possible, especially if this expertise enables OnH to not only maximise the effectiveness of their budget, but also, facilitates an improvement on a service that is intrinsic to the functioning of the OnH.

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6 Pg iii, Report of The Commission of Defence Forces, 2022

The business strategy of outsourcing became an essential part of business economics in the early 1990's[7]. The initial objectives were financial in benefit, in that an organisation, private or public, hire outside companies to perform specific tasks to reduce operating costs such as salaries, overhead, equipment and technology. It was soon evident that additional benefits were derived as outsourcing allows an organisation to focus on its core aspects by delegating less critical functions to the third-party outside organization. Outsourcing is now a standard business strategy in most private sector businesses, and one that has become firmly embedded in many public authorities as well, from health to education and infrastructure.

The 'slow' adopters of outsourcing, at least in Europe, have been professional militaries. That is no longer the case, with some defence forces[8] utilising outsourcing for operational needs. The benefits are manyfold, as are the services that can be outsourced, and this paper has used as an example, that most fundamental need of a military organisation, the provision of its clothing and wearable products from design to production, to storage and supply.

Changing How Ireland's Defence Forces Provides Clothing, Wearables, and Accessories

It is noted within the Commission report: "[the] Office of Defence Services and Facilities Management should be civilianised. This approach is common in other international comparators and has been hugely beneficial in bringing new concepts to enhance organisational efficacy."[9]

This we believe could and should go further, complimenting this recommendation with the engagement of outsourcing expertise for clothing and wearables. The overarching reason why organisations choose to outsource clothing and wearables is to improve their strategic management. They recognise that their internal resources are better assigned to focus on whatever the specific core remit and purpose of that organisation is. In doing so they focus on their strengths, the very reason why they exist, and delegate and outsource the elements that divert their resources from this mission.

The Current Model[10]

Whilst modern military strategy, tactics, and equipment have continually evolved and modernised, the OnH model of procurement, supply and management of uniform and wearables, has changed little in the last two decades (it could be argued that key functions such as supply chain management, individual clothing allocation and management of stores has not changed demonstrably since the 1950's). When a need as basic as clothing and kitting out a soldier becomes antiquated, the ramifications are felt throughout the organisation. Expenditure becomes inefficient. Products are not fit for purpose and even obsolete. Personnel become demoralised and undervalued with recruitment or retention negatively impacted.

7 IBM Global Services: A Brief History, May 2002
8 Reference examples: The Logistics Commodities & Services Transformation (LCST) Programme, UK MoD
The Wearables Supply and Managed Services Contract, New Zealand Defence Force
9 Pg 187, Report of The Commission of Defence Forces, 2022
10 Refer to Appendix ii

Currently, OnH procures and manages its clothing and wearables by conducting public procurements (in conjunction with The Office of Government Procurement-OGP), then issuing purchase orders (date, volume, and specification). To comply with procurement regulations (including EU law[11]). Contracts awarded adhere to limited time periods (5 years or less). Suppliers then manufacture direct, or outsource to third parties, before delivery to OnH logistics stores, whereupon stock is managed and distributed by OnH uniform and non-uniformed personnel.

This operational model, (Figure 1), places enormous pressure on OnH internally as it must assign resources (personnel, capital, financial, systems, equipment) to perform the core functions.

Key:		
Defence Forces Direct		
Outsourced		
Hybrid (Defence Forces & Outsourced)		

1 Strategic Planning
Strategic Equipment Management Plan

2 Capability & Project Management
User Requirement – Research & Development / Design – Product Option / Prototype – Trial & Evaluation – Approve – Procure - Introduction into Service – In Service Management

3 Demand Management
Demand & Forecast including Deployment Demand, Recruitment Demand, General Demand

4 Supply Management
Inventory Management – Sourcing/Manufacture

5 Order Fulfilment
Deliver into Supplier Inventory – Order Processing

6 Stores & Distribution
Distribution to Camps & Bases – Issue to End Users – Management of Issue Controlled by Authority

(Figure 1 - Operational Model of Irish Defence Forces Procurement)

This is neither efficient or effective and diverts these resources from the fundamental remit of OnH. It also carries inherent risk and exposes limitations, both of which consume considerable resources to address, hence exasperating the budget further.

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11 Public procurement in Ireland and the rest of the European Union is governed by Directives and Regulations which are then implemented in national legislation.

This same model was once common in other public and private sector organisations, however the majority, have long since replaced this fundamental operational element of their organisation via outsourcing to specialist external service providers. In doing so, all have transformed their inventory management and stock control, rationalising stock holdings, transition of owned storage facilities to outsourced, improved their procurement and logistic processes, and have optimised the budget efficacy across the operational footprint.

Internationally, for many years, defence forces including the UK MoD, New Zealand DF, Canada AF, Försvarsmakten, and Australia DF to name but a few, have successfully outsourced the management of their uniform and wearables to external specialists.[12]Before transitioning to an outsourced management services provider, common problems experienced by the above organisations included:

⇒ Reliance on overstretched internal resources
⇒ Demotivated / demoralised personnel fulfilling roles few if any wished to hold when they joined the Military
⇒ Inaccurate data regarding Product Stock
⇒ Lack of comprehension of Stock usage (excess allocation leading to wastage)
⇒ Reactive not proactive in stock purchasing
⇒ Leading to inefficient stock purchasing
⇒ Dysfunctional procedures in product design
⇒ Excessive volumes of obsolete stock

Confronted by the above, led to a realisation that change was needed, resulting in the engagement of outsourced expertise to manage their clothing and wearable requirements.

Benefits Defence Forces Realise by Outsourcing

Managed Clothing Solutions focus on delivering cost efficiencies whilst measurably improving quality of the product and associated services via KPI[13]-driven contractual agreements. They integrate all aspects of a uniform and wearables program, from design and testing to manufacturing and quality assurance, to stock holding and issue via sophisticated user entitlement / allocation ordering platforms.

Advantages of outsourcing include:

⇒ Cost efficiencies across multiples stages of operations (Fixed Versus Variable Costs, Employment Costs, Overhead - General & Administrative - Costs, Utilisation Costs)
⇒ Access to Information and Data to make better decisions (strategic, operational, financial)
⇒ Better management relating stockholding & forecasting with a focus on mitigation of risk of products becoming obsolete and not fit for issue leading to expenditure waste / write downs.
⇒ Effective consolidated management of multiple supply channels and suppliers, domestic and international
⇒ Continuity of supply, mitigate and offset risk to supply chain disruption

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12 Refer to Appendix 2.
13 KPI = Key Performance Indicator

⇒ Incentivises and promotes domestic industries, retaining GDP within the economy by supporting domestic industry and supply chain partners

⇒ Product innovation leading to better design, manufacture and provision of wearables resulting in increased moral and sense of professionalism and identity

⇒ Contract out the responsibilities and duties of existing Defence Forces personnel, uniformed and nonuniformed (stores, measuring and fitting, logistics etc.), releasing these personnel from duties that can be outsourced, and thus enabling retraining and/or redeployment to other more critical roles within the Defence Forces operational model

⇒ Manage and use military and civilian personnel more effectively, with people staying in post for longer, and more transparent and joint career management.

⇒ Adopting industry best practice to suit the Defence Sector (e.g., new models of procurement which all feature early supplier engagement, transparency of cost, and collaborative working to deliver a value for money outcome: Cost Led Procurement; Two Stage Open Book; Integrated Project Insurance (IPI))

Considerations to Understand Before Outsourcing

As with all Business Strategies, its vital that the organisation considers the risks as well as the benefits before moving forward.

Procurement and Contracting an Outsourcing Partner

As noted earlier in this document, the standard procurement procedure that OnH uses is to engage the OGP to facilitate Public Tenders. A majority of these are conducted in accordance with EU law[14] on Open and Restricted Tender Procedures and are assessed by the Most Economically Advantageous Tender (MEAT[15]) evaluation methodology. Whilst these are effective for straightforward, prescriptive demand and supply requirements, they are restrictive, especially when an Authority wishes to award a contract which is complex and wide-reaching in scope, and where long-term partnerships are key to success[16]. For this reason, OnH should actively pursue a procurement mechanism that enables it, and the industry partners it wishes to engage with, to be flexible, innovative, and mutually committed to shared goals and objectives, and permits a longer contractual period. There are proven precedents which public authorities, including those in Defence and Security, have implemented. Contractual examples include UK MoD Logistics, Commodities & Service Transformation (LCST)[17], UK Police National Uniform Managed Service (NUMS)[18] and New Zealand Defence Forces Project Warrior (Wearables Supply & Managed Services)[19]. Therefore, OnH should explore alternative procurement mechanisms such as, the Competitive Dialogue Procedure[20] (Figure 2), or the Competitive Procedure with Negotiation[21] (Figure 3), or the Innovation Partnership Procedure[22] (Figure 4).

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14 OJEU - Official Journal of the European Union
15 The Most Economically Advantageous Tender (MEAT) is a method of assessment that can be used as the selection procedure, allowing the contracting party to award the contract based on aspects of the tender submission other than just price
16 Open & Restricted Procedures have finite contractual time periods, 5 years or less
17 LCST has a contractual period of 13 years
18 NUMS has contractual period of 10 years
19 Project Warrior has a contractual period of 20 years (10+10)
20 The competitive dialogue procedure is used for more complex contracts, where technical solutions are difficult to define or to facilitate discussions on the optimum legal or financial structure for the contract
21 The competitive procedure with negotiation contains more flexibility around negotiation with the winning bidder (provided this does not modify the essential aspects of the contract or procurement or amount to a distortion of competition)
22 Innovation partnership procedure is where no existing products, services or solutions meet the need of the procurement authority necessitating a development partnership to be formed to create the solution required

Procurement Procedure Options[23]

COMPETITIVE DIALOGUE

Stage 1

Issue Contract Notice and/or descriptive document to OJEU using eTenders ⟶ Set deadline for Expressions of Interest and completed ESPD. Short list candidates ⟶ Carry out dialogue with shortlisted candidates

Close the dialogue process once solution(s) to needs identified ⟶ **Stage 2** Issue Request for Final Tenders ⟶ Participants submit Final Tenders. Contracting authorities can clarify, specify, optimise received tenders

Advise all tenderers of the outcome ⟶ Clarify aspects of winning tender if necessary ⟶ Hold mandatory standstill period

Execute the contract ⟶ Issue Contract Award Notice in OJEU via eTenders ⟶ Prepare report and retain record of procurement process undertaken for a minimum of 3 years *

(Figure 2)

23 Office of Government Procurement; Public Procurement Guidelines for Goods & Services v2 January 2019

COMPETITIVE PROCEDURE WITH NEGOTIATION

Stage 1

Issue Contract Notice to OJEU using eTenders

Set deadline for return of Expressions of Interest and completed ESPD

Shortlist candidates using Exclusion Grounds and Selection Criteria

Stage 2

Invite submissions of Initial Tenders from shortlisted candidates

Negotiate Initial and all subsequent tenders and invite Final Tenders

Conclude negotiations and seek Final Revised Tenders from tenderers

Verify minimum requirements in the Final Tenders and evaluate them against award criteria

Advise all tenderers of the outcome

Hold mandatory standstill period

Execute the contract

Send Contract Award Notice to the OJEU via eTenders

Prepare report and retain record of procurement process undertaken for a minimum of 3 years *

(Figure 3)

INNOVATION PARTNERSHIP PROCEDURE

SELECTION STAGE
Set deadline for Expressions of Interest including receipt of ESPD

RESEARCH AND DEVELOPMENT STAGE
Competitive Negotiated Procedure used to award contract to Partner(s)

COMMERCIAL STAGE
The final results are provided by the Partner(s) and there is the option for the contacting authority to purchase the goods or services
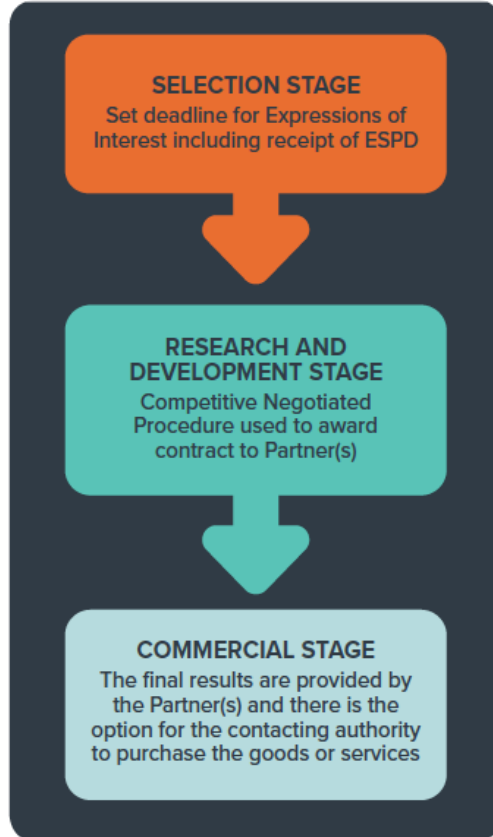
(Figure 4)

The Cost of Transition

A service that was once done inhouse, now outsourced, requires all parties to adopt to a transition process. Just like hiring a new employee, it takes time, commitment and focus to bring an outsourcing partner up to speed on the work they are expected to perform. The objective is to ensure this transition is as efficient, seamless, and robust as possible. Therefore, establishing a base set of requirements that an outsourcing partner must meet is key from the outset. Do they have current comparative experience in delivering similar services to comparable organisations? Are they competent and have capacity to perform the services inhouse or do they have to outsource some to additional external partners (the more links in the supply chain, the greater the risk of weakness within that chain)? Transitions of services do not happen overnight, and rather will take months, depending on the complexity of the project. It is imperative that during this transition / mobilisation period, where full efficiencies will not be realised, the timeframe is managed and realistic.

This is also the reason that outsourcing needs to be viewed as a long-term model of partnership between the OnH and the services provider. Short term contractual periods (less than 5 years) will require OnH to manage potential transitions from one outsourced services supplier to another. This can cause a "bubble cost," i.e., paying the incumbent supplier to disengage and provide knowledge transfer, while also paying the new supplier to come up to speed before they even start the actual service. Whilst this transition between suppliers is commonplace within outsourcing, where possible, OnH should seek to minimise its frequency.

Streamline and Consolidate the Supply Chain

A universal rule when outsourcing a diverse commodity requirement such as clothing, one where many individual suppliers may be involved, is to consolidate the overall management where possible. It is not uncommon for a large, uniformed organisation such as OnH to have hundreds if indeed, not thousands of products and variations (sizes) thereof from which it kits its personnel. Standardisation of product should therefore be a core objective when outsourcing uniform and wearables, reducing stock requirements, and reducing expenditure. That does not mean that the outsourced management partner is then responsible for the design, production of all items. But it should be responsible for the management of the individual supply chain partners that will.

Domestic Socio-Economic Benefits

Whilst the focus on any budget expenditure should be best value for the best service and product available, OnH, as a Public Authority, must have a wider appreciation of the role they can play in developing and supporting Ireland's domestic socio and economic environment. They should actively seek and encourage industry where possible to operate locally and in doing so, generate domestic economic benefit. This does not mean then forsaking access to specialist global reach and expertise within the Defence Sector. But rather, follow the example of Defence Forces in countries such as Canada, and New Zealand, where cost analysis of socio-economic benefits is conducted before expenditure is allocated.

Engagement With the Soldier, Sailor, Aviator.

Whilst it is a given that an outsourcing solution will need the active involvement of front-line Commands, fundamental to realise the full potential and benefits of outsourcing is to ensure that those that are most impacted by the change in the operational model, the uniform wearer, are engaged and involved throughout the process. The modern soldier must be kitted appropriately for the duties they fulfil. Design of kit therefore must involve those that wear it. Similarly supply chain partners must be engaged from the outset and KPIs attached to their contracts which focus on meeting the needs, technical innovation, quality, as well as cost. All in turn must be mindful of not just current but future consumption. Product sitting in storage indefinitely, either through poorly considered minimum order quantities or sizing profiles, or, due to obsoletion, contributes only to wastage of expenditure. Just-in-time stock replenishment, where the objective is to ensure the optimum current and near future needs of the soldier are met should be pursued. Not only will this control expenditure to accurately meet needs but will mitigate the risk of stock becoming obsolete.

Mitigate Risk Within the Supply Chain

Ireland's economy is firmly reliant upon a global supply chain, especially manufactured products (finished and component) from outside Europe (typically Asia). Whilst this has obvious financial reasons, (lower cost), reliance upon an external supply chain, necessitates a willingness to accept long lead times (sea freight from Asia for example is a minimum of 6 weeks from port-to-port) and carries inherent risk of disruption. Never has this been more evident than during the pandemic, where factories were placed in lockdown, and logistics operations, especially freight, were diverted to supply PPE. And the catchup once lockdown restrictions were eased, has resulted in demand outpacing supply, with both factories and freight providers struggling to meet demand, and hugely inflated costs as a result.[24]

Organisations that have been impacted now are focusing on mitigating this risk in the future. They are doing this by either sourcing, encouraging, and developing a domestic supply chain, and / or, increasing stock levels of core products to provide a greater contingency buffer.

Communication

Communication between the organisation and the service provider must be effective, transparent, and honest from the outset. Trust and empathy are vital. In tandem with considering the above, OnH must establish what it expects from those organisations that wish to be considered as their outsourced partner, including but not exclusively the following:

⇒ Demonstration of the ability to deliver Public Value
⇒ Proven predictive analysis capability – proactivity to anticipate change
⇒ Understanding of the Defence Forces future operational environment and the causal reasons
⇒ Insight of the evolving requirements for uniform and wearables systems
⇒ Active research and development with the Defence Industry
⇒ Maximisation of the fit form function capability of wearables
⇒ Application of new technologies to wearables and supply chain management
⇒ Agility and flexibility to overcome rapidly developing supply chain challenges
⇒ Delivery of strategic partnership benefits
⇒ Ability to support Defence Forces functional improvements
⇒ Willing to make justified investments e.g., infrastructure improvements
⇒ Operational delivery excellence with demonstrable insightful strategic planning and execution
⇒ A proven methodology and experience of transition management

Conclusion

In committing to LOA 2, OnH have the opportune time to review and implement real and meaningful change to ensure enabling services are provided efficiently, effectively, and professionally across the uniform and wearables operational model. Engagement with industry should be initiated expediently. Furthermore, as evidenced by outsourcing programs that have been successfully implemented by other Defence Forces (notably, UK MoD, and New Zealand DF), OnH must review the procurement process they apply to identifying and contracting an outsourcing partner.

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24 A 40ft Shipping Container from Asia to Europe has increased in cost x 400% since the pandemic.

That is, consideration should be given to utilising either the Competitive Dialogue Procedure, or, the Competitive Procedure with Negotiation, or the Innovation Partnership Procedure.

It is our considered and informed opinion that if OnH implements outsourcing within their operational model, they will realise a step-change in performance and cost reduction, a more agile, reliable, and future-proofed solution delivered by the application of innovative, industry tried, tested and proven processes and tools, and leading edge commercial best practice. By doing so, resources (personnel, financial, estate) can be repurposed to focus on the core purpose of the organisation:

"Our Mission is to provide the military capability to defend Ireland and assigned interests internationally"

Appendix I
Defence Expenditure Comparisons[25]

Military expenditure (% of GDP) - Ireland, United Kingdom, New Zealand

Stockholm International Peace Research Institute (SIPRI), Yearbook: Armaments, Disarmament and International Security.

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25 Source: The World Bank; Stockholm International Peace Research Institute, Yearbook, Armaments, Disarmament, and International Security, 2022

Appendix 2

Defence Forces Current Operational Model Comparison

Key:	
Defence Forces Direct	
Outsourced	
Hybrid (Defence Forces & Outsourced)	

Óglaigh na hÉireann

UK Ministry of Defence

New Zealand Defence Forces

Surfing the Wave of Organisational Cultural Change – Can the Defence Forces Adapt to the Recommendations of the Commission on the Defence Forces?

Lieutenant Commander David Memery

'Culture does not change because we desire to change it. Culture changes when the organization is transformed; the culture reflects the realities of people working every day.'

– Frances Hesselbein

Abstract

The Commission on the Defence Forces (CoDF) has recommended that the Defence Forces undergo a process of transformational change to deliver a Joint Military Force[1]. This presents a challenge to the currently prevailing culture of the Defence Forces within the component domains. Within the Canadian Armed Forces the transformation to a Joint Force, proved problematic due to the change process neglecting the impact upon the individual cultures of the Navy, Army and Air Force, resulting in a subsequent reversion back to domain-specific military components in 2011, although a Joint Command remained[2]. Such is the scope of change envisaged within the CoDF report that failure to understand the prevailing Defence Forces cultures and sub-cultures may significantly impede organisational change management. This paper applies change management literature, in particular the Organisational Culture Assessment Instrument (OCAI), to understand to what extent prevailing and desired organisational culture is shared using a sample of Naval Service respondents.

Introduction

Cultural change is essential in supporting organisational change, in other words, a flexible organisational culture is essential in ensuring a smooth change process[3]. A flexible organisational culture is fundamental to an organisation's existence, and capability to operate in a dynamic environment.

Before engaging in any major change process, it is important to have a comprehensible and integrated picture of where the organisation stands, referring to the current situation and culture, and where the organisation wants to be, referring to its desired state[4]. The report of the CoDF and the Defence Forces Climate Survey of 2015/16 provides a good appreciation of the present state, however, there is more ambiguity regarding the desired culture that is required to align with the CoDF recommendations. This paper goes some way to shining a light into specific areas of present and desired culture, but given the limited scope of this paper, it is proposed to focus on a single military sub-culture.

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1 Commission on the Defence Forces. 2022. Report of the Commission on the Defence Forces. Report, Dublin: Stationary Office.
2 Gosselin, D. 2008. "Hellyer's Ghosts: Unification of the Canadian Forces is 40 Years Old - Part Two." Canadian Military Journal 9 (3): pp. 6-16.
3 Mbeba, R D. 2014. "Essence of a flexible organisational culture to influence change in the 21st Century organisation." Mediterranean Journal of Social Sciences 5 (7): pp. 663-670.
4 Ibid.

Challenges of Organisational Change

Several studies have reported that the most frequently cited reason given for the failure of planned organisational change initiatives was a neglect of the organisation's culture[5]. To change culture, one cannot do so by simply addressing the artefacts, or even the espoused beliefs, but rather, one needs to reflect upon the underlying assumptions of the organisation.

Sometimes, strategic requirements evolve to increase innovation and efficiency, therefore, organisations promote change hoping that employees will perform better and develop their understanding[6]. Employee attitudes to this change may be positive or negative, and in the case of the latter, can impact the extent of cultural innovation and the effectiveness of such change. Employees will work against a change initiative if they feel they have no stake in the process, do not want to take on the additional, or modified, work associated with the change, or are concerned about a lack of required skills to succeed in the organisation after the change. They may also be concerned about job security[7],[8]. Organisational culture provides members of the organisation with stability, consistency and meaning. Any threat to the status quo will meet resistance, and the change agent, be it internal or external, will surely meet resistance to change[9]. Owing to the significance of organisational culture and the resistance factors, it is necessary to understand the relationship between resistance and culture[10].

The Seven S model[11] recognises that successful culture change may require a change in Structure, Symbols, Systems, Staff, Strategy, leadership Style and Skills. Change for any organisation is arduous, but military organisations in particular sometimes have difficulty in changing, as they are optimised to perform established tasks with uniformity and regularity[12].

Measuring Culture

Cameron and Quinn[13] have proposed a typology built on factor-analysing large numbers of indicators of organisational performance and found that these reduce to two clusters that correlate closely with what cognitive researchers have found to be 'archetypical' dimensions, how stable or flexible the organisation is, and how externally or internally focussed it is. The four quadrants which emerged from these analyses match precisely the main organisational forms that have been developed in organisational science.

5 Cameron, K S, and R E Quinn. 2011. Diagnosing and Changing Organizational Culture: Based on the competing values framework. 3rd. San Francisco, CA: John Wiley & Sons: pp. 1-2.
6 AlHrassi, J, E Masa, M Al-Lozi, and H Irtaimeh. 2016. "The Impact of Management Innovation and Technological Innovation on Organizational Effectiveness: An Empirical Study from Managerial Staff Perspective in Sultan Qaboos University." Journal of Social Sciences 55 (33): pp. 309-339.
7 Starzyk, A, and S Sonnentag. 2019. "When do low-initiative employees feel responsible for change and speak up to managers?" Journal of Vocational Behaviour 115.
8 Lashitew, A A, L Bals, and R van Tulder. 2020. "Inclusive business at the base of the pyramid: The role of embeddedness for enabling social innovations." Journal of Business Ethics 162 (2): pp. 421-448.
9 Beitler, M. 2005. Organizational Culture Change: Is It Really Worth the Effort? Accessed August 12, 2022. https://ezinearticles.com/?Organizational-Culture-Change:--Is-It-Really-Worth-the-Effort?&id=102525.
10 Merhi, M L, and P Ahluwalia. 2019. "Examining the impact of deterrence factors and norms of resistance to information systems security." Computers in Human Behavior 92: pp. 37-46.
11 Waterman, R H, T J Peters, and J R Phillips. 1980. "Structure is not organisation." Business Horizons 23 (3): pp. 14-26.
12 Rosen, S P. 1994. Winning the next war: Innovation and the modern military. Cornell: Cornell University Press.
13 Cameron, K S, and R E Quinn. 2011. Diagnosing and Changing Organizational Culture: Based on the competing values framework. 3rd. San Francisco, CA: John Wiley & Sons.

The Organisational Culture Assessment Instrument (OCAI) queries six items which address some basic assumptions (dominant characteristics, organisational glue), interaction patterns (leadership, management of employees) and organisational direction (strategic emphases, criteria of success) that typify the fundamentals of culture[15] to assess the organisation's current culture, and that which members believe should be developed. The competing values framework has been found to have a high degree of congruence with well-known and well-accepted categorical schemes that organise the way people think, their values and assumptions, and the ways they process information[16].

Manifestations of culture can be detected in values, norms and practices that shape the unique identity of each organisation; however, some taxonomies exist with common characteristics that associate a particular organisation with a particular type of culture, these types having implications for organisational change[17]. They combine two existing frameworks to organise the different patterns of shared values, assumptions, and interpretations, through which four forms of organisational cultural domains emerged.

14 Cameron, Q, and T Degraff. 2009. "The Competing Values Framework: Creating Value Through Purpose." Practices, and People 51 (3).
15 Cameron, K S, and D R Ettington. 1988. The conceptual foundation of organizational culture. Ann Arbor, Michigan: University of Michigan.
16 Cameron, K S, and R E Quinn. 2011. Diagnosing and Changing Organizational Culture: Based on the competing values framework. 3rd. San Francisco, CA: John Wiley & Sons: pp. 37.
17 Cameron, K, and S Freeman. 1991. "Cultural congruence, strength and type: relationships to effectiveness." Research in Organisational Change and Development 5: pp. 23-58.

The OCAI has been found not only to be an accurate assessment of organisational culture but significant relationships have been found between culture as assessed by the OCAI and a variety of indicators of organisational effectiveness[18].

Cultural Type	Description	Interactions	Typical Leadership Styles
Clan	Emphasising flexibility, which is internally focused, characterised by teamwork, shared values and goals, employee participation and corporate commitment to employees	Based upon congruence of beliefs and consensual objectives.[19]	Participative Mentor, Facilitator, Parent-Figure
Adhocracy	Emphasising flexibility and change, externally oriented. Its key values are creativity, entrepreneurship and risk-taking	Based upon flexibility and tolerance, development and growth and a commitment to innovation[20].	Entrepreneur, innovator, Risk Taker
Market	Seeks control and stability whilst being externally focussed. Key characteristics are goal achievement, consistency, environmental interaction, customer orientation and competitiveness	Based upon equitable exchange[21].	Competitiveness, Production, Achievement
Hierarchy	Orientated toward control but focuses on the internal organisation. Its key values are efficiency, and close adherence to norms, rules, and regulations. Emphasises order, rules and regulations, clear lines of authority, uniformity, and efficiency.	Based upon surveillance, direction, and evaluation[22].	Co-ordinator, Organiser and Administrator

Table 1: Competing Values Framework Cultural Types[23]

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18 Cameron, K S, and R E Quinn. 2011. Diagnosing and Changing Organizational Culture: Based on the competing values framework. 3rd. San Francisco, CA: John Wiley & Sons: pp. 27.
19 Ouchi, W G. 1981. "Markets, bureaucracies, and clans." Administrative Science Quarterly 23: pp. 129-141.
20 Mintzberg, H. 1979. The structuring of organizations. Englewood Cliffs, NJ: Prentice-Hall.
21 Ouchi, W G. 1981. "Markets, bureaucracies, and clans." Administrative Science Quarterly 23: pp. 129-141.
22 Ibid.
23 Adapted from Cameron, K S, and D R Ettington. 1988. The conceptual foundation of organizational culture. Ann Arbor, Michigan: University of Michigan.

An organisation rarely has a single type of culture, but is a mix of the four, with one being dominant, typically in line with occupation norms. Many successful military units, and leaders, can be viewed as being highly competitive, who intuitively exercise the concept of mission-command, and hence can be argued to have displayed a culture of adhocracy. However, to secure participant 'buy-in' they often have relied either upon their perceived authority within the hierarchy or a sense of the 'Esprit-de-Corp' within the unit. Hence, for a military organisation, it would be expected that the dominant organisational culture would lie either between the Hierarchal or Clan type.

Raj and Srivastava[24] discuss the effect of the different cultural domains on organisational learning and innovativeness. They have demonstrated that Advocacy, Market and Clan domains have a positive effect on organisational innovativeness, whilst Hierarchy has no positive effect. The Advocacy culture cultivates flexibility and creativity because its goal is to adapt quickly to new opportunities, the Market culture promotes organisational learning through the flow of information between internal and external constituents. The teamwork and employee development aspects of the Clan culture foster proper utilisation of knowledge and improved learning and innovative capability. The Hierarchical culture does not have an impact on organisational learning and innovativeness due to its characteristics, as the employees lack sufficient autonomy, with the formalised and centralised structure inhibiting employees from tackling things from a new perspective, and thus not providing the opportunity to learn new things.

There is a balance between the four culture types, and where one particular type excessively dominates within an organisation it is more likely to be dysfunctional. Hierarchical culture is predominant in the public sector and is by nature less market focussed and more concerned with guidance and direction from the political sphere. Public sector culture, therefore, tends to be more reactive than proactive[25]. It has been further argued that public sector organisations are reactive and that a culture of professional dominance in public bodies has rendered them unresponsive to changing needs and risk-averse about innovation[26]. In the context of military organisations, they have historically relied upon Hierarchical and Clan cultural traits for the maintenance of military discipline and control of the monopoly of coercive violence.

This study was conducted using an email survey, using standardised OCAI questions, targeted at a cross-section of Naval personnel within the Engineering and Operations branch between the ranks of OR-5 to OR-9[27] and OF-2 to OF-6[28]. The decision was made to focus on a single military domain for the purposes of clarity by avoiding elements of sub-culture differences encountered in previous research[29]. The survey was conducted over two weeks in early August 2022, to incorporate the 'Perceived' responses towards the desired culture as a follow on to the recent briefings and discussions post the publication of the CoDF report and High-Level Action Plan (HLAP). The response rate was 30%.

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24 Raj, R, and K B Srivastava. 2013. "The mediating role of organizational learning on the relationship between organizational culture, HRM practices in innovativeness." Management and Labour Studies 38 (3): pp. 201-223.
25 Parker, R, and L Bradley. 2000. "Orgniasational culture in the public sector: Evidence from six organisations." The International Journal of Public Sector Management 13 (2): pp. 125-141.
26 Christie, C. 2011. Commission on the future delivery of public services. Edinburgh: Scottish Government.
27 Petty Officer to Warrant Officer.
28 Sub-Lieutenant to Commodore.
29 Memery, David. 2019. The Future Model of Jointness within the Irish Defence Forces: How do we get there? MA Thesis, Maynooth: Maynooth.

Murray[30] outlines a hypothesis of Conservative Culture within military institutions as 'exist[ing] in a culture of disciplined obedience in which soldiers, sailors and airmen must remain steadfast in the face of terrifying conditions…But disciplined organisations rarely place a high value on new, and untried ideas, concepts and innovations, or what has been described by Huntington[31] as the 'military mind' viewing the world through the lens of 'conservative realism', whereby militaries are constantly reinforcing their links to the past through ceremony and tradition, emphasising the uniqueness of the military community, and creating within its members a sense of collective identity. Therefore, militaries are extremely attuned to what has worked successfully in the past, strengthening military culture, which is a barrier when the organisation is seeking to initiate change[32]. A paradox to this perception is that once an innovation idea has taken root within a military organisation the conservative cultural hypothesis may in fact aid implementation due to an execution-orientated culture, that 'can-do' attitude so often highlighted within the Defence Forces.

A viewpoint of the challenge faced by the Defence Forces at this time is that militaries can be viewed as bureaucracies that depend upon the standardisation of training, methods, and organisation. Innovation subverts this, both in terms of the exploration of a new approach, by the introduction of variance into the system, and then if the innovation is successful in the eventual replacement of the existing approach, requiring organisational change, which in turn may require cultural change[33].

In terms of change within military structures, Norheim-Martinesen[34] proposes that due to the nature of militaries, armed forces are usually seen as fundamentally different to the rest of society, subject to different rules and expectations than other organisations, both public and private. This military exceptionalism has been a persistent feature of how such organisations are viewed. Yet, in many cases, Europe's defence sectors have moved away from their more traditional conservative-realism approach, and have become more 'normalised' organisations, subject to the same dynamics and demands as larger society, subject to greater scrutiny, accountability, and transparency in how they are managed. The introduction of more modern management practices consequently has increased the influence of the larger defence community as defining actors in the delivery of defence capabilities, and to what extent uniformed personnel can adapt and influence those changes.

Defence Forces Organisational Culture

When comparing the perceived and desired cultural types, both globally and between each type, some variation is to be expected, however, a concern arises if the difference between the maximum and minimum values exceeds 10 points, as this indicates a significant enough cultural change is required that resistance may be encountered and that proactive measures may be required to achieve it.

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30 Murray, W. 1996. "Innovation: Past and Future." In Military Innovation in the Interwar Period, pp. 300-328. Cambridge: Cambridge University Press.
31 Huntington, H. 1957. The Soldier and the State. Cambidge, MA: Belknap Press.
32 Hill, A. 2015. "Military Innovation and Military Culture." The US Army War College Quarterly: Parameters 45 (1): pp. 85-98.
33 Ibid.
34 Norheim-Martinsen, Per M. 2016. "New sources of military change - armed forces as normal organizations." Defence Studies 16 (3): 312-326
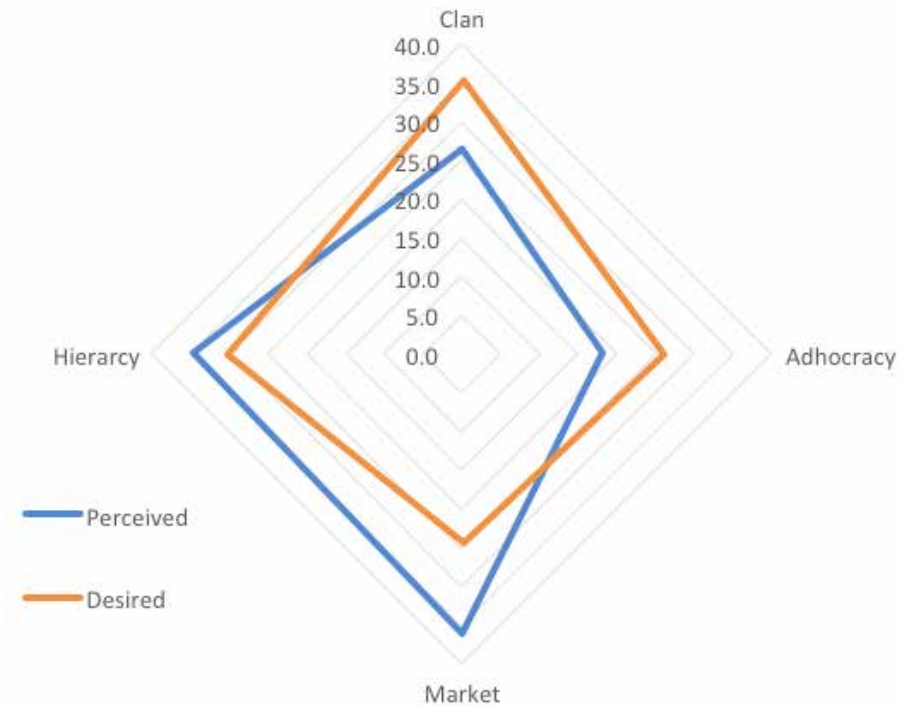
Figure 2: Perceived & Desired Cultural Types - Naval Service (n=32)

	Clan	Adhocracy	Market	Hierarchy
Perceived	26.4	18.0	36.2	34.8
Desired	35.4	25.9	24.4	30.4

Table 2: Averaged Scores OCAI - Naval Service

Fig. 2 and Table 2 give the overall results at the organisational level of the currently perceived culture, and that which is desired. Drumm[35] suggests that typically Public Sector organisations are normally dominated by Hierarchical cultures focused upon internal stability and control, over flexibility and innovation that are market focussed. The results obtained would indicate that members of the Naval Service believe that they have previously been too externally focussed, and that a period of inward focus upon employee participation and shared values and goals is required, with a marginal increase in organisational flexibility.

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35 Drumm, M. 2012. Insights: Culture change in the public sector. Glasgow: Institute for Research and Innovation in Social Services.

Perceived (Blue Plot in Fig 2)   Desired (Orange Plot in Fig 2)
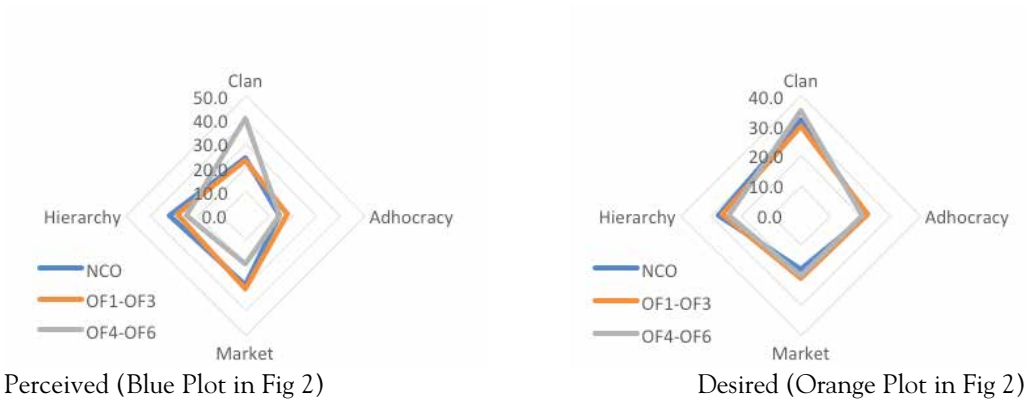
Figure 3: Perceived & Desired Cultural Types - By Rank Category (n=32)

Fig. 3 outlines the breakdown between rank categories for the Perceived and Desired Cultures within the Naval Service. The higher value given by Senior Officers within the Clan culture is not unexpected, as top managers tend to have higher Clan scores across organisational types[36]. Of note is the radar plot for the desired culture indicates a common and congruent vision, indicating the perception is of a shared goal based upon globally understood values and beliefs.

	Clan	Adhocracy	Market	Hierarchy
Perceived	34.2	13.4	21.3	31.3
Desired	36.1	23.7	18.7	21.9

Figure 4: Perceived & Desired Cultural Types - OF-4 to OF-6 (n=4)

Table 3: Averaged Scores OCAI - OF-4 to OF-6

36Cameron, K S, and R E Quinn. 2011. Diagnosing and Changing Organizational Culture: Based on the competing values framework. 3rd. San Francisco, CA: John Wiley & Sons: pp. 92.

Figure 5: Perceived & Desired Cultural Types - OF-2 to OF-3 (n=18)

	Clan	Adhocracy	Market	Hierarchy
Perceived	20.9	17.2	34.0	28.0
Desired	28.7	21.9	22.0	27.4

Table 4: Averaged Scores OCAI - OF-2 to OF-3

Figure 6: Perceived & Desired Cultural Types - OR-5 to OR-9 (n=10)

	Clan	Adhocracy	Market	Hierarchy
Perceived	23.6	14.2	29.0	33.2
Desired	31.8	21.9	18.4	27.9

Table 5: Averaged Scores OCAI - OR-5 to OR-9

Fig. 4-6 outlines in more detail the rank category breakdown of the Perceived and Desired culture for the Naval Service, and whilst there appears to be a common desired culture, the perception of the starting point does vary. Whilst NCOs and OF-2 to OF-3 appear to have a common perceived cultural image, that of senior management indicates a perception that a higher level of shared values, goals and shared space exists. Of particular note is that the largest variances exist in the Market and Clan types within the Commissioned Officer body, between the OF-4 to OF-6, and OF-2 to OF-3 categories. The risk associated with this is that whilst everyone does have an agreed cultural vision, how to get there may enjoy less of a consensus, risking frustration and ultimately possible failure.
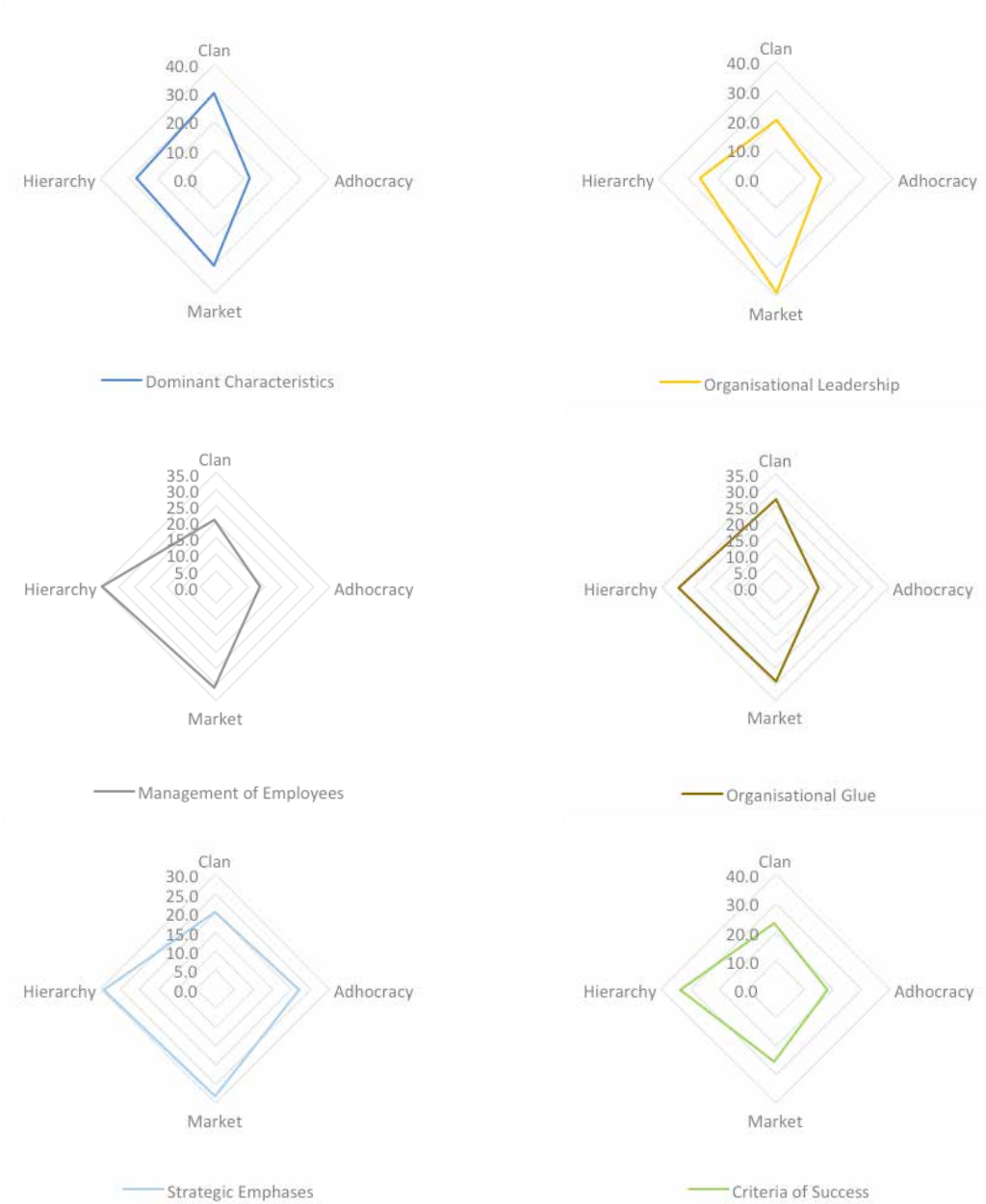
Congruence

Figure 7: Profiles for Perceived Individual OCAI Items

	Clan	Adhocracy	Market	Hierarchy
Dominant Characteristics	29.9	12.4	30.4	27.3
Organisational Leadership	20.0	15.2	38.9	25.9
Management of Employees	20.7	13.9	30.8	34.7
Organisational Glue	27.4	13.5	29.1	30.0
Strategic Emphases	20.3	22.2	28.2	29.3
Criteria of Success	23.2	18.5	25.2	33.1
Difference	9.9	9.8	10.8	8.8

Table 6: Scores for Perceived Individual OCAI Items

Whilst it is accepted that when examining the individual OCAI items some differences can occur in the relative values of the four cultural types, ideally, the general shape of the six profiles should be similar. In the case of the sample surveyed above whilst there are some similarities within the Clan and Hierarchy cultural types, variance does exist within the Adhocracy and Market cultures. However, as the differences between the maximum and minimum are below the threshold of 10 points for three of the four cultural types, and Market only exceeds it marginally, the culture of the sample can be considered marginally congruent across the areas of 'Basic Assumption, 'Interaction Patterns' and 'Organisational Direction', with a congruent score of 39.2.

A similar comparison has been conducted of the Desired Culture across the same items, and the results have been amalgamated in Fig. 8 and Table 7 below. They show a higher level of congruence, showing alignment towards the future culture of the Naval Service.
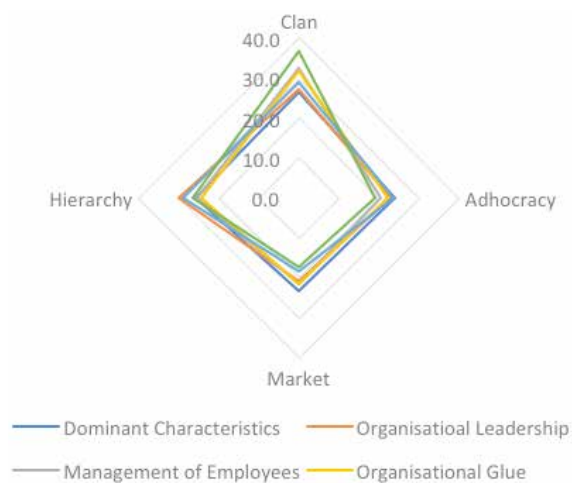

Figure 8: Profile for Desired Individual OCAI Items

	Clan	Adhocracy	Market	Hierarchy
Dominant Characteristics	26.5	24.2	23.4	25.9
Organisational Leadership	27.1	23.0	20.9	29.9
Management of Employees	32.6	20.4	21.5	25.6
Organisational Glue	31.7	22.2	21.7	24.3
Strategic Emphases	29.0	23.6	18.4	29.0
Criteria of Success	36.9	19.3	17.4	26.4
Difference	10.4	4.9	6.0	5.6

Figure 9: Scores for Perceived Individual OCAI Items

Conclusion

Overall, this paper has found that Naval Service organisational culture is congruent, with a shared vision of the desired culture, which is more internally focussed than that perceived at present, but with a higher level of flexibility in terms of achieving its objectives. Whilst there is some variance between ranks as to the current perceived culture, there is alignment as to the desired culture. As a consequence, care is required in defining the change management pathway to ensure sufficient ownership and acceptance. Whilst some cultural variations do exist between the domain components within the Defence Forces[37], they share a common underlying cultural foundation, therefore, it can be anticipated that similar cultural variation will be encountered within the Land and Air components.

The question can be posed 'What does all this mean for the CoDF's ambitions for change and jointness, how realistic is the path of change, and what resistance may be encountered en-route? This study, whilst limited to the small sample used within, suggests there is congruence within at least this branch of the Defence Forces over the existing organisational culture and the desired future model. However, what is less clear, is whether there will be robust consensus on how to get to a future Irish Defence Forces which has changed into the more capable and joint force that the CoDF envisages.

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37 Memery, David. 2019. The Future Model of Jointness within the Irish Defence Forces: How do we get there? MA Thesis, Maynooth: Maynooth.

Those Who Have Power Use It

Dr. James McCafferty

Abstract

This paper, based on The Melian Dialogue - part of Thucydides' The Peloponnesian Wars - examines Russia's invasion of Ukraine. It is argued that Russian conduct today perfectly matches the insights of this classic work. Putin initiated an invasion because he believed he had the military, economic and diplomatic power to succeed and because as a great power, he could act with impunity. Conversely, NATO, the USA and the UN system were dismissed as weak or unwilling to do much more than condemn. The paper also discusses how the Irish Defence could play a role in a possible post-ceasefire peacekeeping mission, should such emerge.

Introduction

In the period 430 - 410 BCE, the Greek historian Thucydides chronicled The Peloponnesian Wars: in part of this work, known as The Melian Dialogue, Thucydides observes: -

Each of us must exercise what power he really thinks he can,and we know and you know that in the human realm justice is enforced only among those who can be equally constrained by it and that those who have power use it while the weak make compromises.[1]

This excerpt from The Melian Dialogue is part of Thucydides' account of talks that took place during the Peloponnesian Wars between a delegation from the forces of Athens and representatives of the people of Melos. Athens was then the most powerful sea and land force in what is now the Peloponnesian region of modern Greece: the Athenians wished to peacefully colonise, or failing that, to subjugate Melos, an island lying SSE of Athens. The talks at Melos were a preliminary, so that the Athenians might occupy it without resistance. In the event, the Melians rejected the Athenian overtures. In the following year, Athens invaded Melos and following on a bloody campaign, Athens prevailed: Melos was subjugated.[2]

These events per se are not of consequence; but parts of the Melian Dialogue, the above excerpt, are most certainly of consequence in that they contain truisms, resonating over 2400 years, regarding justice, power and the exercise of power – in the instance Thucydides' relates - the power of Athens.

In so far as the unprovoked invasion of Ukraine is concerned: Russia - a powerful, nuclear-armed nation attacked a neighbouring state - with Russia believing that it (with its military power) could act with impunity and not feel constrained by justice - or that justice might be enforced upon it.

That Ukraine offered stiff resistance is not directly relevant for the purposes of this paper. The significance is that President Putin's autocratic actions, were taken believing that no constraints of justice – or no constraints of international law or treaty obligations applied, or could be applied to the Russian state, an unprovoked invader.

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1 Thucydides, The Peloponnesian War, translated by Walter Blanco, (New York, 1998.) p.227.
2 Idem, pp 227-231.

Thematic

This paper has three thematic bases. Firstly, that the words of Thucydides are valid and forceful today: that in the field of International Relations those who have a perception of their own overwhelming power will use it – in the furtherance of their own ends – if they are convinced that they can prevail. Secondly, this paper asks what is 'justice' and what is 'power' in this context. Thirdly, is there a role for peacekeepers such as our Defence Forces who have training and experience making them ideally suited for a mission in Ukraine?

Thucydides' Perception of 'Justice' - in Our Times

Putting Thucydides words: - justice is enforced only among those who can be equally constrained by it - in the context of this paper, would now read - 'the constraints of international law would be binding upon Russia only if Russia equally felt constrained by, or bound to observe, international law'. In 2014, Russia invaded Ukrainian territory and annexed Crimea. Clearly, Russia did not then feel constrained by justice or international law. Indeed, Russia did not feel obliged to honour its given undertakings of the 1994 Budapest Memorandum in which, together with the UK and the USA, Russia guaranteed the territorial integrity of Ukraine in return for the latter state surrendering its (significant) arsenal of nuclear weapons to Russia for dismantling.[3] In ignoring such obligations and acting with perceived impunity, Putin was exercising what power they really thought they could - to paraphrase Thucydides. There was much 'international condemnation' of Russia's annexation of the Crimean Peninsula. Condemnation, yes, action to constrain Russia, no.

What is Power?

In politics, or governance, power may be considered as the ability of the government of a nation-state to cause events to occur, to pass legislation and the like. In a broader sense, power might be defined as (one) having the ability to achieve a desired outcome through reward or punishment. Power may also be considered as having the ability to influence others to do something in a manner not of their choosing to achieve a certain outcome. Another facet of power is the ability to influence others in shaping what they think, want, need or believe. Government is, essentially, power – the ability to achieve a desired outcome, whatever the means. These (means) include legitimacy, persuasion, coercion and the use of, or threat to use, lethal force. Legitimacy as persuasion is soft power. Whereas coercion, threat to use, or use of lethal force is most definitely, hard power.[4] Russian state apparatus seized control of broadcasting and print media – thus exercising power over its own citizens - using these media as a means to influence others (Russian citizens) in shaping what they think, want, need or believe – by way of misinformation, or disinformation, on the activities of Russian attack forces in the neighbouring state of Ukraine. Truth is the first casualty of war.

That Belarus acquiesced (by facilitating the thrusts of Russia's initial invasion) also illustrates a facet of power and its use - the power of Russia to persuade, or perhaps to coerce, Belarus to facilitate massing of attack forces, permitting the use of Belarus' territory and infrastructure for Russian logistical purposes; and allowing Russian troops to form-up behind their start-lines.

3 Harvard Educational Resources https://policymemos.hks.harvard.edu/links/ukraine-budapest- memorandum-1994. Accessed 19 May 2022.
4 Andrew Heywood, Politics. (Basingstoke and New York, 2007). pp 7-11.

Declaiming recently on Lithuanian-disputed commercial transits to the Russian enclave of Kaliningrad, the Belarusian President was unequivocally supportive of Russian policies: perhaps a portent of further Belarusian involvement.[5]

War and invasion under arms is the ultimate exercise of hard power, whereas peacekeeping, a particular forte of our Defence Forces, is the noblest example of soft power.[6] By again invading Ukraine in 2022, Russia exercised what power they believed they possessed. And, the precedent of invading and annexing Ukrainian Crimea without sanction in 2014 may well have emboldened President Putin to act as he did in 2022.

While the Weak Make Compromises.

Putin believed the Ukrainian state to be comparatively weak and that the USA and NATO would not greatly intervene. His view of the UN was also dismissive. Shortly after the Russian invasion, The Guardian reported on an emergency session of the UN General Assembly; condemning the Russian action(s) and requiring a complete withdrawal of the invasion forces: -

"In an emergency session of the UN's general assembly, 141 of the 193 member states voted for the resolution, 35 abstained, and five voted against. The only countries to vote no in support of Moscow were Belarus, North Korea, Eritrea and Syria. Longstanding allies Cuba and Nicaragua joined China in abstaining." [7]

While this was hardly a unanimous condemnation, Russia was censured by a majority vote of the world's nations. However, this vote per se did not compel Russia to cease or desist. It may have been somewhat of an embarrassment but otherwise the invasion progressed or attempted to do so, as the resistance offered by Ukraine was, perhaps unexpectedly, forceful. Strengths of opposing forces aside, the resolve of the Ukrainian armed forces to defend their homeland appeared to significantly exceed the resolve of the Russians to progress their offensives.

As for the weak making compromises, the USA and NATO could not be described as being inherently weak. To the contrary, they would be best described as being strong possessors of power. The Russian invasion was condemned by NATO and the USA. NATO forces were reinforced in the Baltic states, 'red-line' warnings were issued that any attack on a NATO member would elicit a forceful response, and Sweden and Finland, heretofore neutral, but now conscious of their vulnerability to Russian aggression, hastened to join NATO.[8]

However, no direct force-of-arms assistance was given to Ukraine, but the USA, many NATO members and EU countries supplied arms and military materiel to Ukraine.Many nations, including EU member states, imposed economic and financial sanctions on Russian state institutions, on

5 President of the Republic of Belarus, 30/06/2022 : - https://president.gov.by/en/events/vstrecha-s- ministrom-inostrannyh-del-rossii-sergeem-lavrovym-1656591143#block-after-media-scrollAccessed 5 July 2022
6 James McCafferty, 'Peacekeeping and Soft Power', Defence Forces Review 2021, (Dublin 2021) pp 109- 114.
7 The Guardian, 02 March 2022 https://www.theguardian.com/world/2022/mar/02/united-nations-russia- ukraine-vote. Accessed 20 May 2022
8 CBC News https://www.cbc.ca/news/politics/ukraine-russia-putin-stoltenberg-nato-1.6377675. Accessed 20 May 2022.

President Putin, Russian government officials, so-called oligarchs and applied total or partial embargoes on Russian oil and gas.[9]

Economic sanctions are most effective against countries having little or no natural resources, nor access to same, whereas Russia has resources aplenty.[10] It remains to be seen if sanctions weaken Russia's military capability, or influence Russian behaviour to the extent of a cease-fire.

Despite the Ukrainian government's repeated calls for the establishment of a no-fly zone over its territory, NATO did not respond positively to those requests, there being no appetite by NATO member-countries to put their air-assets into situations where they would come into direct 'hot' conflict with Russian forces. This unwillingness may be understandable – but it might easily have been construed, not least by President Putin, as a sign of weakness.

To further put pressure on NATO and the USA, President Putin indicated in a statement of 28th February 2022 that 'he had put Russia's Nuclear Forces on special alert.'[11] While this statement by Putin has been seen by some commentators as a sign of desperation and weakness[12], it might also have been an exercise of his power, threatening to initiate catastrophic nuclear war. It is sufficient nevertheless to give pause to any nations who might ally with Ukraine in its conflict with Russia.

What About the UN?

At the onset of the invasion of Ukraine, the UN Security Council, the UN Secretary General, joined with the UN General Assembly in issuing condemnations of Russia's aggression.[13] The UN Secretary General travelled to both Russia and Ukraine (27 & 28 April, 2022) in an unsuccessful effort to arrange a cease-fire.[14] To further demonstrate, or perhaps to emphasise its power, Russia struck the Ukrainian capital with missiles during UN Secretary General's visit there.[15] Whatever power there may have been in the UN condemnations of Russian aggression, and despite Russia being a member of both the UN organisation and its Security Council, these condemnations had no effect on the invasion.

And so, it appears to be the case that the UN may well exercise influence - but it cannot exercise power comparable to the power that Russia can, and did exercise, in terms of military might. In other words, the UN could not compel Russia to cease their invasion or their withdrawal from any or all of Russian-occupied parts of Ukraine's territory.

The UN charter, devised and adopted in San Francisco in 1945, sets out in its preamble some noble aspirations such as: -

9 EU Press Office: https://int.search.myway.com/web?p2=%5EY6%5Exdm005%5ETTAB02%5EIE&ptb=4AEBF0E6-2C76- 4E18-AF07-F2BD50 57CA64&n=784866b4&ln=en&Accessed 20 May 2022
10 John Baylis, Steve Smith & Patricia Owens, The Globalization of World Politics, (Oxford, 2008), pp 114,115, 315, 385, 394-5.
11 BBC News https://www.bbc.com/news/world-europe-60547473. Accessed 21 May 2022
12 Stallard Katie. "The Unravelling of Vladimir Putin: Nuclear Threats and Mobilisation Cannot Hide the Russian President's Weakening Grip on Power." New Statesman 151, Sep. 30th -Oct 6th, (2022): 26–29
13 United Nations, Meetings Coverage and Press Releases. https://www.un.org/press/en/content/press-release?page=1 Accessed 21 May 2022
14 Idem.
15 The Guardian, https://www.theguardian.com/world/2022/apr/29/russia-carries-out-airstrike-on-kyiv- during-un-chief-visit-ukraine-antonio-guterres Accessed 21 May 2022.

WE THE PEOPLES OF THE UNITED NATIONS DETERMINE
To save succeeding generations from the scourge of war, which twice in our life-.time has brought untold sorrow to mankind, and ……to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained …….

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest ......

The UN Charter, Chapter VII, Articles 39 – 51, details the raising and organisation of Military Forces that UN members 'shall place at the disposal of the Security Council to be used as that Council may determine to impose the will of the (majority of) the General Assembly'.[16] These Articles have not been invoked since the Korean War, 1949-1952.

In effect, then, the UN can issue condemnations, can use its influence and can through its various arms attempt to bring about an ending of hostilities. It is when such hostilities have paused or ceased that the use of Peacekeeping Forces is both appropriate and desirable.

Is There a Role for Irish Peacekeepers in the Russia – Ukraine Conflict?

If the establishment and continuance of the UN organisation stands for the upholding of the aspirations 'to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained', contained in the preamble to the UN Charter, then there is most assuredly a role for peacekeeping in this conflict.[17]

However, peacekeeping forces in general are never mandated to be deliberately placed 'in harm's way' and therefore in the instant conflict, both sides must guarantee a cease-fire, pledge the safety of peacekeepers and make a full or partial withdrawal of opposing forces – ideally to the status quo ante.

Ireland's Defence Force have a long and distinguished record in peacekeeping – presently with elements of our Defence Forces operating in both Lebanon and on the Israeli–Syrian border at the Golan Heights. Although peacekeepers should not be seen or used as war-fighting forces, Irish peacekeepers also have experience of peace-enforcement while under UN mandate to do so: notably in Katanga, Republic of the Congo in 1961-62 and in Lebanon at At Tiri in April 1980.[18]

A nation deploying peace-keepers must consider when deployment of one's armed forces is desirable and prudent, assessing the military situation on the ground in any proposed area of deployment and having regard to any potential weakening of the 'supplying nation's' own defensive capabilities. Before deploying peacekeepers, the strength of their 'boots-on-the-ground' forces must be assessed, in terms of training, experience and mission preparedness and also in terms of the supporting elements of any force such as surveillance, reconnaissance, air or armour support, and of course

16 United Nations – About us – Charter. .https://www.un.org/en/about-us/un-charter Accessed 27 May 2022.
17 Idem.
18 James McCafferty, Peacekeeping and Soft Power in Defence Forces Review 2021, (Dublin 2021) pp 109-114.

logistics. There must, exist the military means available for a peacekeeping force to protect itself, should need arise – and ultimately have the capability to safely withdraw from a situation of conflict or harm. The situation that developed at Jadotville, in Katanga, Republic of the Congo in September 1961 is a case in point.

The report of the Commission on The Defence Forces sets out in some detail (its) perceived necessary steps to revitalise, fund, equip and staff the Defence Forces into the future and to enable it to fulfil its roles, both domestically and in UN peacekeeping.[19] Not least of these is the question of manpower[20], both in recruitment and retention. Given the personnel strengths of the Defence Forces at time of writing, it is questionable that if the UN made any call on Ireland to participate in any notional Ukraine-based peacekeeping force whether Ireland's Defence Forces could effectively respond to such a call - especially considering existing commitments in Lebanon and the Golan Heights. However, there is no doubt that the Defence Forces – in its training, ethos and acquired expertise in peacekeeping – is ideally suited for Ukraine-Russia peacekeeping or, indeed, any similar peacekeeping operation.

Summary and Conclusion

This paper, based on The Melian Dialogue - part of Thucydides' The Peloponnesian Wars - has examined Russia's invasion of Ukraine, in the context of whether the first quoted extract applies today. In particular, it has discussed aspects of the constraints of justice and whether those who purport to observe justice, as such, can be equally constrained by it – with reference to Russia being constrained by justice – or international.

law and treaty obligations. It is concluded that Russia, or President Putin, felt no such constraints or observed treaty obligations - Russian strategic objectives aside. It has also discussed power, its meaning and usage, and concluded that Putin's Russia felt it had the power to act as it did – that it exercised what power it believed it possessed.

It was also concluded that others who possess significant power – such as the USA and NATO - issued condemnations and warnings, but were unwilling to oppose Russia by direct military action, perhaps weakened by possible elision into all-out war and the threatened, awful prospect of Russia's use of nuclear weapons. The role of the UN, its power or influence was examined, briefly, and it was opined that the UN issued condemnations and appeals, but was unable to oblige or to compel Russia to cease its invasion. None of the USA, NATO or the UN inhibited the Russian invasion.

Lastly, this paper discussed peacekeeping, and whether the Irish Defence Forces (DF) might participate in any possible, future, peacekeeping force for Ukraine. It was concluded that the Defence Forces has the necessary skill-set; unparalleled experience and expertise - ideally suited for peacekeeping in Ukraine. However, this would be a (notional) mission that might well place considerable strain on resources.

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19 Gov.ie, Report of the Commission on the Defence Forces. https://www.gov.ie/en/publication/eb4c0-report-of-the-commission-on-defence-forces/ Accessed 22 May 2022
20 'Manpower' should be construed to include all genders.

A final excerpt from The Melian Dialogue is offered for reflection: -

Those who are most likely to succeed, Stand up to their equals, have the right attitude towards their superiors and are fair to those below them [21]

21 Thucydides, 1998, pp 230-231.

From Aspiration to Action.
Exploring New Horizons for the Defence Forces Senior Enlisted Leaders

Senior Chief Petty Officer Ruairi De Barra

'He's a sergeant, and they don't deserve no respect at all sir. I should know. They're cunning and artful, if they're any good. I wouldn't mind if he was an officer, sir. But sergeants are clever.'

<div align="right">

Sergeant-Major Jack Jackrum,
From the Monstrous Regiment
by Sir Terry Pratchett OBE

</div>

Abstract

This year's Defence Forces Review calls for the examination of the themes of change or continuity within the Defence Forces. This paper examines the changing role of Senior Non-Commissioned Officers (S/NCOs) in the Irish Defence Forces. It is from the ranks of these higher NCOs or Senior Enlisted Leaders (SELs) that the Commission of the Defence Forces has suggested that a Senior Enlisted Advisor to the Commander (SEAC), and Command Senior Enlisted Leaders (CSELs) be instituted. This paper explains current senior NCO roles and rank structures; and it explores the possibilities and challenges of the proposed new roles; and the impact they could have on the future of the Defence Forces. By augmenting the advice available to Commanders at the strategic and operational level, these new appointments could deliver significant improvements to existing capabilities of the current NCO corps. Moreover, the proposed SEAC and CSELs would enable the enlisted personnel of Óglaigh na hÉireann to better navigate wider organisational change.

Introduction

The Sergeant Major is often viewed by the public through the lens of film and fiction as a caricature; a moustachioed giant, bawling and incomprehensible on a parade ground, with creases like razors and a tongue to match. This depiction is far from the reality of the modern Senior Enlisted Leader (SEL). Discipline, diligence, and professionalism are attributes which have proved timeless in their value, and are cornerstones of our Defence Forces' culture and our profession at arms. SELs are often viewed within the services as the very embodiment of deeply held traditions, and the pinnacle of a professional non-commissioned officer corps. The proposed creation of a Senior Enlisted Advisor to the Commander (SEAC), and Command Senior Enlisted Leaders (CSELs) shall bring with them more than new acronyms and vocabulary; they present new possibilities and challenges, as the Defence Forces prepares for what may be the most significant and sustained period of change in its history. Many SELs may view themselves as traditionalists, yet due to their vital role in ensuring the commanders intent is implemented, they shall find themselves central to the transformation of Defence Forces as key change managers[1].

Empowered Professionals

Ireland, like many western militaries, has invested in a professional non-commissioned officer corps. The strategic value of this sound investment is clear to be seen when the vicious conflict currently been prosecuted by Russia in Ukraine is examined. A major military force, despite

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1 Tobin, Charles (Command Sgt. Maj.) (2017) "The role of a non-commissioned officer in a joint forces environment", (US) Army Sustainment Magazine, July-August, June 29, https://www.army.mil/article/189250/the_role_of_a_noncommissioned_officer_in_a_joint_forces_environment

apparent superiority of personnel, material, and firepower, struggling to conduct operations in part affected by the absence of a well-developed and empowered NCO corps[2]. The Russian military has an NCO corps[3] which is demonstrably inferior, in training and application, to that of western armed forces; and Russia is paying a heavy price for the absence of technically and tactically proficient empowered NCOs on the battlefield. Sweden abolished NCOs across their armed forced between 1983 and 2008. They later had to reintroduce NCO ranks after 2009, especially at the senior Warrant Officer/NCO equivalent ranks called Specialistofficerare (OR-6-9), as there was a need for either technically specialised or else very experienced NCO personnel who are yet distinct from the Officer cadre. This includes having senior NCOs that could, when deployed to field or base HQs, serve as "the eyes, ears and facilitators of strategic action by senior commanders."[4] It may be attractive to make departmental savings, or it may be an autocratic desire to concentrate control in fewer hands, which may lead some nation in the future to repeat the failure to raise, train, and maintain a professional NCOs, yet the hard lessons learned by others should be warning to all. If you have NCOs train them, retain them, and empower them. They are key enablers of an effective military force.

Senior Enlisted Leadership

Before we begin to explore Irelands proposed new appointments, it behoves us all to reacquaint ourselves with the Defence Forces NCO ranks; Sergeant Majors (SgtMjr) and Warrant Officers (WO). It has become increasingly common to use the NATO codes[5] for grades of military personnel[6] to indicate these NCOs at the grade of Other Rank (OR) 9; the current highest grade recognised. The use of this code assists with integration in international missions when deployed overseas. Regimental/Battalion Quartermaster Sergeants (R/BQMS) and Senior Chief Petty Officers (SCPO) are the next most senior enlisted ranks, at the grade OR-8. In relation to our land and air component the distinction between OR-9 and OR-8 is very clear. Army and Air Corps OR-9s are considered line/technical[7] and OR-8s are considered logistical personnel. Both are at the summit of their respective specialities, with clear duties and responsibilities. They arrive at these senior ranks having separated out into their respective professional streams early in their career.

In the Naval Service[8], this distinction is blurred, as only two of the seven Naval SCPOs are logistical NCOs, the remainder being line/technical SELs. Naval logistical NCOs are currently the only DF NCOs who must past through every single rank from OR-1 to OR-9; with the Navy's logistical Warrant Officer having the singular distinction of being the only logistical OR-9 in the Defence Forces, in effect the only Quartermaster Sergeant Major in the Defence Forces.

2 Kenney, Caitlin M. (2022) "NCOs: America Has Them, China Wants Them, Russia is Struggling Without Them", Defense One, May 5th, https://www.defenseone.com/policy/2022/05/ncos-america-has-them-china-wants-them-russia-struggling-without-them/366586/
3 Bartles, Charles K. (Maj. US Army) (2019) "Russian Armed Forces Enlisted Professionals", NCO Journal, March, pp.1-9, https://www.armyupress.army.mil/Portals/7/nco-journal/docs/2019/March/Russian-NCOs/Russian-NCOs.pdf
4 Dandeker, Christopher, and Karl Ydén (2022) "Military Professionalism, Power, and the Division of Labor: The Case of the Reintroduction of NCOs in the Swedish Armed Forces." Armed Forces and Society, 1-21,
5 It should be noted that the NATO Rank code classification for comparison is widely used internationally by many professional militaries, including non-Western ones, and does not connotate adoption of NATO doctrine or procedures.
6 'STANAG 2116', accessed 1 June 2022, https://militaria.lv/stanag.htm.
7 Line personnel are typically those involved in operations, Technical personnel are typical those with a specific trade or engineering qualification.
8 The Naval Service also has long established tradition of the Master at Arms (MAA); an appointment attached to the Warrant Officer Seaman, and one which enables the conduct of all service level ceremonial functions and parades. Any future changes in senior appointments are not intended to inherit or remove the important function of the MAA within the Naval Service.

Senior NCOs and Senior Enlisted Leaders

The subtlety of this distinction between SNCO and SEL is important when the future training of SELs, and the proposed SEAC and CSELs is considered in a broader context. The ranks of OR-8 and OR-9 are Senior Enlisted Leaders (SELs), while DF Senior NCOs (S/NCOs) are those personnel who hold the ranks of Company Quartermaster Sergeant (CQMS) or Senior Petty Officer (SPO) (equivalent OR-6), and Company Sergeant (CS) or Chief Petty Officer (CPO) (equivalent OR-7). Research has indicated that while the current DF training for S/NCOs is sufficient to train Junior NCOs to transition to become a S/NCO, the SELs themselves feel that there are gaps and deficiencies[9] in this training which must be addressed as part of the S/NCOs journey to becoming effective SELs. A recent working group[10] having examined this matter in 2022, has submitted its report, which contains proposals for new internal DF SEL education and training, and also proposals on the future education and training of CSELs. If accepted and enacted, major advancements in SEL and CSEL education and training is possible in the coming years. The DF will be strengthened by having SELs better prepared to discharge their duties and functions, and the SELs themselves will benefit, both personally and professionally, by targeted education which will equip them for the challenges faced in the upper most appointments.

Defence Force Sergeant Major/Warrant Officer

Currently a pilot programme is in place titled the DF SgtMjr/WO. This appointment was created in April 2019 by the then Chief of Staff, Vice Admiral (VADM) Mark Mellett DSM. The pilot project was forecast to last 12 months, and then to be revisited to assess its benefits and chart possible progression to the institutionalisation of the appointment. The rationale behind the project was to provide the Chief of Staff with advice with regards to all matters pertaining to enlisted personnel. The current incumbent SgtMjr Keith Caffrey says that "This was driven by a belief that information required may not have always been forthcoming in a timely, and accurate manner."[11]

The Commission on the Defence Forces (CODF) produced its much-anticipated report[12] in 2022, and it recommended that this pilot programme be made permanent. The subsequent High Level Action Plan for the report of CODF has marked it for "further evaluation."[13] As a key future enabler for the transformation of the DF it is hoped that this further evaluation results in a positive outcome and implementation as the potential impact of the appointment can be readily appreciated. The formal conclusion of this pilot programme, which is now in its third year, is an imperative for our future force.

Senior Enlisted Advisors to the Commander.

The CODF report recommends the creation of the DF SgtMjr/WO as the SEAC to the Chief of Staff (COS), or in the future a new Chief of Defence (CHOD). The CODF report also envisages the creation of Land, Air, Maritime, and Joint commanders, each with an accompanying CSEL

9 Senior Enlisted Leaders Survey, Senior Enlisted Leaders Education Project, 2021
10 Report Of The Board Of Commissioned & Non-Commissioned Officers Established For The Development And/Or Identification Of Programmes Of Education For DF Senior Enlisted Leaders, Irish Defence Forces, 2022.
11 SgtMjr Keith Caffrey, Óglaigh na hÉireann, interview by author, video conference, July 15th, 2022.
12 'Report-of-the-Commission-on-Defence-Forces.', Commission on the Defence Forces, 2022,
13 High Level Action Plan for the report of Commission of the Defence Forces, Department of Defence and Defence Forces, July 2022.

appointment, to ensure enlisted personnel have a permanent input at the most senior level. The new SEAC and CSELs would act as a conduit between enlisted ranks, senior officers, and the General Staff. These appointments would, as VADM Mark Mellett DSM states succinctly, "put them at the table…", in order to "…leverage the diversity of opinions."[14] The SEAC and CSELs would make an important perspective available to the most senior Commanders at the operational and strategic level, by the provision of advice, assessment, recommendations, as well as feedback with due regard to standards, professional development, and the well-being of all personnel[15].

They would further serve to ensure that the Chief of Staff/Service level Commander's intent is understood, and that comprehensive honest undiluted feedback is provided up, and down, the chain of command. As VADM Mark Mellett DSM states it is envisaged as part of the creation of a "fit for purpose internal communications system."[16] Effective communication with those currently in service is of the utmost importance. It is of vital importance to the functioning of a SEAC, SgtMjr (rtd) Mario P. Field, USMC, observes that in order to "…know your personnel, and to be able to engage with them"[17], the SEAC/CSELs must be present on the ground, and they must strive to remain engaged with their sub-ordinates.

A concise model for this function of the DF SEAC is delivered by SgtMjr Caffrey as, "An approach of the three T's model. Thermometer, Translator, and Transmitter."[18] By acting a Thermometer, the SEAC can gauge the temperature of the organisation among enlisted personnel by regular contact with S/NCOs, and junior personnel. By performing as a Translator, the SEAC can ensure that key messages are available in a manner which will be readily understood and accessible to all personnel, and finally as a Transmitter, the SEAC can utilise all available means to transmit those key messages, and to counter negative narratives. Furthermore, of great importance is a clear understanding of issues and initiatives from across the organisation be established and maintained, as this will allow SEACs to provide accurate advice and recommendations, to influence positive change.

Through regular visits to units and establishments, this advice and feedback will be made available at the appropriate level of command. This promotion of an inclusive culture within the area of responsibility, while working to increase understanding and engagement through education will strengthen the institutions of the DF and assist in the adjustments to DF culture which are envisaged as the force undergoes its proposed transformation toward 2030. The new appointments will also afford the NCO Corps an opportunity to take ownership of equipping the next generation of leaders with the required skills and knowledge to enable implementation of the Commander's intent at all levels. The SEAC would also represent the DF interests at various international senior enlisted conferences and seminars through national strategic level engagement, building partnerships with other nations and international partners.

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14 Vice Admiral (rtd) Mark Mellett DSM PhD, interview by author, Cork, July 1st, 2022.
15 While not a ceremonial appointment, they would also accompany Commander's on their visits to establishments and units, including representing enlisted ranks at appropriate ceremonial functions.
16 Vice Admiral (rtd) Mark Mellett DSM PhD, interview by author, Cork, July 1st, 2022.
17 SgtMjr (rtd) Mario P Field, USMC, interview by author, video conference, June 23rd, 2022.
18 SgtMjr Keith Caffrey, Óglaigh na hÉireann, interview by author, video conference, July 15th, 2022.

Culture and Change

The role of culture within the military has often been a neglected factor of study, as Belbutowski observed, "Culture, comprised of all that is vague and intangible, is not generally integrated into strategic planning except at the most superficial level."[19] We often do not make sufficient account of the impact of culture upon our strategic objectives. The famous quote attributed to management consultant and writer Peter Drucker states that, "Culture eats strategy for breakfast"[20], and there is an undeniable and at time uncomfortable truth here. The DF has the ability to quickly shift its operational focus and act decisively to counter threats on operations; however, its culture is an entirely different construct. It has deep roots, and like a large ocean vessel once in motion it can be slow to turn, even when obstacles become visible ahead in its path. The SELs, CSELs, and the SEAC shall be required to become change managers of the future, of both DF culture and practices. This will be challenging because as already expressed here our current SELs are viewed as the embodiment of the DF values[21]. They are deeply embedded in DF culture, and shaped by it themselves.

In 2021, the DF Professional Military Education (PME) strategy was published, which was closely aligned with the White Paper on Defence 2015. The core aim of the PME strategy is to develop and maintain military capability "by building on existing PME concepts, incorporating 'best practice' approaches as utilised by other international military academies, partner nations and Irish Higher Education Institutions (HEI)."[22] In keeping with this strategy SNCOs are currently undergoing formal training in change management, and that change management shall form part of formal SEL training and education in future internal courses.

Where Strategy Meets the Road

The need for these new appointments, already well established in many western militaries, is important from a strategy perspective. Standard military doctrine imparts to us that there are three levels of warfare: tactical, operational, and strategic.[23] The state through its security and foreign policies determines what occurs on the strategic level. The operational level is the area of translation of the state's strategy into action, where objectives and aims are achieved by deployment of forces, in particular in the modern battlespace through joint and combined arms operations. Here at the operational and joint headquarters level, the SEAC and CSELs enter the leadership space. The input and impact of the SEAC and CSELs can be decisive, and one should not underestimate the valuable contribution which can be made by highly trained and highly motivated SELs and SNCOs, who are appropriately empowered to operate effectively at each level down to the tactical.

19 Paul M. Belbutowski, 'Strategic Implications of Cultures in Conflict', The US Army War College Quarterly: Parameters 26, no. 1 (22 March 1996), https://doi.org/10.55540/0031-1723.1762.where classical models of Western warfare and rational parallels with the ideal of democracy may not exist. The other prerequisite for understanding low-intensity conflict is an appreciation of the problem of time in relation to human culture.","container-title":"The US Army War College Quarterly: Parameters","DOI":"10.55540/0031-1723.1762","ISSN":"0031-1723","issue":"1","journalAbbreviation":"The US Army War College Quarterly: Parameters","language":"en","source":"DOI.org (Crossrefpp.32-42
20 See for this quote and a discussion of the challenges of culture in a military context: Reyskens, Peter and Delphine Resteigne (2015) "Between practicing and rehearsing. Cultural awareness challenges in the military" , European Journal for Research on the Education and Learning of Adults 6(2): 211-225.
21 The DF Values are: Loyalty, Respect, Selflessness, Moral Courage, Physical Courage, and Integrity.
22 Report Of The Board Of Commissioned & Non-Commissioned Officers Established For The Development And/Or Identification Of Programmes Of Education For DF Senior Enlisted Leaders, Irish Defence Forces, 2022.
23 Andrew S Harvey, 'The Levels of War as Levels of Analysis', MILITARY REVIEW, 2021, pp 77.

Representation

It is not possible to consider the creation of the role of DF SEAC and service CSELs without considering the system of representation currently afforded to enlisted personnel by their representative association. The Permanent Defence Forces Enlisted Personnel Representation Association (PDFORRA) is statutorily responsible for the representation of all enlisted personnel of Óglaigh na hÉireann who opt to become members. Created in 1990 in direct response to the 'Army Crisis'[24] of the late 1980s, PDFORRA enjoys "one of the highest levels of representation as a percentage of workforce of any public service union in the State."[25]. Defence Force Regulations S.6. sets out the parameters within which PDFORRA operates, and a large part of the extensive work which PDFORRA undertakes on behalf of their members is through making representations on pay and conditions of service.

While the current DF SgtMjr does not "foresee any crossover into this area for future SEACs,"[26] it is a subject which will require careful consideration. The duty of care to one's subordinates, the concern for their welfare, and the duty to ensure the correct discharge of DFRs, policies, and procedures is already incumbent on all officers and NCOs of the DF, however clear communication and deconfliction between all stakeholders will be required in order to ensure the successful creation of the new appointments.

Conclusion

The DF has taken the first steps on a multiyear journey of transformation. It will require significant resources to enable the change, and it will require excellent leadership to implement that change. Change can be painful, and the proposed changes promise to be extraordinarily challenging. The COS has clearly directed the DF that it is his priority "commence this process of transformation"[27], and he has stated that he truly believes that "we can absorb these challenges." The Non-Commissioned Officer corps are key enablers and leaders of an affective military force. The creation of the SEACs and CSELS will better enable the enlisted personnel of Óglaigh na hÉireann to prepare for and respond to the transformational change envisaged for the coming years. These future appointments will lead us from aspiration to action.

24 Ruairí de Barra, 'An Examination of the Irish Military Representation in Comparison with European Military Trade Unionism and the Ideals of the European Social Charter.', 2019, pp 66.
25 PDFORRA, www.pdforra.ie, accessed 01 July 2022.
26 SgtMjr Keith Caffrey, Óglaigh na hÉireann, interview by author, video conference, July 15th, 2022.
27 LtGen Seán Clancy, Chief of Staff, Óglaigh na hÉireann, 'All-Stations-Message_building-for-the-Future-Change-from-Within.', July 2022.

"In the "Narrowing Corridor":
The OSCE Special Monitoring Mission
(SMM) to Ukraine, January 2021 -
March 2022."

Neil Dee

Abstract

Between 2014 and its last report on 7th March 2022, the SMM provided impartial reporting from Ukraine and sought to "reduce tensions and facilitate dialogue." [1] As the SMM's mandate expired on 31st March 2022, the time is ripe for an assessment of its efforts, drawing on the wealth of data the SMM collated in its reports, and building on pre-invasion assessments of the SMM. This paper will focus in particular on the SMM's reports from the final year of its existence, including its response to the Russian military build-up, and subsequent invasion from January 2021 to March 2022. It will examine how the SMM worked during this period, in the context of ceasefire violations, rising tensions and restrictions on its activities and movement. The paper will conclude by synthesising lessons from the SMM and ask how they may be applied to other Irish and international peacekeeping efforts.

Introduction

On 23rd February 2022, the Organization for Security and Co-operation in Europe (OSCE) Special Monitoring Mission in Ukraine (SMM) published a report denouncing the harassment of an SMM Unmanned Aerial Vehicle (UAV) team in non-government controlled Luhansk.[2] The SMM patrol was threatened by "two armed members of the armed formations" and "also saw a third individual, wearing a uniform with a Russian Federation flag patch on his shoulder."[3] After being forced to change location twice in their attempted UAV flight, at a third location the patrol's assailants grabbed the UAV's control panel resulting in the UAV crashing.[4]

Occurring just one day before Russia's invasion of Ukraine, this episode could be taken as a warning of the impending attack. It was, in fact, the final act in the progressive crippling of the SMM since 2021. With its withdrawal from Ukraine in March 2022, the time is ripe for an examination of the SMM's activities during the tumultuous months from January 2021 to March 2022. During this time, the SMM found itself in a "narrowing corridor" as its freedom and ability to operate was diminished and accusations around the impartiality of its monitors swirled.[5] In February and March, its remaining international members were evacuated, whilst continuing to report in the chaotic opening days of the war.

Literature Review and Sources

The SMM has been the subject of a number of studies, from both the academic and policy community, alongside OSCE produced reports. These studies have examined the SMM's learning process, its achievements and limitations, and have compared it to other OSCE missions.[6] A number of these studies have also highlighted the "quasi-peacekeeping" nature of the civilian SMM and its importance for other missions such as the United Nations (UN) Verification Mission in Colombia.[7] Tanner (2018) has noted the benefits of such civilian missions, as they

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1 OSCE, 2016, 1.
2 OSCE, 23 February 2022.
3 Ibid.
4 OSCE, 23 February 2022.
5 OSCE, 22 December 2021, 27.
6 Dijkstra, et al., 2019, 532. Umland, 2021. 3. Tanner, 2021, 1. Meier, 2017, 149.
7 Tanner, 2021, 1. Meier, 2017, 160. Tanner, 2018, 4.

are impartial and more likely to be allowed to cross frontlines.[8] He also highlighted the SMM's successes on the ground and stressed the importance of its use of technology.[9] This was echoed by Umland, although both noted the lack of space for political solutions to the conflict as hindering the SMM.[10] In a 2021 study, Tanner has further highlighted the lack of an extraction force as a serious deficiency in the SMM.[11] Ukrainian and Russian proposals in 2017 for a new peacekeeping mission in Donbas led to a series of feasibility studies.[12] However, as Gowan has explained these studies were ultimately futile.[13] Moreover, all of these sources were written before the 24th February invasion. This paper builds on this work by focusing on the SMM's operations from January 2021 to March 2022. Key sources include the SMM's reports from the period, alongside media reports and press releases.

OSCE SMM monitoring the movement of heavy weaponry in eastern Ukraine in 2015. Photo credit: By OSCE Special Monitoring Mission to Ukraine - OSCE SMM monitoring the movement of heavy weaponry in eastern Ukraine, CC BY 2.0, https://commons.wikimedia.org/w/index.php?curid=38906524

"The Narrowing Corridor." SMM Operations: 1st January 2021 – 23rd February 2022

The OSCE SMM was established in 2014 at the request of Ukraine in response to Russia's annexation of Crimea.[14] The mission was mandated to cover all of Ukraine's territory and, following the outbreak of violence in Eastern Ukraine, found itself in the middle of a high-intensity armed conflict in 2014 and 2015.[15] With the signing of the Minsk protocol in September 2014, its duties expanded to monitor the ceasefire, the Russian-Ukrainian border, and to verify the withdrawal of weapons.[16] In early 2021, hopes were somewhat high, as "the security situation remained relatively calm following the ceasefire that took effect on 27th July 2020."[17]

Such hopes were quickly dashed as the SMM began to suffer from Freedom of Movement (FoM) restrictions. In a report on FoM restrictions in the first half of 2021, the SMM noted that such restrictions were not only undermining the SMM's operations but also unravelling the mission itself. Covid-19 restrictions "undermined the SMM's unity", unexploded ordinance, barriers and

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8 Tanner, 2018, 3.
9 Tanner, 2018, 3.
10 Ibid, 1. Umland, 2021, 3.
11 Tanner, 2021, 6.
12 Lawson, 2019, 1. Gowan, 2022.
13 Gowan, 2022.
14 OSCE, 2016, 1. Tanner, 2021, 3.
15 Tanner, 2021, 3.
16 OSCE, 2016, 1. Meier, 2017, 159.
17 OSCE, 11 January 2021, 1.

checkpoints resulted in "the gradual loss of the Mission's arterial routes" and "the steady increase in document checks and associated bureaucratisation" undermined the SMM's operations and safety.[18]

The SMM was seriously hindered in its UAV operations by "unprecedented levels of GPS signal interference and higher levels of targeting by gunfire."[19] In the first half of 2021, the SMM experienced electronic jamming on 960 occasions, compared to 299 cases in the second half of 2020.[20] Jamming did not, however, completely prevent successful UAV monitoring and "footage from UAVs revealed 67 percent of all weapons in violation of withdrawal lines, and often spotted the presence of mines and trenches."[21] Separately, the Covid-19 pandemic was used as an excuse to restrict the SMM, "despite the SMM's well-known, stringent pandemic mitigation measures."[22] Moreover, some crossing points into non-government controlled areas did not reopen after closing due to Covid-19 in 2020.[23] The mission also struggled to engage with the local population and stay in non-government controlled areas, due to a "persistent refusal of proprietors to accommodate the SMM."[24] Moreover, "civilian interlocutors such as hospital staff or other personnel were at times reluctant to engage with the SMM" in non-government areas.[25] However, the SMM still managed to facilitate 896 "windows of silence" ceasefires to allow infrastructural works in 2021 and found success in its gender mainstreaming activities as female monitoring officers had "greater access to different interlocutors" including women and children.[26]

Nevertheless, restrictions on access to non-government controlled areas "led to the Mission's inability to act as a single unit, fragmenting it into three operational entities" in government-controlled areas, and the non-government-controlled areas of Luhansk and Donetsk respectively.[27] In total, 88% of restrictions occurred in the latter areas.[28] This was compounded by Russia's refusal to extend the mandate of the OSCE's Observer Mission at Russian border checkpoints later in the year.[29]

In parallel with the military build-up, in early January 2022, "the SMM observed increased numbers of heavy weapons violations… especially in training areas in non-government-controlled areas of Luhansk region. The SMM recorded ceasefire violations attributable to the use of weapons that should have been withdrawn according to the Minsk agreements."[30] This culminated on 23rd February, as the SMM noted the presence of 117 tanks in training areas in non-government controlled Donetsk and Luhansk, and a further 14 in a proscribed area in non-government controlled Donetsk.[31]

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18 OSCE, 22 December 2021, 4.
19 Ibid, 3.
20 Ibid, 10.
21 Ibid, 17.
22 Ibid, 3.
23 Ibid, 14.
24 Ibid, 16.
25 Ibid, 24.
26 OSCE, 10 January, 2022, 1. OSCE, 21 June 2022, 32-33.
27 OSCE, 22 December 2021, 8.
28 Ibid, 3.
29 OSCE, 21 June 2022, 37.
30 OSCE, 24 January 2022, 1.
31 OSCE, 23 February 2022, 4.

The SMM was also beset by allegations surrounding its neutrality. On 19th February 2022, the Ukrainian open-source intelligence initiative InformNapalm accused Russian SMM members of "conducting reconnaissance" using OSCE UAVs and sharing information "with the artillery units of the Russian occupation forces in the Donbas."[32] This was not an isolated incident and both the Russian and Ukrainian governments accused the SMM of being partial to the other side and passing on intelligence.[33] While the OSCE refuted the accusations, a former SMM monitor remarked that "the Ukrainians were always suspicious of the Russian and Belarusian monitors, while the separatists were suspicious of Americans and Poles."[34] Moreover, such accusations would form the basis for post-invasion Russian detention of former Ukrainian SMM monitors. At the time of writing, a number of Ukrainian SMM members remain imprisoned in Donetsk and Luhansk based on such accusations.[35] Their fate was also tied to the SMM's evacuation after 24th February.

"Botched Withdrawal"? SMM Operations: 24th February – 31st March 2022

The "narrowing corridor" for SMM operations was shut on 24th February 2022. On that day, the SMM "observed a severely deteriorated security situation" of shelling, explosions and military movements.[36] On 25th February the SMM "started evacuation activities following the decision to evacuate all International Mission members (IMM) made on 24 February."[37] By 27th February, many SMM teams had been evacuated but "due to ongoing kinetic activity… as well as the dynamic movement of front lines, the Monitoring Teams located in the cities of Kharkiv and Kherson remain(ed) sheltered in place".[38] The Kherson team, trapped by the fighting, observed at first hand the Russian takeover of the city. On 3rd March, it "saw armoured vehicles with the insignia of the Russian Federation Armed Forces moving on the street next to its office, heading towards the centre of Kherson city."[39] Tragically, on the same day, a national mission member, Maryna Fenina, was killed in Kharkiv.[40] Finally, on "the evening of 6 March, the evacuation of the Kherson Monitoring Team to the Russian Federation was completed."[41]

On the following day, the SMM "completed its temporary evacuation of international mission members" and suspended reporting.[42] The decision to evacuate only international members was controversial and in June 2022, Politico published an exposé on the SMM's evacuation, based on interviews with OSCE staff and emails.[43] The article claimed that the OSCE had been "caught napping" by Russia's invasion and "had no plan in place to react to an assault on the scale that Russia had launched."[44] In response, the OSCE countered that they were "responsive to the warning signs. In early and mid-February, with heightened military build-up around the country, the OSCE Secretary General sent her security team twice to Ukraine to update existing contingency plans."[45]

32 InformNapalm. 2022.
33 Miller, Liechtenstein, 2022.
34 Walker, 2022.
35 OSCE, 25 July 2022.
36 OSCE, 24 February 2022, 1.
37 OSCE, 25 February 2022, 3.
38 OSCE, 27 February 2022, 2.
39 OSCE, 3 March 2022, 1.
40 OSCE, 7 March 2022, 1.
41 OSCE, 6 March 2022, 1.
42 OSCE, 7 March 2022, 1.
43 Miller and Liechtenstein 2022.
44 Ibid.
45 Vrang, 2022, 1.

The SMM also sought "to relocate national mission members to safer locations within Ukraine where feasible and if requested."[46] On 3rd March "relocation of national mission members formerly stationed in Kramatorsk and Dnipro continued. On the same day, the relocation of national mission members formerly stationed in Sievierodonetsk westwards through Ukraine started."[47] On 6th March, "another convoy of national mission members… started its movement out of Kyiv" but "due to an escalation of ongoing kinetic activity, and the absence of an agreement on a humanitarian corridor", members in Mariupol remained in place.[48] This proved precarious as the SMM's premises and equipment in Mariupol was damaged in the fighting.[49] Relocation was complicated by Ukraine's declaration of martial law, preventing adult males from leaving the country while "those in control of certain areas of Luhansk and Donetsk were uncooperative in our effort to safely relocate our staff."[50] In total, 169 national members, including those in Mariupol were relocated.[51] Regardless, the SMM's "temporary" withdrawal became permanent on 31st March 2022 as Russia vetoed an extension of its mandate.[52]

Learning from the SMM

From the above, it is clear that as the Russian military build-up developed in 2021 and 2022, the SMM was being progressively undermined. Its freedom of movement and monitoring capabilities were restricted and it was struck by accusations of impartiality. Separately, the SMM experienced issues with its withdrawal, particularly in moving teams caught at the frontlines in Kherson, Kharkiv and Mariupol. However, lessons can be drawn from the SMM's experience, and given its "quasi-peacekeeping" role, these may be applied to other peacekeeping missions.

First, freedom of access proved to be at the behest of non-government forces and allegations, whether true or not, impaired the mission's operations and undermined its standing with locals. Drawing members of staff from states involved in or proxy to a conflict can clearly lead to issues surrounding impartiality. Yet even for Ireland, military non-alignment, may not guarantee that Irish monitors will be perceived as impartial, especially in cases where the EU as an entity is perceived negatively by one or other of the adversaries. In 2018, it was noted that NATO and Russian peacekeepers would not be acceptable for a hypothetical UN mission in the region, with the then non-NATO Nordic states, Kazakhstan, Mongolia, India and Pakistan being presented as alternatives.[53]

Second, the SMM's successes in monitoring, such as its use of UAVs and its promotion of women monitors, provided other avenues for the gathering of information. Current and future missions should look to increase the gender balance in monitors and invest in UAVs capable of withstanding electronic jamming.

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46 Ibid.
47 OSCE, 3 March 2022, 1
48 OSCE, 6 March 2022, 1.
49 Ibid, 1.
50 Vrang, 2022, 1.
51 Ibid.
52 OSCE, 31 March 2022.
53 Lawson, 2019, 4.

Third, missions should be prepared for immediate evacuation, regardless of circumstances. This may require an appropriately robust extraction force to be on standby or rapidly deployable. Guidelines should also be clear on the evacuation or relocation of local staff. The example of the Kherson team is instrumental as the team was only able to evacuate due to Russia's success in the area. Being beholden to the whims of an invader (especially when the invader is a great power and a permanent member of the UN Security Council) presents a major challenge for any mission. This challenge is also clear for military peacekeepers who may be dragged into the fighting acting in self-defence and also proved tragic for those SMM national members now imprisoned.

Conclusion

24th February 2022 will be remembered as the start of Russia's invasion of Ukraine. But for the SMM, the invasion and its withdrawal was the final act of a progressive undermining. Between 2021 and early 2022, the SMM was crippled by limitations on its freedom of movement and undermined by allegations of partiality. Fragmented and unable to carry out its monitoring satisfactorily, its withdrawal and monitoring in the opening days of the invasion was chaotic and provide salutary lessons for similar missions. Space precludes a more detailed study and this paper is far from the final word on the SMM.

While the SMM has ended its operations, some of its Ukrainian members remain imprisoned due to their service. It is important that the OSCE, its member states, and the wider public, do not forget the sacrifice of those such as Maryna Fenina and those national members still imprisoned merely for carrying out their duties and promoting peace.

After the War Ends:
Ireland, the Reserve Defence Forces, Peacekeeping, and the Russo-Ukraine War

Jonathan Carroll & Neil Richardson

Abstract

This article reports on the recent Reserve Defence Forces Representative Association (RDFRA) skills survey of the Reserve Defence Forces (RDF), the first such survey since the 2013 reorganisation into the Single Force Concept. The survey focused on identifying the skills, experience, and qualifications of serving reservists, and queried their willingness to serve overseas. The findings were very positive, with an overwhelming majority of respondents voicing a desire to serve overseas, with the notable obstacle being a lack of employment protection for their civilian careers. Another clear finding is that the sample revealed a high level of educational qualifications, skills, and experience in areas where the Permanent Defence Forces (PDF) is currently suffering personnel shortages. The authors argue that any future peacekeeping mission undertaken by the Defence Forces, in a post-conflict Ukraine or elsewhere, should seriously consider including skilled reservists to operationalize the qualifications and experience they offer.

Introduction: The Russo-Ukraine War – An Unclear End, But a Predictable Aftermath

History does not repeat itself, but there are similarities between the ongoing Russo-Ukrainian War and other large-scale interstate wars such as the 1973 Yom Kippur War.[1] In both conflicts the overt mobilization and large-scale exercises by the Egyptians and Russian Armed Forces prior to invasion were dismissed as coercive posturing. It is unlikely that Ukrainian forces will threaten Moscow in a counter invasion like the Israelis threatened Cairo, especially as it could threaten nuclear escalation. As the Yom Kippur War was a conflict between client states of both Cold War superpowers, great power politics paralyzed the UN Security Council. Troop contributors to the United Nations Emergency Force II (UNEF II), which monitored the subsequent ceasefire in 1973, had to meet American, Russian, and Chinese approval at the Security Council. Consequently, UNEF II comprised contingents from predominantly non-aligned nations, including Ireland.[2]

While it is difficult to predict how the Russo-Ukrainian War will end, it has ground down to a conflict of attrition. The most likely scenario, like the Yom Kippur War, is a ceasefire, with a separation of forces monitored by an international force like UNEF II did in 1973, continued to the present day by the Multinational Force Observers (MFO) in the Sinai.[3] But the question for any post-war peacekeeping mission in Ukraine is, who will do the separating? Paralysis in the UN is even more acute now. With no diplomatic rapprochement between the United States and China, there are two anti-Western Permanent Members of the Security Council. Given Putin's hostility, a NATO peacekeeping mission in Ukraine, like IFOR and SFOR in Bosnia, or KFOR in Kosovo, will be unacceptable to Russia, nor would NATO member participation in a UN or EU-led mission.

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1 An excellent narrative of the Yom Kippur War can be found in Abraham Rabinovich, The Yom Kippur War: The Epic Encounter that Transformed the Middle East (New York: Schocken Books, 2004).
2 United Nations, Security Council, The Situation in the Middle East: Report of the Secretary General, S/12896 (17 October 1978), available from undocs.org/en/S/12896; United Nations Department of Peacekeeping Operations, "UNEF II," Last Accessed, 14 August 2022, https://peacekeeping.un.org/sites/default/files/past/unef2backgr2.html#two.
3 Multinational Force & Observers, "Origins," Last Accessed, 14 August 2022, http://mfo.int/en/origins; Jim Hoagland, "U.N. Peacekeeping Unit Won't Police Israeli Sinai Withdrawal," Washington Post, 24 May 1979; United Nations, Security Council, Report of the Secretary General on the United Nations Emergency Force, S/13460 (19 July 1979), available from undocs.org/en/S/13460.

The public and political debates on Irish "neutrality" have been renewed by the Russo-Ukrainian War, with criticisms from some quarters centred on Ireland's provision of "non-lethal" aid only.[4] These debates notwithstanding, our relatively non-aligned military stance, certainly compared to other European nations, may put Ireland on the small list of countries potentially acceptable to both Ukraine and Russia for a peacekeeping deployment. Moreover, Ireland's "Triple-Lock" requires a UN Resolution from the Security Council to enable any overseas deployment by the Defence Forces, which must pass muster with the five Permanent Members of the Council to avoid a veto. The Irish Government's decision to pursue military, as opposed to political neutrality regarding Ukraine now makes it one of the very few European countries able to participate in a post-war peacekeeping operation that may not raise such a veto. Military non-alignment is precisely why Irish participation in UNEF II was sought in 1973.

Future Peacekeeping in Ukraine

The Taoiseach, Micheál Martin, has responded favourably to committing the Defence Forces to a peacekeeping mission after the war is over, to help rebuild, noting "our greatest strength is in the peacekeeping side."[5] Ireland's current membership of the Security Council also uniquely positions the Government to take the lead in shaping any such mission to Ukraine. The Defence Forces' experience in UN operations is unparalleled, from operations in Lebanon, Syria, and the Sinai, to mobile peacekeeping in Liberia, Chad, and EU capacity building missions in Mali and Somalia. Experience and impartiality are the reason the Defence Forces is a highly sought contributor to these missions, and any peacekeeping operation in Ukraine will be a hybrid of separation of forces, capacity building, and assisting in the rebuilding of the country's infrastructure and institutions. Given Ireland's long history of impartial peacekeeping operations and its seat on the Security Council, our greatest contribution to the Russo-Ukrainian War may come after it ends.

One major issue affecting any such deployment by the Defence Forces is the current retention crisis. The shortage of key skillsets within the PDF has been a media fixture for years. Pay and conditions are affecting recruitment and retention at all rank levels and across all arms of the service. At the beginning of 2022, the PDF was "1,000 below its establishment strength," of 9,500.[6] Major specialist shortfalls have been identified in several key areas; in February 2021 it was reported that 50% of officer appointments in both the Medical and Marine Engineering branches were vacant, while 33% of Engineering, 44% of Communications and Information Services, and 28% of Ordnance officer appointments were also unfilled.[7] These are the key skills gaps that could adversely affect any and all potential future Defence Forces peacekeeping missions. Yet there is now evidence that the RDF can alleviate these skills gaps.

4 Unnamed Author, "Taoiseach tells Zelenskiy: 'The Irish people stand fully behind Ukraine,'" The Irish Times, 16 March 2022; Pat Leahy and Conor Lally, "Taoiseach rules out sending weapons to Ukraine." The Irish Times, 17 March 2022.
5 Neil Michael, "Ireland would send peacekeepers to Ukraine if asked – Taoiseach," The Irish Examiner, 30 May 2022; Unnamed Author, "Taoiseach tells Zelenskiy.'"
6 Niall O'Connor, "Defence Forces units train with NATO and EU partners but retention concerns continue," TheJournal.ie, 5 August 2022.
7 Representative Association of Commissioned Officers (RACO), "Commission on the Defence Forces Briefing Document, 16 February 2021," 4-5.

Could the Reserve Defence Forces Play a Role? Potentially!

The Defence (Amendment) Act 2021, commenced in April 2022, allows reservists to serve on overseas missions, subject to satisfying certain criteria. Thus, the potential for operationalizing reservists' qualifications – both on-island and overseas – is now a reality. Arising from this, the authors of this paper, in conjunction with the RDFRA, conducted the first meaningful skills survey of the RDF to ascertain the potential to fill gaps in PDF strength as part of an overseas mission.[8] 239 serving reservists completed the survey, which given the highly problematic definition of an "effective" reservist, is estimated to represent approximately 20-25% of the active members of the force.[9] The results show that RDF personnel have extensive civilian qualifications and experience in skillsets the PDF claim are in dangerously short supply for operations.

RDF Survey Respondents - Civilian Professions (largest groups)

Engineering, 41
Administration/Management, 26
Healthcare/Emergency Services, 25
IT/Cyber, 25
Teaching, 12
Logistics/Transport, 12
Security, 11
Construction, 10
Financial Services, 10
Maritime, 5
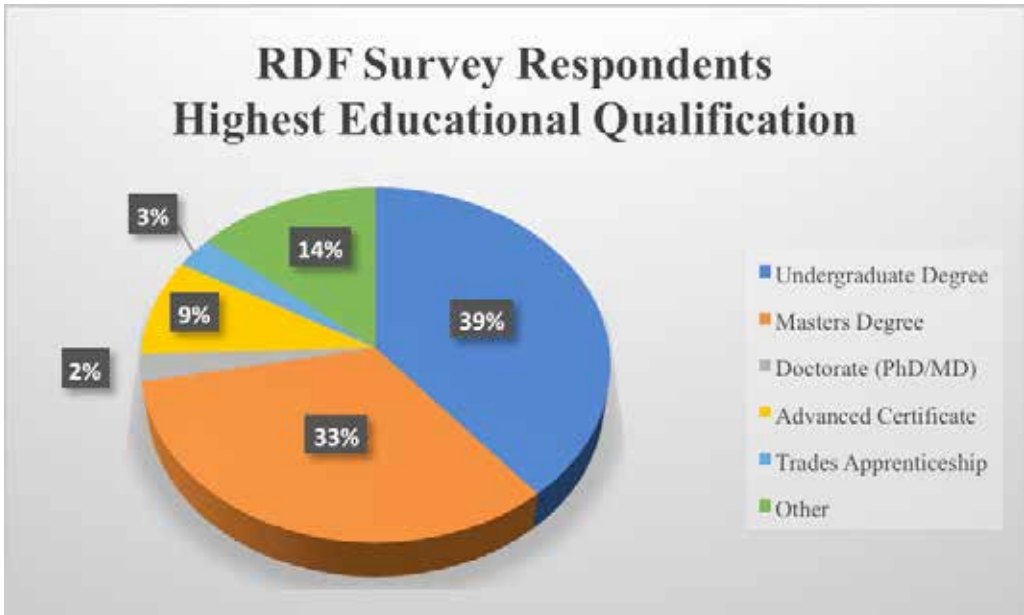Airline Industry, 5
Academics, 5
Manufacturing, 4
Legal, 4
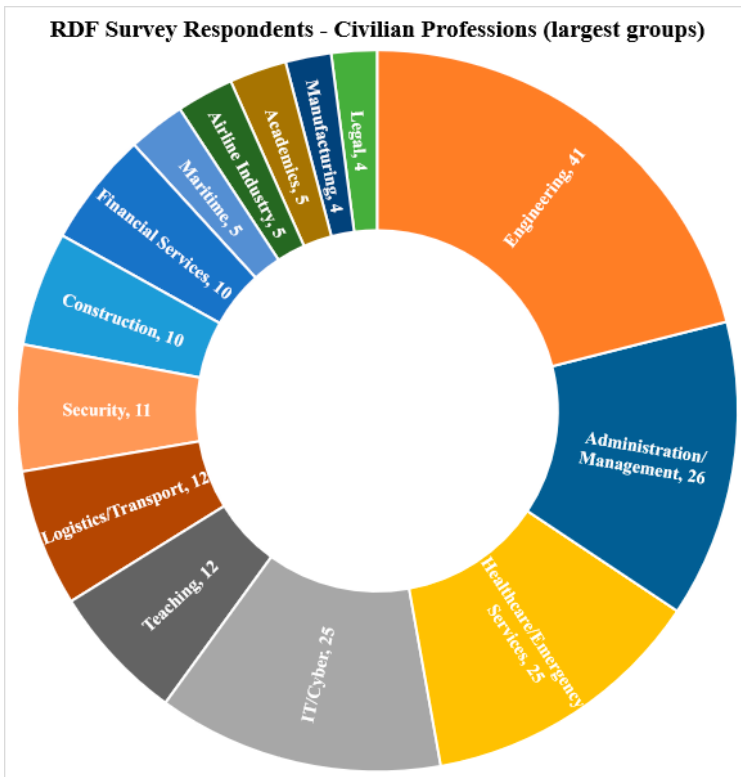
Of the respondents, 40% had an undergraduate degree. An additional 33% had a master's degree or equivalent postgraduate qualification, while six held a PhD or MD. Critically, in terms of career fields, 21%, the largest cohort within the respondents, worked in the engineering sector (primarily civil, mechanical, and electrical). 13% worked in healthcare and the emergency services as doctors,

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8 The survey ran from 1-31 July 2022 and targeted only actively serving reservists, whose service status was verified by RDFRA. Responses from those whose service could not be verified were discounted. Consequently, the survey encompasses the responses of 239 serving reservists from the Army Reserve and Naval Service Reserve.

9 On the problems surrounding the definitions of effectivity within the Reserve, see Jonathan Carroll, "Relying on the Goodwill of the Individual, and Luck: the problematic nature of utilising the Army Reserve skills base in the Single Force Concept," The Defence Forces Review 16 (December 2019), 30-41 and "Conceptually Ambitious, Hardly Novel, and Currently Failing: The Irish Army Reserve in the Single Force Concept," The Journal of Military History and Defence Studies 1 (February 2020), 193-252.

nurses, first responders, or in other healthcare related roles. Another 13% worked in the IT or cyber sectors. This means that 47% of survey respondents – nearly half – possess qualifications that the PDF are critically short of, whose experience and education could quickly be complimented with supplemental corps-specific military training and qualifications.

RDF Survey Respondents Highest Educational Qualification

Undergraduate Degree — 39%
Masters Degree — 33%
Doctorate (PhD/MD) — 2%
Advanced Certificate — 9%
Trades Apprenticeship — 3%
Other — 14%

The survey also provided insights into RDF skills distribution. Of the forty-one respondents who were professional engineers, only eight were members of the Engineering Corps. Similarly, twenty-five respondents work in the medical field, yet just three members of the Medical Corps undertook the survey. Fourteen serve in the Communications and Information Services (CIS) Corps, equating to just over half of the twenty-seven respondents employed in the fields of ICT and cybersecurity. Those respondents employed in ICT and cybersecurity were distributed evenly between the Infantry and CIS Corps. Significantly, most RDF civilian specialist skills are vested in the Infantry Corps, not in the specialist branches. Of the civilian engineers and medical professionals, nearly half of the former and two-thirds of the latter were serving in the infantry. The RDF has the relevant skill base that can be developed to meaningfully support the PDF in a future peacekeeping mission in Ukraine, or anywhere else. But the skills are not currently embedded where they need to be. The key reason for this is structural. There are not enough appointments to accommodate reservists with specialist skills. For example, of the Army Reserve's establishment of 4,069, just thirty-five appointments are in the Medical Corps. This force structure leaves skilled professionals nowhere to go but to the combat arms where efficient utilization of their qualifications is not possible.

Interestingly, when asked if they had joined their current corps to do something "different" to their civilian profession, 28% of respondents answered yes, while 22% stated that they specifically joined

a corps that complemented their civilian qualifications. Curiously, 50% stated it was neither of these reasons, suggesting they simply joined their local RDF unit, regardless of corps. Therefore, while esprit de corps and unit identity are likely to have developed in these respondents over time, if corps identity was not a factor for most reservists when they first enlisted, as the survey data suggests,
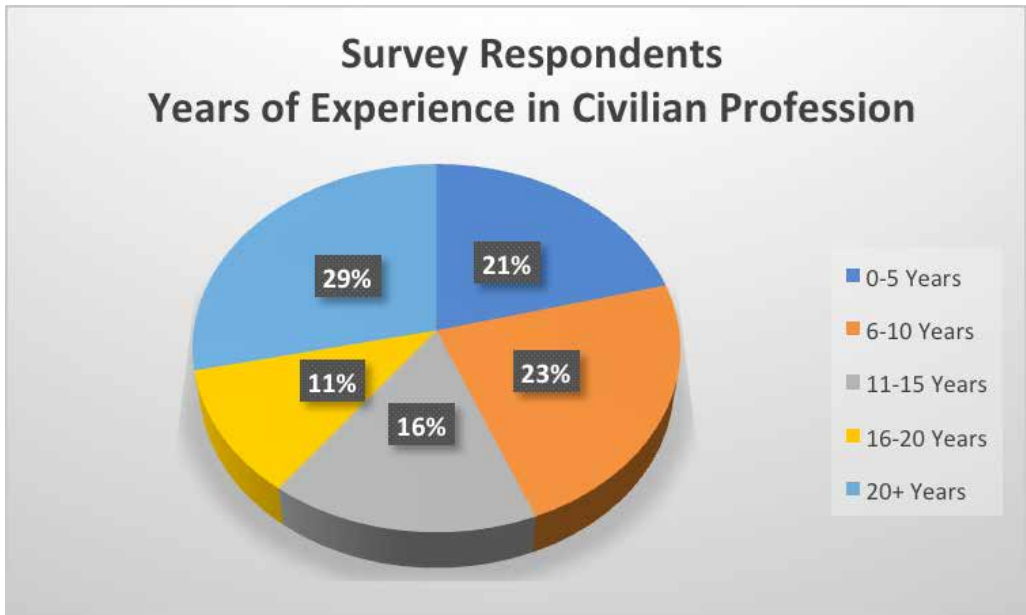
there may be capacity for reassigning reservists to corps that reflect their civilian qualifications.

The Commission on the Defence Forces Report concluded that the Reserve "could provide a valuable source of specialist skills to augment – but not replace – those recruited to, and developed by, the PDF."[10] There have also been suggestions by both authors for what a reformed skills-focused Army Reserve could look like.[11] The results of this survey strongly suggest that the value of the RDF lies in the civilian professional skills and qualifications that can contribute to the overall operational Defence Forces framework. Skills complementary to, not in competition with, the PDF. One international example that the Defence Forces could emulate is that of the U.S. Army Civil Affairs branch. U.S. Army Civil Affairs units assist in civil institutional and infrastructural development in war torn countries. They are typically comprised of 90% reservists, tasked with supporting commanders in the restoration and maintenance of civilian areas, local governance, and essential services post-conflict. Legal professionals, civil and public service administrators, those employed in the financial/banking sector, teachers, police, logisticians, and construction workers are some of the reservists who comprise these units, along with engineering, medical and ICT/cyber professionals. The survey identified personnel with all these skillsets within the RDF.

10 Commission on the Defence Forces, Report of the Commission on the Defence Forces (Newbridge: Department of Defence, 2022), 132.
11 See Jonathan Carroll, "Revitalizing the Irish Army Reserve Post-Commission on the Defence Forces: Moving from the Single Force Concept to a Total Force Policy," and Neil Richardson, "The Army Reserves – The Force-multiplier for Irish Defence," in Jonathan Carroll, Matthew G. O'Neill, and Mark Williams (eds), The EU, Irish Defence Forces, and Contemporary Security (London: Palgrave MacMillan, 2023), Forthcoming.

A Hybrid PDF-RDF Peacekeeping Deployment in Ukraine (or Anywhere Really)

The Defence Forces has the potential to make a significant contribution to any future peacekeeping operation in Ukraine or elsewhere with a hybrid PDF-RDF force package. The former could contribute highly trained and experienced combat and combat support units. The latter could use their civilian skills in a civil affairs capacity to assist in the rebuilding of economic and governmental institutions and national infrastructure. The survey results show reservists are overwhelmingly in favour of serving overseas, with 96% of respondents stating their willingness to do so, while 58% recorded a preference to use their civilian skills in any such deployment. Of those who preferred to serve overseas in a military-specific role - not being primarily employed using their civilian qualifications - 95% were still willing to contribute their civilian expertise if required when deployed.

The survey results are highly encouraging, but there are barriers to RDF utilization that must first be overcome. Culturally, within the Defence Forces, reservists must be viewed as complementing the PDF, not competing with them. It has been said, critically, that reservists "are not the same as the PDF." They are not supposed to be. The nature of part-time service means that reservists cannot attain the same level of experience and skill of the PDF in certain military-specific areas. Correspondingly, in some specialist skill areas, a reservist has expertise unattainable by the PDF. As such, the "Single" in "Single Force" must not be interpreted as requiring identical levels of qualifications and skills across both the PDF and RDF, but rather a Defence Force comprising separate but complementary capabilities. The relationship can and should be symbiotic.

What is also critical is that reservists' employment be safeguarded during any overseas absence. Although 96% of respondents are willing to serve overseas, 69% clarified they would be unwilling to do so unless employment protection legislation existed to secure their jobs. Most of these respondents possessed the highly sought-after specialist qualifications. Therefore, while the RDF has the personnel needed to contribute overseas, there is an understandable lack of desire to go unless their civilian careers are safe, which is a reasonable expectation.

Finally, the complicated area of renumeration must be addressed, as an overseas deployment could potentially see a reservist experience a dramatic change in income for the duration of the mission. In this respect the survey yielded a surprising result. When asked whether they would accept pay commensurate with military rank or remuneration in line with their civilian salaries when serving overseas, 40% of respondents were satisfied with pay in keeping with their rank, 43% suggested a compromise between their military rank and civilian salaries, while only 18% wanted remuneration in keeping with their current civilian pay.

Conclusion

The Defence Forces, both Permanent and Reserve, are at a crossroads. At the political level there is obviously an appetite to use Ireland's military as a tool of foreign policy. Yet, at the strategic level

there has been no shortage of commentators highlighting the difficulties in maintaining, or even improving, the Irish defence framework. There are capability/skills gaps and shortages undercutting the potential of even the most modest defence or peacekeeping deployments. Bringing synergy to this often-quarrelsome trinity is no easy task, nor will it be quick. The Defence Forces regularly struggles for relevance with a population more concerned with housing, homelessness, and healthcare that questions why the Irish taxpayer should bother investing in defence. What is often forgotten, especially within the Defence Forces community itself, is that operational watchwords like Lebanon and Syria have lost their efficacy with the public after decades of Irish troops deploying there. Similarly, Chad and Liberia – hallmarks of a new chapter in Irish peacekeeping doctrine that moved away from interpositional peacekeeping were so fleeting from the public's perspective as to be barely remembered. The overseas deployment most prominent amongst the Irish electorate is the Congo, and only then due to the efforts of Netflix.

The unvarnished implication here is that to boost Ireland's defence spending, disregarding for the short term the question of neutrality, the Irish public needs to be on board. Such is the nature of liberal democracy. It is no longer enough to just say the defence budget needs to be increased and expect public and political acquiescence. Both cohorts need to categorically see why defence matters, and the tangible difference the Defence Forces can make. A peacekeeping deployment to the Ukraine straddles that line between Ireland's very visible action on the international stage, avoiding alienating the electorate by remaining "neutral," but also clearly demonstrating the relevance of the Defence Forces in the aftermath of a conflict which has engaged the public and politicians to the point of perhaps finally convincing both as to why defence investment matters in real time. The skills survey shows that the average reservist is highly educated, willing to serve overseas, not overly concerned about the level of pay for doing so and is overwhelmingly willing to provide skills to the Defence Forces. Should the Defence Forces deploy to Ukraine post-conflict, the RDF could play a substantial role in any such mission, complementing what the PDF can bring to bear. The key to making this happen, however, is the formal recognition of the qualifications that the Reserve possesses and the employment protection to safeguard reservists' careers while they are deployed.

Survey Responses of 239 serving Reservists				
Number of responses is followed by percentage of total in brackets.				
Question 1 – How many years' service have you with the RDF?				
Answers	1-5 Years	6-10 Years	11-15 Years	16-20 Years	20+ Years
Respondents	**56 (23%)**	**34 (14%)**	**24 (10%)**	**30 (13%)**	**95 (40%)**
Question 2 – Your current rank is?				
Answers	Commis-sioned Officer	Non-Com-missioned Officer	Private 3*/Able Seaman	Recruit/Private 2*/Ordi-nary Seaman	
Respondents	**61 (26%)**	**93 (39%)**	**55 (23%)**	**30 (13%)**	
Question 3 – Your Corps specialty is?				
Answers	Infantry	Cavalry	Artillery	Engineers	CIS
Respondents	**123 (51%)**	**27 (11%)**	**26 (11%)**	**8 (3%)**	**14 (6%)**
Answers	Medical	Military Police	Transport	Naval Service Reserve	
Respondents	**3 (1%)**	**4 (2%)**	**9 (4%)**	**25 (10%)**	
Question 4 - Legislation recently passed enabling Reservists to serve overseas – in princi-ple – would you be willing to serve as a Reservist in an overseas mission?				
Answers	Yes		No		
Respondents	**229 (96%)**		**10 (4%)**		
Question 5 - If your answer was YES to serving overseas, would you be willing to serve even if there was no employment protection legislation?				
Answers	Yes		No		
Respondents	**71 (30%)**		**166 (69%)**		
Question 6 - It is often suggested that Reservists serve to "get away" from their civilian jobs. Did you join to get away, OR, did you join a unit that aligned with your civilian pro-fession?				
Answers	Joined for something dif-ferent from civilian jobs.	Joined to compliment civilian skills with military equivalent.	Neither A, nor B.		
Respondents	**66 (28%)**	**52 (22%)**	**120 (50%)**		
Question 7 – Did your choice of Corps reflect your civilian profession?				
Answers	Yes		No		
Respondents	**42 (18%)**		**197 (82%)**		
Question 8 - If given the chance to serve overseas would you prefer to use your military skills or civilian professional skills in a military environment?				
Answers	Prefer to use military skillsets	Prefer to use civilian skillsets in a military environment.			
Respondents	**99 (41%)**	**139 (58%)**			

Question 9 - If the answer to the above was military skills, would you be willing to use your civilian skills from time to time if required?				
Answers	Yes		No	
Respondents	**95 (95%)**		**4 (4%)**	

Question 10 - In terms of your civilian profession, how many years' experience do you have in this area of expertise?				
Answers	1-5 Years	6-10 Years	11-15 Years	16-20 Years	20+ Years
Respondents	**50 (21%)**	**55 (23%)**	**39 (16%)**	**27 (11%)**	**68 (28%)**

Question 11 - Which sector do you work in for your civilian profession? Selected Results.				
Answers	Engineering	IT/Cyber	Healthcare/ Emergency Services	Administration/ Management.	
Respondents	**41 (21%)**	**25 (13%)**	**25 (13%)**	**26 (13%)**	
Answers	Transport/ Logistics	Construction	Teaching	Security	Finance/ Banking
Respondents	**12 (5%)**	**10 (4%)**	**12 (5%)**	**11 (5%)**	**10 (4%)**

Question 12 - What level of qualifications have you attained for your civilian expertise? Selected Results.				
Answers	Under-graduate Degree	Master's Degree	Doctorate (PhD/ MD)	Advanced Certificate	Trades Apprenticeship
Respondents	**93 (40%)**	**79 (33%)**	**6 (3%)**	**21 (9%)**	**7 (3%)**

Question 13 - If asked to serve overseas, would you be willing to accept the pay commensurate with your military rank, or would you expect remuneration similar to your civilian salary? Or a compromise in between?			
Answers	Pay by Rank.	Pay by Civilian Salary	Compromise Between Both
Respondents	**95 (40%)**	**42 (18%)**	**102 (43%)**
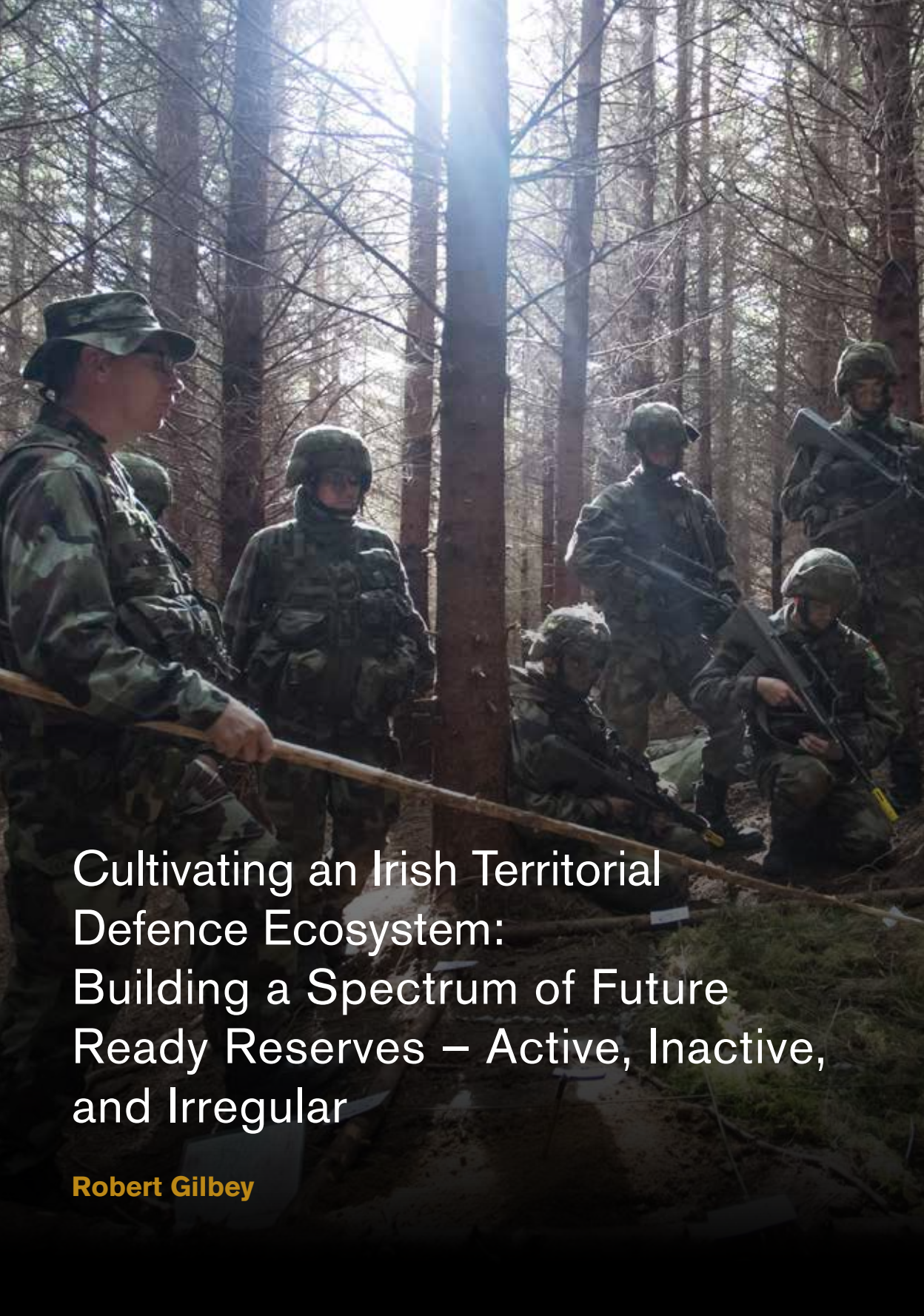
Cultivating an Irish Territorial Defence Ecosystem:
Building a Spectrum of Future Ready Reserves – Active, Inactive, and Irregular

Robert Gilbey

Abstract

Without a system of conscription, national service, and a depleted Reserve Defence Force[1], Ireland has a limited capacity to scale its defence organisation in a time of armed aggression against the State. To provide an adequate defence against armed aggression[2], which is cost effective, relative to the risk this paper will propose reimagining the defence organisation as a defence ecosystem. This can be achieved in part by reclassifying the Reserve Defence Forces into Active, Inactive, and Irregular Reserve classes[34], thus creating a spectrum of force readiness consistent with Nordic and Baltic total defence concepts. Beyond the military, there is an opportunity to bridge the civil / military divide with a proposed Defence Force Alliance.

Ireland has a lot to learn from Baltic and Nordic states when it comes to national resilience and defence. Hard won lessons on building a low-cost defence-in-depth are also being learned and shared from Ukraine. There, irregular Territorial Defence Force personnel who couldn't pass a US Army physical fitness test helped defeat one of the largest standing armies in the world at the Battle of Kyiv[5]. As the Irish Government seeks to revitalise the Reserve Defence Force[6] following recommendations from the Commission on the Defence forces, perhaps now is the time to be "radical to reflect the future security and defence challenges we face"[7].

Members of Ukraine's Territorial Defence Forces take part in a lesson on combat casualty care and individual first aid kits (Source: Flickr -Territorial Defence Forces of Ukraine - Photographer Oleg Palchyk)

What is Left in Reserve?

The probability of a conventional military attack on Ireland is low[8], nonetheless Ireland's high level defence goal is to provide for the military defence of the State[9].

Ireland's current military defence architecture is based on the establishment of the Permanent Defence Force (PDF), a Reserve Defence Force (RDF) consisting of a First Line Reserve (FLR)[10],

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1 The strength of the Reserve Defence Force, as of 30 April 2022 – Army Reserve strength 1,371 vs Establishment 3,869, Naval Service Reserve strength 113 vs Establishment 200, First Line Reserve 272. (Oireachtas Parliamentary Questions 2022)
2 (Roles of the Army Reserve 2022)
3 "The Minister may by regulations constitute such and so many classes of reservists as he thinks fit and assign to any class so constituted such title as he thinks fit." (DEFENCE ACT 1954, 21(2)(a),(3)(a))
4 The terms "Active", "Inactive", and "Irregular" Reserves will be described in detail throughout the article and used for the purpose of this article to reflect variants of reserve force classification and readiness. This terminology was chosen in place of suggesting organisational names such as "Defence League", "Home Guard", or "Volunteer Force", which depending on the subjectivity of the reader may engender preconceptions and bias. The proposed terms are conceptual and open to debate.
5 (Spencer and Collins 2022)
6 ("Building for the Future – Change from Within" 2022, 9)
7 (Conveney 2020)
8 (White Paper on Defence Update 2019, 27)
9 (Commission on the Defence Forces 2022, 9)
10 "The White Paper on Defence 2015 states that the FLR is comprised of former members of the PDF who have undertaken, either voluntarily or on foot of a contractual commitment, to complete a period of service in the FLR while the AR and NSR are comprised of individuals, from a broad variety of backgrounds, who undertake Reserve training in their spare time." (Commission on the Defence Forces 2022, 101)

an Army Reserve (AR), and a Naval Service Reserve (NSR). In 2012, following a Value for Money Report, the RDF was reorganised in accordance with a Single Force Concept (SFC), which integrated Reserve units into PDF parent units[11]. However, during Commission on the Defence Forces visits to military installations, it was apparent that the SFC has not been fully inculcated within the Defence Forces[12].

The Commission on the Defence Forces recently established that the First Line Reserve despite not having a fixed establishment, had a strength of less than 290 personnel and expressed concerns that none of these members are operationally effective (active)[13].

While the reported AR and NSR strength is low[14], it is not reflective of effective strength. The official measure of effectiveness is arguably a poor representation of the overall operational readiness of the RDF[15]. Recent legislative changes have facilitated the opportunity for Reservists to serve overseas[16]. In the current structural and legislative arrangement, the RDF would be limited in capability and operational utility beyond occasional individual augmentation of overseas missions.

Moving from Defence Organisation to Defence Ecosystem

The Commission on the Defence Forces made significant and progressive recommendations for improving the Reserve Defence Forces, stating "The Commission notes that societal and organisational resilience is a critical asset and, as such, in areas where redundancy is unaffordable, credible plans to surge capacity must be in place. The Commission considers that the RDF will be a critical asset in this regard"[17]. However, this paper would argue that the Commission's ambitions for the RDF remain limited and that even if its recommendations for the RDF were implemented, the Defence Forces would still not be "postured or realistically prepared to conduct a meaningful defence of the State against a full spectrum force for any sustained period of time"[18].

Ireland is among the lowest ranked countries for defence expenditure in Europe[19], even with the projected Level of Ambition 2 (LOA2) increase in defence spending[20]. This paper recommends that Ireland in addition to tasking the Defence Forces with military defence of the State, should also task the Department of Defence (DoD) with developing a Resistance Operating Concept (ROC) as a backstop to a broader national resilience policy. Otto C. Fiala's definition of a ROC is that it "explores actions that a sovereign state can take to broaden its national defence strategy and prepare to defend itself against a partial or full loss of national sovereignty"[21]. Referring to resistance

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11 (Administrative Order 01/2013 2013, 2)
12 (Commission on the Defence Forces 2022, 102)
13 (Commission on the Defence Forces 2022, 101)
14 (Oireachtas Parliamentary Questions 2022)
15 In the case of the Army Reserve, individual effectiveness is typically achieved by completing 7 days full time training (FTT), 48 hours voluntary service, passing the annual personal weapon test (APWT). Whereas Army Reserve unit operational readiness involves individuals passing the APWT, basic medical and fitness tests (Administrative Order 01/2013 2013). To be considered operationally ready, units would need to have 75% of their strength passing those three assessments. However, as no one is held accountable for achieving these targets, they are not considered when generating metrics on effective strength.
16 (O'Halloran 2021)
17 (Commission on the Defence Forces 2022, iii)
18 (Commission on the Defence Forces 2022, 13)
19 (Government expenditure on defence 2022)
20 ("Building for the Future – Change from Within" 2022, 6)
21 (Fiala 2020, 1)

will likely evoke a reaction that this paper suggests a likelihood of Ireland being occupied. That is not the intent, but it is a common baseline policy to underpin a framework of national resilience. Delivering on this concept will require a radical reimagination of Ireland's defence organisation, particularly the Reserve component of the Defence Forces. To achieve a desirable mass of available personnel to conduct a meaningful defence of the State against conventional and hybrid threats, while concurrently having the capacity to intake recruits, train, and scale the Defence Organisation in a time of crisis, will require Ireland to think differently and more innovatively about Defence Force talent management.

This paper recommends that the Reserve Defence Forces be reclassified within the Defence Act 1954 into "Active", "Inactive", and "Irregular" Reserve classes. To complement it, DoD should construct a societal engagement group that promotes support and allyship of the Defence Forces, which for the purposes of this paper will be referred to as the "Defence Force Alliance".

Irish Defence Ecosystem

	Organisation	Military Defence of the State	ATCP	Maritime & Air Security	Int'l Peace & Security	ATCA	ATCA (Cyber)	Readiness	Role
Department of Defence	Permanent Defence Force	X	X	X	X	X	X	High	All roles assigned by Government.
	Active Reserve	X	X	X	X	X	X	Medium	Supporting all roles of the PDF with CS/CSS/& limited Combat Arms + Training Irregular Reserve
	Irregular Reserve	X	X			X	X	Low	Territorial Defence, conduct of resistance campaign in event of loss of sovereignty, limited ATCA & ATCP
	Inactive Reserve	X						Low	Retaining former service personnel with no training commitment during peacetime.
	Defence Force Alliance						X	Very Low	Public support network. Capable of participating in cyber incident response

Active Reserve

The Active Reserve should be a part-time component of the PDF, moving away from the current policy of relying on individual volunteers to undertake occasional paid and unpaid training. Being 'part-time' is a loaded term, as it would require Active Reservists to become part-time employees of the DoD; which demands applying entitlements afforded under the Protection of Employees (Part-Time Work) Act, 2001. The DoD has previously concluded that "Reserve Privates and PDF Privates are not directly comparable or interchangeable across all duties. This holds true for other enlisted and Officer Ranks"[22]. Being "interchangeable" is a prerequisite condition that Reservists must achieve to qualify as part-time employees[23]. For an Active Reserve to be capable of supporting the PDF in all roles, it needs to be interchangeable.

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22 (Value for Money Review of The Reserve Defence Force 2012, 6)
23 (Protection of Employees (Part-Time Work) Act 2001, 7,(3),(a))

This paper would propose that instead of the recommended establishment of 3,900 Army Reservists at a 50/50 ratio of combat / combat service and combat service support functions[24], the Active Reserve should be scaled smaller. Except for artillery, and a 'School of Resistance'[25], the Active Reserve should not have any combat arms built into the structure. The reason for scaling back in size is because an interchangeable Active Reserve employed on a part-time basis, with all the financial supports, pay, performance related gratuities, and enablers will cost many multiples of the current meagre €1.65m[26] budget allocation for the Reserve Defence Force pay.

The Active Reserve should have two primary operational outputs:

1. Support the PDF in all its roles[27].
2. Delivery of training to the Irregular Reserve.

The terms and conditions of service for the Active Reserve should be attractive for desirable professionals, inclusive of returning the annual gratuity as a performance bonus. A strong focus should be placed upon attracting medical, engineering, communications, cyber, logistics, aviation, and maritime talent to support the Defence Forces combat support and combat service support arms.

Active Reservists should be able to fulfil overseas operational roles as a matter of routine. This will require broad-stroke civilian employment protection legislation and tailored employer engagement, combined with employer and reservist financial supports like the schemes offered in the United Kingdom[28] and Australia[29].

Inactive Reserve

An Inactive Reserve is a holding group for those with military service experience, who are no longer participating in training, but will be retained in principle in case of an unforeseen crisis. All members of the PDF and Active Reserves will be expected to be retained within the Inactive Reserve for 5 years after leaving the service. On completion of the 5 years there should be a voluntary opt out mechanism. Unless the opt out mechanism is used, personnel can expect to remain within the Inactive Reserve until the age of 55, after which point their service commitment will naturally expire.

Irregular Reserve

Why irregular? A break in convention is required because a reformed, professional, and interchangeable reserve force at the current establishment is not viable within the LOA2 budgetary constraints. An Irregular Reserve is not just a change in organisation, it is a change in mindset. 'Irregular' invites innovation, adaptability, and competition. Defence is defence, the means to

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24 (Commission on the Defence Forces 2022, 105)
25 "School of Resistance" as a term is open to debate and change. It is designed to focus the attention towards a particular role and a reduced level of proficiency relative to the School of Infantry, for example.
26 (Vote 36. Defence 2020, 18,19)
27 (Commission on the Defence Forces 2022, 105)
28 (Defence Relationship Management 2022)
29 (Defence Reserves Support 2022)

that end is immaterial providing it is done lawfully. Defence will only be achieved by the defence establishments accepting that they must work with the resources as they are, not as they wish them to be. Better to succeed in defending Ireland with a low-cost irregular force composition as part of a defence ecosystem, than fail having waited and wished for a full spectrum conventional capability that never materialised.

The challenge Ireland faces is that with the low threat assessment of a conventional attack on island, it makes it difficult to justify the expenditure necessary to build a comprehensive full and part time Defence Force. Particularly a professional Defence Force that has the mass and scalability necessary to compete with an adversary capable of conducting a military attack against Ireland. Ireland should tailor its Defence Force structure so that it does not ignore its responsibility to respond to an extremely unlikely conventional attack but is balanced more in favour of countering hybrid activity. It should be a resource that can be utilised to counter terrorism, subversion, threats to critical national infrastructure, and foreign actor information warfare schemes.

From a state perspective, this paper recommends that the Irish Government adopt a resistance operating concept, legislate accordingly, and establish two new components to the Irish Defence Ecosystem:

1. **Irregular Reserve** – An armed volunteer class of Reserve trained to conduct territorial defence and prosecute legitimate armed resistance campaigns in the event of lost sovereignty[30].

2. **Defence Force Alliance** – A network of supportive citizens and entities that can be invited to participate in non-violent activities such as cyber incident response or auxiliary support in a time of crisis.

The Future of Small State Defence is Resistance and Resilience

Looking at how Ukraine organised and prepared its territorial and reservist forces following on from the annexation of Crimea is instructive, particularly where Ukraine has adopted national resistance and resilience frameworks consistent with Nordic and Baltic countries. In 2014, based on a 1991 law on the Defence of Ukraine, a Presidential Decree enabled territorial defence battalions under the Ministry of Defence to be established. As were National Guard reserve battalions under the Ministry of Interior[31]. By January 2022, in addition to a Resistance Movement[32], the Territorial Defence Force was established[33] as its own branch among Ukraine's Armed Forces consisting of 25 brigades, one brigade for each region[34]. Preparation of Ukrainian citizens for national resistance was the third component of national resistance[35]. The Territorial Defence Forces are intended to primarily be used as an auxiliary force behind the regular infantry. In the event of a war,

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30 Not to be mistaken as a para-military unit, the Irregular Reserve would be a sub-tier light infantry capable organisation that conforms to the Óglaigh na hÉireann's values, ethos, and professional conduct.
31 (Puglisi 2015, 5)
32 (Security and Defense Bill, "On the basis of national resistance" 2021, 2)
33 (Adopted as a basis the draft Law "On the Fundamentals of National Resistance" 2021)
34 (Ministry of Defence of Ukraine 2022)
35 (Security and Defense Bill, "On the basis of national resistance" 2021, 4)

their primary role would be to ensure order behind the front line[36] and secure key infrastructure, such as Hostomel Airport where they were among the first to engage in combat action[37], costing the Russians valuable time to establish a foothold ahead of Ukrainian regular troops arriving to the battle. The Resistance Movement is an entity under the control of the Special Operations Forces (SOF) of the Armed Forces of Ukraine. **It is tasked with forming centres of resistance, acquiring appropriate capabilities, obstructing enemy troop actions, and preparing Ukrainian citizens for national resistance**[38]. According to

Ukrainian Territorial Defence Force performing skill at arms training (Source: Flickr -Territorial Defence Forces of Ukraine - Photographer Oleg Palchyk)

reports, the Resistance Movement is having a disruptive effect on the Russian occupation through both violent and non-violent means[39].

In terms of preparing for national resilience, Estonia offers an interesting model too with its Estonian Defence League (EDL). National resiliency frameworks are essential considering that a RAND series of wargames concluded that a Russian conventional attack could reach the outskirts of Tallinn in around 60 hours[40]. The EDL offers a full resistance package from active members who store their issued weapons and ammunition at home[41], to supporting members who provide auxiliary support[42], and a dedicated national EDL Cyber Unit[43].

In the context of cyber resilience, the EDL Cyber Unit has two core tasks: Education and training, as well as strengthening and ensuring the security of the population. In practical terms, the unit organises seminars, information sharing and training events as well as field studies[44].

Initiatives to improve cyber and information security are examples of how deterrence through resilience are an essential component not only of the Baltic, but Nordic total defence policy. For Nordic countries such as Sweden and Finland, total defence is a whole of society approach to national security intended to deter a potential enemy by raising the cost of aggression and lowering the chances of its success[45]. In addition to the armed forces, it involves institutionalised collaboration between government ministries, civic organisations, the private sector, and the public. As the current threat environment includes both military and non-military challenges and

36 (Hunder 2022)
37 (Butchenko 2022)
38 (Security and Defense Bill, "On the basis of national resistance" 2021, 5, 7)
39 (Lapaiev 2022)
40 (Shlapak and Johnson 2016, 1)
41 (The Estonian Defence League Act 2014, § 41)
42 (The Estonian Defence League Act 2014, § 26)
43 (Estonian Defence League's Cyber Unit 2022)
44 (Kaska, Osula and Stinissen 2013)
45 (Wither 2020, 62)

A member of the Ukrainian Territorial Defence Force training to establish satellite internet connectivity with a Starlink dish, an essential modern battlefield enabler. (Source: Flickr -Territorial Defence Forces of Ukraine - Photographer Oleg Palchyk)

the lines between war and peace have become blurred, an integrated whole of society approach to security is even more important than during the Cold War.[46]

What can be drawn from observing the Nordic, Baltic and Ukrainian approach towards resistance and resilience are the commonalities in legislation, governance, and organisational structure. Ireland's takeaway here is that it can model its defence based on these commonalities, but tailor the force structure relative to the unique threats that Ireland faces. Ireland does not require a vast mass of professional standard reserves to call up against an occupying force. It would however benefit immeasurably from having a low cost, locally distributed, sub-tier light infantry capable reserve that can organically build niche capabilities in areas such as cyber, intelligence gathering, drone operations, etc to counter hybrid threats. Most importantly, to ensure it is not considered a "paramilitary" organisation in the Irish context, it must adhere to Óglaigh na hÉireann's professional values, ethos, and conduct.

Estonian Defence League Reservist from Southern Land Defence District training in dispersed combat operations (Source: Flickr - Kaitseliit Photo: Karri Kaas)

46 (Wither 2020, 62)

Building Irish Resilience Pre-Crisis

The Resistance Operating Concept (ROC) defines resilience as: The will and ability to withstand external pressure and influences and/or recover from the effects of those pressures or influences[47]. An Irregular Reserve is designed to be the connective tissue between society and the Government in the event of a loss of sovereignty. National resistance as a concept will need to be enshrined into law so that all involved have a legal framework to operate within, as well as national and international recognition and legitimacy for violent and non-violent activity. New approaches to oversight, international coordination and strategic communications will need to be developed. Most importantly, to harness the potential and enthusiasm of the Irish population, Ireland needs to optimise the barriers for entry into the Defence Ecosystem.

An Irregular Reserve should be a volunteer organisation formed into county-based units. Distributing Irregular Reserve units at a county level will offer potential applicants blanket national access into the Defence Ecosystem. Visibility of positive Reservist activity at the county level will also enhance the societal perception of Defence, developing it more as a feature in the national consciousness.

The primary role of the Irregular Reserve will be to provide for a scalable territorial defence, with a heavy emphasis on urban defence. An additional role of the Irregular Reserve will be to perform violent and non-violent resistance operations within the constraints of a legal framework. Exercises with friendly nation military units that specialise in Foreign Internal Defence (FID) should be considered for interoperability purposes. The total force concept being that the Defence Forces proper (PDF + Active Reserve) would be the manoeuvre warfare practitioners, while the Irregular Reserve will perform a scalable positional warfare role. **During peacetime, to maintain interest, build capability, and promote competitiveness, the county units will compete in regular patrol competitions.**

Armed training should be delivered and assessed by the Active Reserve's School of Resistance which should be set up under the Office of Reserve Affairs (ORA)[48][49] to deliver small unit infantry training that is tailored toward territorial and urban defence.

National establishment, structure, and capability of Irregular Reserve units should be dynamic and dependent on what people bring to the organisation in terms of skills. The Defence Forces should declassify all military training that can already be openly sourced elsewhere. Online remote access to instructors and pre-recorded training through online learning platforms, coupled with online exams to validate competency should replace classroom training requirements. Collective field training must be optimised for learning impact. Development of a mobile app to decentralise and automate administration should be considered. This would empower individuals to not only manage their own portfolio of training, but also aggregate performance metrics to Irregular Reserve commanders and the School of Resistance to better allocate training resources.

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47 (Fiala 2020, XV)
48 (Commission on the Defence Forces 2022, 106)
49 ("Building for the Future – Change from Within" 2022, 26, CoDF Rpt Rec 61)

Such an app should also be the strategic communication cornerstone of a Defence Force Alliance, where members of the public can register themselves, or companies as an 'Ally of the Defence Forces'. Corporate alliance would be akin to the UK's Armed Forces Covenant[50], where companies can pledge their support for resettling veterans and enabling reservist training.

In terms of cyber defence, an Irregular Reserve and Defence Force Alliance presents Ireland an opportunity to institute a wide cyber reserve network. Volunteers of varying disciplines can be organised to converge with civil authorities to work against national cyber threats and incidents on an on-demand basis. It can contribute towards a national cyber resiliency program through training, seminars, and 'hackathons' in cooperation with the National Cyber Security Centre, following the example of the Estonian Defence League Cyber Unit.

When designing a Defence Eco-system with variable barriers for entry, imagination is the limit of capability.

Conclusion

Establishing and cultivating an Irish Defence Ecosystem for the purpose of building national resilience is essential as recent events in Ukraine have demonstrated that the era of large-scale armed conflict in Europe is no longer confined to history. Having the benefit of geographical separation may buffer Ireland from armed conflict, but the hybridity of transnational threats obligates Ireland to evolve its defence posture. In the context of national resilience, Nordic and Baltic countries have exemplified the utility of reserve forces, structured them in varying degrees of readiness and capability, allowing for escalatory mobilisation appropriate to the threat. Ireland needs the mechanisms to scale its limited defence capabilities quickly without compromising the operational capacity of the Permanent Defence Forces to respond to a crisis. The reclassification of the Reserve Defence Force into Active, Inactive and Irregular Reserves allows the Defence Forces to cast a wider societal net to achieve a low-cost national defence-in-depth. The Government's decision to adopt LOA2, choosing not to provide a full spectrum defence of the State strengthens the argument for building an asymmetric defence.

To those who see this concept as too radical, this paper would offer the words of Major General Meelis Kiili of the Estonian Armed Forces when delivering a speech in Ireland on Estonian defence organisational transformation – "We are small, like Hobbits in The Shire, we must learn to think BIG".

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50 (Armed Forces Covenant 2022)

All Garden, No Fence:
A Legal Consideration of the Recent Russian Military Exercises off the Irish Coast

Lieutenant Commander Shane Mulcahy, BL

Abstract

Through the prism of Russian military exercises which garnered national interest last January, this article addresses the spatial and jurisdictional aspects of Ireland's maritime areas of responsibility. Consideration is given to differing legal regimes and coastal state powers which apply, allowing analysis into what avenues of recourse exist at state level to prevent or protest the use of these maritime zones by foreign militaries. Finally, lessons are identified from this recent 'imposition' on Irish sovereignty, which can help shape how the Irish state and its defence organisation evolve to secure our maritime domain.

On the 20th of January 2022, Russian news agency TASS confirmed Defence Ministry plans to conduct a month of major naval exercises, spanning multiple continents and comprising of hundreds of military ships and aircraft. According to a Ministry spokesperson, the exercises would "encompass seas washing Russia, and also world ocean areas of key importance [sic]".[1] In the succeeding days and amidst a frenzy of media attention, it became clear that one such area considered by the Russian Defence Ministry to be of key world importance was the North Atlantic approaches to Europe, a mere 240 kilometres Southwest of the Cork coastline.[2] This revelation prompted calls for Irish government intervention, a spirited mobilisation of the fishing community, and an eventual 'de-escalation' through the Russian Ambassador by announcing that the exercises would be moved 'further offshore'.[3]

These military manoeuvres proceeded without further incident and have since been overshadowed by the appalling actions of Russian military forces in Ukraine. Nonetheless, significant questions remain about Ireland's ability to control activities occurring off our own coastline. Could the Defence Forces have made a legitimate challenge to these exercises? What would any such challenge look like? And what, if any, legal basis exists to ensure that Irish waters remain the preserve of peaceful pursuits? The answers are far from settled.

Protection Without Definition; What are 'Irish Waters'?

As an island nation on Europe's northwest frontier, Ireland lays claim to a maritime territory of over 800,000 square kilometres, ten times the size of the Island itself. While we often refer to the need to protect the coastal and offshore resources within 'Irish Waters', it bears considering what this phrase actually means. For centuries, states have claimed sovereign rights over their adjacent waters; the extent of this jurisdiction was originally defined by the reach of coastal cannons. If you could fire and strike your target at a certain distance, you could effectively control the water space that it occupied, and lay effective claim to it.[4] With passing time and technology, states continued to expand their claims at varying rates and ranges. By the middle of the 20th century, significant disparity began to emerge; some states remained faithful to the traditionally adopted three-mile

1 'Russian Navy to Hold Exercises in All Zones of Responsibility Jan-Feb' (TASS) <https://tass.com/defense/1390907> accessed 14 February 2022."plainCitation":"'Russian Navy to Hold Exercises in All Zones of Responsibility Jan-Feb' (TASS
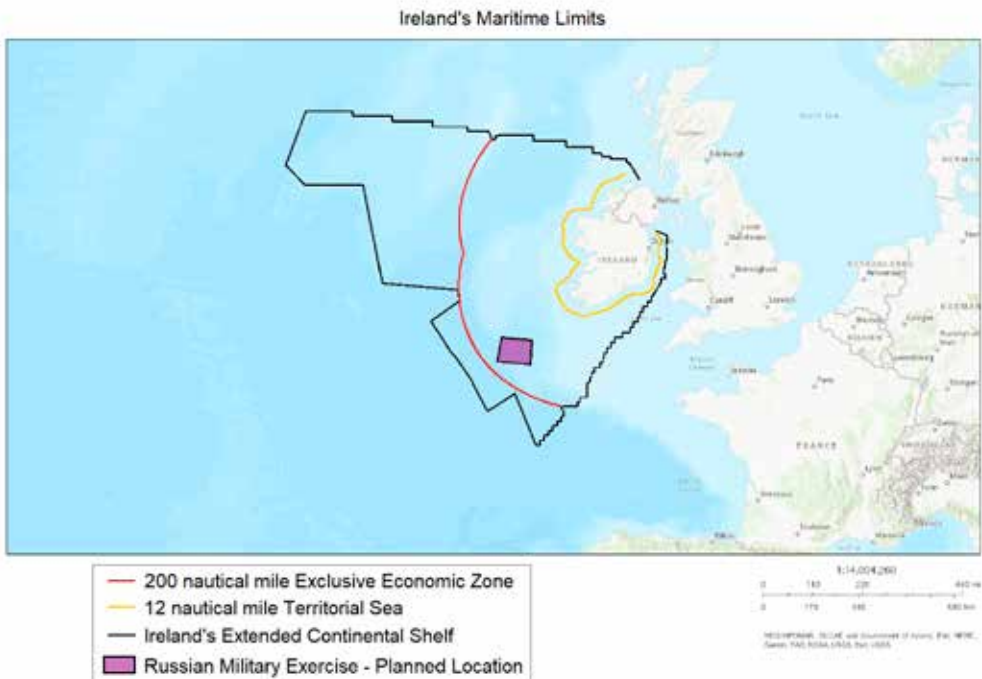2 'Marine Notice No. 06 of 2022, Irish Maritime Administration, Department of Transport' <https://www.gov.ie/pdf/?file=https://assets.gov.ie/214111/181e7208-dd26-424e-b24d-fa8dbfcca3c1.pdf> accessed 14 February 2022.
3 'Russia: Military Drill Moved Further from Irish Shore' BBC News (29 January 2022) <https://www.bbc.com/news/world-europe-60184843> accessed 14 February 2022.
4 see generally: HSK Kent, 'The Historical Origins of the Three-Mile Limit' (1954) 48 The American Journal of International Law 537.

territorial limit, whilst others sought to increase their influence and buffer their security through the introduction of six, twelve, in some cases even two-hundred mile Territorial Seas.

Eventually, the 1982 United Nations Convention on the Law of the Sea (UNCLOS) standardised and codified these drifting aspects of maritime law; in doing so, a single point of truth was created, often dubbed 'the constitution of the oceans'. UNCLOS enshrined the right of every coastal state to a 12 nautical mile Territorial Sea, within which the full gambit of national jurisdiction could be exercised (albeit subject to a few caveats).[5] Ships engaged in 'innocent passage', for example, were free to pass unhindered within the Territorial Seas of another state, so long as their presence and activities were not 'prejudicial to the peace, good order, and security' of the coastal state.[6] Similar caveats notwithstanding, the full breadth of the laws of the land, including normal civil and criminal jurisdictions, could be applied within this 12 nautical mile band. Beyond this limit however, coastal state jurisdiction quickly dissipates, and high seas freedoms begin to abound.

Ireland's Maritime Limits

— 200 nautical mile Exclusive Economic Zone
— 12 nautical mile Territorial Sea
— Ireland's Extended Continental Shelf
■ Russian Military Exercise - Planned Location

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5 United Nations Convention on the Law of the Sea (UNCLOS) 1982 ss 2, article 3.
6 ibid Section 3; specifically Art. 19.

Exclusive Economic Zone

Under part V of UNCLOS, Coastal states enjoy an 'Exclusive Economic Zone' out to 200 nautical miles from their coast or baseline, with enforcement jurisdiction over economic activities therein. This includes regulatory control of fishing activities, granting of licences for hydrocarbon exploration, and any other natural resources in the water or below the seabed.[7] As such, the coastal state can, insofar as UNCLOS provides, regulate or even prevent activities which impinge on its ability to enjoy its exclusive economic access within these waters. In practice, this often means conducting fisheries protection, pollution control, and routine patrolling to ensure that the coastal states resources are secured.

This right of economic exclusivity is often confused for state ownership however, which is simply not the case. In fact, the oceans beyond the Territorial Sea, including the EEZ itself, remain by all other legal measures a part of the high seas. This means that the prioritisation of coastal state rights extend only to economic access; in all other respects, these are international waters and therefore one of the least regulated regions left on the planet.

What do we mean then, by 'Irish waters'? Our national interests clearly extend beyond 12 miles, which means the rights and responsibilities of the Irish State vary significantly throughout the waters which the Naval Service are responsible for patrolling. The high seas are, by definition, a space over which no state can exercise sovereignty; where the freedom of the high seas' reigns supreme.[8] This phrase might conjure romantic notions of adventuresome buccaneers for some readers; reality is somewhat less colourful.

The concept of high seas freedoms has prevailed for centuries as a rule of custom, first introduced at the behest of the Dutch East India Company to prevent state interference in their commercial activities.[9] UNCLOS has since enshrined high seas freedoms in writing, including freedom of navigation and overflight, freedom to lay submarine cables and create offshore installations. Not all freedoms are written down; many are either unenumerated or implied through specific exclusion. And while they are all described as freedoms, none are absolute; every high seas freedom is balanced and abutted by the freedoms and rights of others. Like neighbours who share a garden, individual freedoms only extend to the point at which they begin to impinge on each other. It is in this context of competing rights, that one must consider the legal implications of recent (and indeed future) military manoeuvres off the Irish coast.

Military Exercises at Sea – The Legal Basis

Freedom to conduct military exercises on the high seas is traditionally recognized as being a component part of customary international law, adjacent to but not expressly included in those high seas freedoms captured in UNCLOS article 87. These high seas rights exist equally in the EEZs of coastal states, in accordance with UNCLOS article 58(1). It is noteworthy however, that no UNCLOS provision or article specifically provides for the right of states to conduct military

7 ibid article 56.
8 ibid article 89.
9 Lilian del Castillo and Hugo Caminos, Law of the Sea, from Grotius to the International Tribunal for the Law of the Sea: Liber Amicorum Judge Hugo Caminos (BRILL 2015) 27.

exercises on the high seas.[10] In fact, Article 88 specifically stipulates that "the high seas shall be reserved for peaceful purposes". This discrepancy was addressed directly during the Law of the Sea negotiations which took place prior to agreeing the 1982 treaty, with the majority of participating nations supporting the right of foreign vessels to conduct exercises within another state's EEZ.[11]

This has not been a universally accepted perspective however; several states have attempted to challenge this presumptive right by either submitting declarations against foreign military exercises in their own EEZs without their consent,[12] or through more robust persistent objection through refusal to ratify the entire convention.[13] A handful of South American and African nations for example, still go so far as to declare their 200 nautical mile limit to be a Territorial Sea, complete with jurisdictional rights to deny access to foreign warships.[14] In practice, these declarations are not recognised by other maritime nations and are not enforced at sea in any meaningful way. Other nations however, have bared their teeth on the subject; China and North Korea for example, have gone beyond mere declarations and shown willingness to use military force to assert their declared rights on a number of occasions.[15]

These attempts to prohibit foreign exercises within the EEZ have garnered little international support and are generally considered void of any legal status. The consensus as supported by NATO and most western nations at least, is that "military activities, such as . . . *launching and landing of aircraft, exercises and operations . . . [in the EEZ]* are recognized historic high seas uses that are preserved by Article 58."[16]

Even under this inclusive interpretation, the rights of foreign militaries to operate or exercise in another state's EEZ are far from absolute. Article 58 of UNCLOS continues at subsection 3 to require states operating in the EEZ of another nation to have due regard to the rights and responsibilities of the coastal state. Specifically;

UNCLOS Art 58(3) -

> *In exercising their rights and performing their duties under this Convention in the exclusive economic zone,* **States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State** *in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part.*
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> (Emphasis added)

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10 UNCLOS article 19.2(b) does denote that exercises or weapons tests carried out within territorial seas shall be prejudicial to innocent passage. The absence of any similar restriction on passage through the EEZ or contiguous zone implies that no similar restriction exists in these zones.
11 Third UN Conference on the Law of the Sea, Plenary Meetings, Official Records, U.N. Doc. A/CONF.62/WS/37 and ADD. 1-2, 244 (1973-1982).
12 As per UNCLOS article 310. These states include Bangladesh, Brazil, Cape Verde, India, Malaysia, Pakistan and Uraguay
13 Coastal Sates which have not ratified UNCLOS include Turkey, Venezuela, Peru, Eritrea, and Israel.
14 James Kraska and Raul Pedrozo, International Maritime Security Law (BRILL 2013) 278 <http://ebookcentral.proquest.com/lib/uccie-ebooks/detail.action?docID=1187229> accessed 10 August 2022.
15 See, for example, the USNS Bowditch incident, 2001, and USNS Impeccable, 2009.
16 Message from the President of the United States transmitting the United Nations Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea. US Senate, 103rd Congress, 2nd Session. Treaty Doc. 103–39, p. 24

The legal consequences of this requirement for 'due regard' may become pertinent if, for example, the exercise in question poses a specific risk to a marine protected area. States which adopt specific conservation measures or designate marine protected areas, may enforce such provisions (as compatible with international law) on vessels operating in or around those areas.[17] The right of the coastal state to enforce these protections is measured against the high seas rights of the state conducting the military exercise, with the balance appearing in favour of the state whose actions show the requisite amount of 'due regard'.

Exclusion Zones

Another issue which can affect the legality of an exercise is the designation and enforcement of an exclusion zone, such as that announced by Russian military officials prior to its planned February manoeuvres.[18] Zones such as these are not specifically mentioned or given legal status within UNCLOS, though some states may equate them to zones within which a military vessel might reasonably exercise its inherent right of self- defence.[19] In line with the principle of 'due regard', the enforcement of an exclusion zone which unduly impedes on the right of the coastal state to use its own EEZ will likely be considered unlawful – this will again be determined on a case by case basis, requiring evidence that the rights of the coastal state were unduly impinged.

This issue becomes particularly pertinent to our Irish example from February 2022. On one hand, the announcement of a 5,000 square kilometre exclusion zone which unduly affects vessels fishing within their own state's EEZ over a number of days could easily be considered an unreasonable imposition. This would render the exclusion zone and exercise in general to be considered unlawful contrary to article 58(3). Evidence of some disruption, even comparison to previous fishing effort in the affected area, would most likely be sufficient. Given the legacy of oil pollution caused by previous Russian military activity in the Irish EEZ and the ongoing failure to recompense, such a threshold appears easily reached.[20]

Conversely, if fishing vessels were to deploy specifically to an area for the sole purpose of disrupting a planned exercise, a similar standard can be applied in favour of the State conducting the exercise - contrary to article 56(2). In this respect, the well-publicised plans by vessels from the Irish fishing community in late January to disrupt the pending Russian exercises might well have raised significant legal complications for the Irish state, had they gone ahead.

Conflicting Views?

When applied to the recent exercises off the Irish coast, the views of various commentators remain conflicted. Speaking to the Irish Examiner in January, Professor Andrew Cottey of University College Cork highlighted the importance of the location of the exercises in international waters,

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17 United Nations Convention on the Law of the Sea (UNCLOS) (n 5) article 56(1)(b)(iii).
18 (n 2).
19 Jon M Van Dyke, 'Military Exclusion and Warning Zones on the High Seas' (1991) 15 Marine Policy 147, 160.
20 Treacy Hogan, 'Russians refuse to pay bill for warship oil spill' Irish Independent (21 March 2012) <https://www.independent.ie/irish-news/russians-refuse-to-pay-bill-for-warship-oil-spill-26834339.html>

as well as the clear issuing of warnings regarding the proposed exercises, as placing the manoeuvres clearly within the confines of international law.[21]

Conversely, retired Trinity College professor Clive Symmons pointed out to The Times, that as no specific reference exists under UNCLOS regarding military exercises in foreign EEZs, they are at best a legal 'grey area', and as such are "not an implied high seas freedom in this context".[22] On this basis, Professor Symmons reasons that the Irish government may have been well within its rights to object, and possibly even seek to prevent, the exercises from proceeding as planned. Similar views were broadcast by a variety of community and political leaders in the run up to the military exercises, though few if any cited legal justifications for taking such a challenge.

Opposing views from experts is not an unusual phenomenon in the legal world. However, given the level of certainty that the Law of the Sea purports to provide, situations such as this deliver ample opportunities to states seeking to take advantage of legal grey areas; or, states seeking to sow discord amongst European security and defence partners.

The Great Deception

As the exercise grew nearer in early February, the rhetoric continued to escalate. Talks of politicians putting to sea and a near-piratic fishing fleet, gave way to a calming of tensions from a most unexpected corner. On the surface at least, diplomacy appears to have won out, when Russian defence minister Sergey Shoigu announced his decision to relocate the military exercises as "a gesture of goodwill".[23] This announcement via the Ambassador to Ireland was treated as an Irish victory, tantamount to an underdog success on the battlefield. It effectively demobilised the fishing communities planned action and put to rest any question of legal challenges; after all, it was time for a good clap on the back for a job well done, right?

Not so. Despite minister Shoigu's assertions, the exercises went off exactly as – and where – he had planned; out of sight by all except a handful of military air and naval assets.[24] When viewed in light of the subsequent military atrocities underway in Ukraine, former Chief of Staff Vice Admiral Mark Mellett opined that Minister Shoigu's decision was based less in goodwill or fear of legal repercussion, and was more of a hybrid tool, designed to undermine Irish and EU defence cooperation.[25] The success of this hybrid tool appears quite evident; while we celebrated our brow-beating prowess and held aloft our fishing fleet, our European neighbours were left to look on and continue monitoring the Russian exercise, happening in our own EEZ, on our behalf.

21 Maeve Lee, 'Security Expert Says Ireland Can Do Little to Stop Russian Naval Exercises' Irish Examiner (25 January 2022) <https://www.irishexaminer.com/news/arid-40793127.html>

22 Lorna Siggins, 'Ireland Has The Right to Block Russian Naval Drills, Says Expert' <https://www.thetimes.co.uk/article/ireland-has-the-right-to-block-russian-naval-drills-says-expert-c7b9385q8>

23 Sarah Burns and Simon Carswell, 'Russia Moves Naval Exercises Outside Ireland's Exclusive Economic Zone' The Irish Times <https://www.irishtimes.com/news/politics/russia-moves-naval-exercises-outside-ireland-s-exclusive-economic-zone-1.4789024>

24 Greg Murphy, 'Pictures: Defence Forces Monitor Russian, US, French and UK Warships off South Coast' (Irish Examiner, 3 February 2022) <https://www.irishexaminer.com/news/arid-40800045.html>.

25 Conor Gallagher, 'Ireland "Naive" about Russian Influence – Defence Forces Ex-Chief' The Irish Times <https://www.irishtimes.com/news/ireland/irish-news/ireland-naive-about-russian-influence-defence-forces-ex-chief-1.4825707>

But What COULD We Have Done? Legality vs Reality

The extent to which Ireland was prepared to challenge the legitimacy of these exercises is hampered in some ways by the reality of our defence capability; it is difficult to challenge what we cannot see. Russian vessels and aircraft were, to some extent, subject to surveillance by Irish Naval and Air Corps assets, but only when they could be reasonably detected through good old – fashioned visual searching. Our naval fleet's observation capabilities do not include electronic surveillance measures, air surveillance radar, or satellite based imaging access; "striking capability gaps" according to the recent report of the commission on the Defence Forces.[26] Unfortunately in the case of submarine activity, our view remained completely obscured. Given the sensitivities associated with the chosen exercise area and its abundance of sub-sea cables, it seems more than likely that subsurface assets were involved. How close such assets were to the vessels and aircraft we sent out to observe them, we may never know.

In any event, significant uncertainty remains as to whether or not a legal challenge to these offshore exercises could have been made successfully. The right of states to conduct military exercises within foreign EEZs appears well founded, albeit subject to a balancing of rights and a reasonable requirement for due regard. Notwithstanding political will, any decision to challenge future military exercises within Ireland's EEZ will likely hinge on the exercise context, any foreseeable impact on declared areas of conservation, and the imposition of an exclusion zone without due regard for the coastal state. These factors may all effect the legality of planned military exercises, however their relevance to a successful legal challenge, remains to be seen. Indeed without further investment in the necessary domain awareness tools to observe and record such exercises, any legal challenge will continue to prove elusive. Fortunately, or otherwise, Ireland's geographic adjacency to an area of Russian-declared 'key world importance', suggests that this issue will certainly raise its head again.

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26 Commission on the Defence Forces, Report, 9 February 2022 <https://www.military.ie/en/public-information/publications/report-of-the-commission-on-defence-forces/report-of-the-commission-on-defence-forces.pdf> Pages 18,35,-36

Contributor Biographies

Professor Andrew Cottey is a Professor in the Department of Government and Politics, University College Cork. Prof. Cottey's research focuses on: European security, including NATO and the European Union; China and European relations with Asia; peacekeeping, intervention and conflict management; and civil-military relations and the roles of armed forces. His books include Security in 21st Century Europe (Palgrave Macmillan), The European Neutrals and NATO: Non-aligned, Partnership, Membership (Palgrave Macmillan), Understanding Chinese Politics: An Introduction to Government in the People's Republic of China (co-authored with Neil Collins, Manchester University Press) and Reshaping Defence Diplomacy: New Roles for Military Cooperation and Assistance (co-authored with Anthony Forster, Oxford University Press/ IISS), and he has published in journals such Journal of Common Market Studies, British Journal of Politics and International Relations and European Security.

Sub Lieutenant Cian Moran holds a PhD in International Law from the Irish Centre for Human Rights at NUI Galway and currently serves as the Navigation Officer on LÉ SAMUEL BECKETT, having qualified as an Officer of the Watch in 2021. Cian holds a first class honours LLB in Law from NUI Galway, where he graduated with the highest marks in his class, and an LLM in International Law from the University of Nottingham. He also holds a first class honours diploma in the Irish language from NUI Galway and graduated with a distinction BSC in Nautical Science from Munster Technological University.

Professor Ray Murphy is a professor at the Irish Centre for Human Rights, School of Law, National University of Ireland Galway. He is also on the faculty of the International Institute for Criminal Investigations (The Hague). Prof. Murphy was a Visiting Scholar at the Centre for International Law, Al-Haq, Palestine in 2014. He was awarded a Fulbright Fellowship in 2006 and worked with Human Rights Watch in New York as a resident scholar. He has conducted international training on behalf of the ICRC, No Peace Without Justice, Amnesty International, the UN, the International Institute for Humanitarian Law and the Pearson Peacekeeping Center, Canada. He is also currently a Commissioner with the Irish Human Rights and Equality Commission.

Professor Murphy is a former Captain in the Irish Defence Forces and he served as an infantry officer with the Irish contingent of UNIFIL in Lebanon in 1981/82 and again in 1989. He was Chairperson of the Broadcasting Complaints Commission from 1997 to 2000. He has field experience with the OSCE in Bosnia in 1996 and 1997. He has also worked on short assignments in west and southern Africa and the Middle East for Amnesty International, the EU and the Irish Government.

Captain Brian Clarke is a serving Army officer and has worked in 2 Brigade Artillery Regiment and the Artillery School in the Military College. He was commissioned in 2017 and has served overseas twice in Lebanon with UNIFIL, and once in Syria with UNDOF. Capt Clarke holds an LLM in Peace Support Operations, International Humanitarian Law, and Conflict from the Irish Centre for Human Rights at NUI Galway. He holds a BA in History, Sociology and Political Science from NUI Galway and a Diploma in Leadership, Management and Defence Studies from

NUI Maynooth and the Military College. He has also completed distanced learning studies with the European Security and Defence College.

Dr Elise Lefeuvre, Sciences Po Lyon (BSc, MSc), LSE (MSc) and UCC (PhD), is Adjunct Lecturer at UCC School of Law. Her fields of research are banking and financial law, as well as military contemporary issues.

Lieutenant Colonel Conor King is an Army Officer with over 24 years' service in the Defence Forces. He has been the RACO General Secretary since 01 January 2019. His last position prior to his secondment with RACO was Officer Commanding 1ˢᵗ Mechanised Infantry Company, Defence Forces Training Centre (DFTC), with responsibility for the fleet of Infantry Armoured Personnel Carriers (APCs) and the stewardship of the ongoing MOWAG Maintenance and Mid-life upgrade project. He has served in a variety of appointments, at Unit, Formation and DFHQ level as well as overseas in missions in the Balkans, the Middle East and Africa. Sample appointments include Resource Management Analyst - Strategic Planning Branch; Senior Auditor - Office of the Comptroller and Auditor General (while on secondment), and more recently, Staff Officer G3/7 (Operations, Training & Education), DFTC HQ, and a range of unit level appointments in the 12 Infantry Battalion, from Platoon Commander to Company Commander. His Academic qualifications include a BComm with German (NUI Galway), a Master of Business Studies Degree in Human Resource Management (University of Limerick) and a MSc in Business (Leadership & Management Practice) from UCD Michael Smurfit Graduate Business School.

James McCusker of ATO Management Consultants Ltd. is a consultancy founded by practitioners, not theorists, proven as senior executives - Director and C-Level - in our specialist fields, with deep, functional expertise and experience to call upon, including extensive experience working directly with Defence Authorities.

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We have a particular expertise in the provision of outsourced services to Public Authorities, especially those in the Defence Sector. Our specialists have worked with the UK MoD, Sweden MoD, France La Ministre des Armées, Singapore MINDEF, Australia DoD, New Zealand DF and, Norway MoD to name but a few. These same specialists been directly involved in several of the most significant transformational and innovative projects in the defence sector in the last decade, including UK MoD Logistics Commodities & Services Transformation (LCST), UK National Uniform Managed Service (NUMS), Nordic Combat Uniform System (NCU), Netherlands MoD Defensie Operationeel Kleding Systeem (DOKS) and NZDF Project Warrior.

Lieutenant Commander David Memery was commissioned into the Naval Service in 2002 as an Electrical Engineering Officer, he has completed two Young Officers Courses with the Land Component in the DFTC and has served overseas in KFOR and UNIFIL in staff and support roles, as well as appointments within Naval Operations Command, Naval College and Naval Support Command, where he is currently serving as OIC Maintenance Management Unit, Planning Inspectorate & Maintenance Management, Naval Support Command Headquarters.

He holds primary degrees from University of Dublin, Trinity College in Mathematics and Electronic & Computer Engineering and an M.Sc in Computer Science from the Open University. He is a graduate of the 1st Joint Command and Staff School in 2019, and holds a Master of Arts in Leadership, Management and Defence Studies from NIUM with his thesis entitled 'The Future Model of Jointness within the Irish Defence Forces: How do we get there?'

Dr. James McCafferty DSM, PhD served in cavalry units with 34, 36 & 39 IrBatts. ONUC, and subsequently with cavalry units on five tours with UNFICYP.

He was conferred PhD at Maynooth University in 2014 for his thesis 'Political and military aspects of the Irish Army's service with UN forces in the Congo 1960-64' a copy of which was lodged in Military Archives.

Although retired from the Defence Forces since 1969, he maintains a continuing interest in them - especially in their peacekeeping activities .

Senior Chief Petty Officer Ruairi De Barra is the Senior Enlisted Leader of the Technical Recruitment, Retention, and Regeneration Cell of the Irish Naval Service. An Engine Room Artificer by trade and a Marine Engineer by qualification, he has served for 24 years; including service overseas on Operations PONTUS and SOPHIA. He holds a Bachelor of Arts in Leadership, Management, and Naval Studies from Cork Institute of Technology, and a Masters in Government and Public Policy from University College Cork. He is the inaugural recipient of the 'Lt Gen M.J. Costello' award from An Cosantóir, and he has been twice nominated for the European Military Press Association awards. He is a regular contributor to An Cosantóir, and his work has also featured in the Defence Forces Review, and in Emergency Services Ireland, Contact, and Signal magazines. His upcoming publication exploring the Irish civil-military industrial relations landscape will feature in 'The EU, Irish Defence Forces, and Contemporary Security' by Palgrave Macmillan in Autumn 2022. An elected representative of PDFORRA for 17 years, he is currently the Assistant Secretary of the Naval Base and Dockyard district.

Neil Dee is a Research Associate and Deputy Lead for Operations at the Azure Forum for Contemporary Security Strategy. Neil's research interests include strategy, airpower, operational art, peacekeeping, and counterinsurgency, and he has professional experience in a variety of national and international political environments. Neil was previously Deputy Manager for Enterprise Policy Engagement at the British Irish Chamber of Commerce, where he led work to promote international and regional trade for SMEs in the context of Brexit, and was founder of the #MyAmbition initiative for future leaders. Alongside this, Neil held a senior business development role with the tech spinout Kmend Ltd. and worked with the Family Business Network of Ireland where he provided research support and assistance in relation to indigenous Irish businesses. Neil previously provided local staff support in relation to culture and economics at the Taipei Representative Office, Dublin. Prior to this, he interned with the Embassy of Ireland, Germany, and the Constituency Office of Dara Calleary TD. He has an MA in International Relations (Global Conflict in the Modern Era specialisation) from Leiden University where he graduated Cum Laude. He is a graduate of Trinity College Dublin with a BA (Honours) in History and Political Science.

Jonathan Carroll is a PhD Candidate and Lecturer with the Department of History at Texas A&M University specializing in American and European military history. A native of the Republic of Ireland, Jonathan graduated with a Law Degree in 2015, and completed his Master's in Military History and Strategic Studies in 2016, both from Maynooth University. In 2020 Jonathan was awarded an Advanced Certificate in International Affairs specializing in military and nuclear weapons policy from the Bush School of Government and Public Service. His research interests include military operations other than war (MOOTW) focusing on military interventions, low-intensity conflict, and counterinsurgency. His current research project, God's Work in Hell, explores the intervention in Somalia from 1992-1995 by UNOSOM/UNITAF, moving away from the current dominance of Black Hawk Down to establish what happened during this experiment in the world's first failed state. Jonathan is the 2020 recipient of the Dr. David L. Chapman '67 Research Fellowship and is the 2021 Smith Richardson Foundation Fellow in World Politics and Statecraft. Before coming to Texas A&M Jonathan served in the Irish Reserve Defence Forces (2005-2017) as an NCO and subsequently a commissioned officer and has published several times on Irish defence policy regarding the Army Reserve.

Neil Richardson is the General Secretary of the Reserve Defence Force Representative Association (RDFRA), a fulltime position he has held since 2014. Primarily responsible for advancing policy within the organisation, Neil regularly engages with both civil and military management on a broad range of matters pertaining to the Reserve Defence Forces. Neil is also a serving reserve Lieutenant posted to the Infantry School in the DFTC, while, outside of his Defence Forces-related work, he is an accomplished military historian with three award winning publications to his name: "A Coward If I Return, A Hero If I Fall:" Stories of Irishmen in WWI, "Dark Times, Decent Men: Stories of Irishmen in WWII," and "According To Their Lights: Stories of Irishmen in the British Army, Easter 1916." Neil is a graduate of both University College Dublin (UCD) and Maynooth University, and hold a Masters in Military History and Strategic Studies from the latter institution.

Robert Gilbey works in hyperscale datacentre design, engineering, and construction as a connectivity engineer supporting datacentre builds across EMEA and APAC. Robert is married, with two children. As a Defence Forces Reservist, Robert serves with 2 Brigade, Communications, and Information Services Corps (Army Reserve) where he engages on various defence innovation projects including MORIGEN (Military Operations Rapid Instructive Gaming Environment). He previously served with 27 Infantry Battalion (Army Reserve). Robert also served in the British Army as a regular soldier in the Royal Corps of Signals. Any views, positions, or opinions expressed in this paper are solely that of the author and do not represent that of the author's employer, the Defence Forces or any other association or organisation.

Lieutenant Commander Shane Mulcahy BL joined the Naval Service in 2005 as a member of the 45th Naval Cadet Class and currently works as a staff officer in Naval Headquarters. He has held a variety of command, staff and training appointments as an executive branch officer both at sea and ashore. He became a Naval Diver in 2010 and was awarded top student on the Royal Canadian Navy's Mine Warfare and Clearance Diving course in 2013. In 2015 he deployed to the Mediterranean as the Search and Rescue officer on the first NS overseas mission, OPERATION PONTUS. He holds a BSc Hons in Nautical Sciences, an LLB in Irish Law, and graduated as a Barrister-at-Law from the Honorable Society of Kings Inns. He is a graduate of Munster Technological University, Griffith College, and is currently completing an LLM in Marine and Maritime Law at University College, Cork.

ABSTRACTS - 4JCSC

How Can The Defence Forces Effectively Horizon Scan For Emerging Threats To The State?

Comdt Brian Clancy

Complexities and uncertainties associated with operating in today's global environment demand enhanced State means, to address current and future security and defence challenges. Recent global events demonstrate the fragility of global security and the vulnerabilities of states to a plethora of both extant and emerging threats. In Ireland's case, there is a growing realisation that previously held perceptions and assumptions, concerning national security and defence, lack continued validity. A paradigm shift in strategic thinking is required, accompanied by a willingness amongst senior decision makers, strategic planners and analysts, to embrace novel practice. A comprehensive and systematic exploration of complexity, uncertainty, and emerging trends will enhance national foresight, or our forward-looking ability. Horizon Scanning offers this necessary means to key planners and decision makers at the strategic level.

The Defence Forces, as a key agent for national security and defence, has a central role, and must enhance its relevance, preparedness, and readiness, in the face of such threats. Employment of an effective Horizon-Scanning model is crucial to that role. This study assesses the feasibility of implementing Horizon Scanning as a key component of strategic planning, and proposes a practical model for use by the Defence Forces. The Cynefin framework was used as a tool to both enhance understanding of this new model, and prove its utility.

The Horizon Scanning model, was also measured against Defence Forces' organisational, and purposeful, context. This latter research confirmed that continuous information, harvested from the process, iteratively informs: strategic planning; capability development; research, technology & innovation; generic capability; policy development concerning Irish neutrality; strategic shock warning; and, intelligence. Horizon Scanning provides Ireland a capability to detect new and emerging threats, must be considered key to the strategic planner, and facilitates provision of a flexible and adaptive security and defence framework, required for Ireland today and into the future.

"Should The Defence Forces Learn How To Eat Soup With A Knife?"

A Comparison of Current Western Counter-Insurgency Doctrine With UN Peace Operations to Ascertain if There are Commonalities to Learn From or Differences to Avoid.

Comdt William Collins

The major question that this paper sets out to answer is whether a future Irish Peace Support Operations (PSO) doctrine would benefit from drawing lessons from Counter-Insurgency (COIN) theory and practice. This larger question begets other questions before this can be addressed. Firstly, what is COIN and what is it trying to counter? What types of operations are the Defence Forces likely to be involved in the future? This paper then attempts to seek where any commonalities would suggest convergence and where there are either discordances where divergence from COIN doctrine is advisable for future Irish PSO doctrine writers.

This research indicated that both insurgency and COIN are contested and complex concepts which often leads to over categorisation of a complex problem leading to over-simplification of solutions. This paper argues that COIN theory is not a complete solution to what is ultimately a political problem but is instead a "toolkit" for mostly military practitioners. This paper argues that COIN doctrine should be, like all military doctrine, descriptive rather than proscriptive and applied with good judgement. However, as with all conflict, the solution to insurgencies lies in the political sphere.

This paper argues that due to reasons of policy and history, Irish Defence Forces operations overseas are most likely to be conducted under the auspices of the UN, or at least within its ethos. In an attempt to predict future trends in United Nations Operations this paper charted the arc of these operations from the inception of the UN to the present day. The research showed that UN operations have evolved from traditional Peacekeeping under Chapter VI mandates through Peace Enforcement under Chapter VII mandates to present-day multi-dimensional stabilisation pushing the boundaries of Chapter VII. This paper identifies three main threads likely to continue into the future: a robust turn, an increasing move toward multi-dimensional stabilisation missions and a profusion of actors in the Peace Operations space.

Identifying the five most pertinent tenets of COIN, this paper found that to remain aligned with current UN doctrine, there is significantly more to avoid in COIN doctrine than there is to adapt. COIN and UN peace operations are distinct undertakings with different mandates which require different approaches.

Should Those Who Serve Be Shielded From Prosecution For War Crimes?

A Review of British Attempts to Legislatively Protect Veterans

Comdt Sharon J. Crean

This thesis considers whether service personnel and veterans should be shielded from prosecution for war criminal offences, by focusing on two recent attempts by the British Government to legislatively protect those who serve/served from prosecutions. Using the case studies as a framework, this thesis grapples with the oft cited claim that it is unfair to prosecute soldiers who were following orders. It draws on the competing values of truth and fairness, to analyse where the balance is being drawn by states and what this means for the development of war criminal prosecutions. This thesis addresses the claim that it is unfair to prosecute soldiers by examining the development of international criminal law and finds that war criminal law has developed into a comprehensive body of law that is both procedurally and inherently fair. Therefore, this thesis argues that states should not shield their soldiers from such fair prosecutions. But due to the consent based nature of international criminal law, this thesis acknowledges that further developments in the legitimacy of the law are dependent on state co-operation and consent and the rise of polarity amongst world powers will interfere with this.

The case study of the Overseas Operations Act, 2021 allows for a detailed appraisal of legislation that provides a presumption against prosecution for British soldiers for offences committed while serving

in overseas missions. This study draws on the past experiences of the Iraq abuse investigations to frame the argument that the legislation will fail to achieve its stated purpose, of providing certainty to soldiers. It is also argued that the legislation is incompatible with international criminal law as it does not contain any provision for command responsibility. This thesis therefore asserts that the legitimacy of future UK war criminal prosecutions will be undermined and the provisions of the act that shield service personnel from war crimes prosecutions should be revoked to remedy this.

Furthermore, this thesis presents the Northern Ireland unconditional amnesty proposals, which involve the application of the Statute of Limitations to all actors in the Troubles as an unacceptable means of addressing the legacy of Northern Ireland's past. The paper finds that the proposals fail to strike the balance between protecting veterans and victims as well as failing to adequately address the tension between truth and fairness while promoting reconciliation and protecting peace.

Ultimately, this thesis finds that state practice of selective justice has caused a distinct lack of distributive fairness in international criminal law and argues that such discriminatory application of the law will undermine the future development of war criminal prosecutions, which will be further challenged in the aftermath of the Ukraine conflict when the World's attention will be focused on war crimes accountability.

By way of recommendations for further research on this topic, the events & alleged atrocities of the Ukraine conflict will offer great scope for study into how the international criminal justice system will tackle the high expectations for war crimes accountability.

The Process Of De-Radicalisation Vs Disengagement: Appropriate Response To The Threat Posed By Islamist Extremists Within The Irish State And Is It Necessary?

Comdt Alan Crowley

The demise of the Islamic State groups' purported Caliphate within Iraq and Syria, coupled with increased concern among European States regarding the issue of returning foreign fighters continues to intermittently focus both government and public attention to the potential threat from Islamist-related extremism within the Irish State. The recent high profile trial of the former Defence Forces soldier and convicted Islamic State member Lisa Smith has provided further emphasis in this regard. Continuing media reporting regarding alleged Jihadist-related activity continues to highlight the issue of radicalisation among an extremely small element of Irish society.

Occasional Islamist-related extremist terrorist attacks in Europe demonstrate the complex and dynamic nature of such violent threats to security. Many European States have developed a variety of different de-radicalisation and disengagement programmes and interventions to manage the risk posed by suspected or identified Islamist extremists. The European Union continues to advocate for member States to implement effective Counter-Terrorism policies including prompt prosecutions and effective rehabilitation and reintegration initiatives.

The primary aim of the research was to examine if there is a necessity for the Irish State to implement a more structured approach to de-radicalisation and/or disengagement programmes or interventions to respond to the threat posed by suspected or identified Islamist extremists. The impetus for this research emerged from a sincere personal interest in the topic, coupled with the ever present issue of radicalisation and a reported increase in the number of Jihadist-related arrests in Ireland. The research methodology included a qualitative research approach supported through a post-positivist and social constructivist position. The selection of semi-structured interviews was further deemed appropriate to obtain expert opinion on the research topic.

Considering the nature of this study, it was also acknowledged that certain aspects of the State's approach to the practical implementation of de-radicalisation and/or disengagement programmes or interventions would be confidential in nature. The overall consensus from the research and interview analysis is that the implementation of a more structured and formal State approach to de-radicalisation and/or disengagement programmes is not considered a necessary requirement at this time. The current threat posed by Islamist extremists does not warrant such an approach. There should be increased awareness and training among security agencies to support countering radicalisation and extremism. The Governments intent to countering radicalisation and violent extremism should be more proactively captured within a comprehensive National Security Strategy. Continued effective integration of the Muslim community into Irish society in addition to increased government socio-economic efforts regarding integration, diversity, education, and employment, particularly for youth is paramount, and further represents a de-facto 'soft approach' to de-radicalisation and disengagement efforts.

Unifil's Military: Fall, Stand, Learn, Adapt

Comdt Ronan Curtis

The military element of the United Nations Interim Force In Lebanon (UNIFIL) is largely a well-equipped, well-trained force with substantial capabilities that is constrained by a restrictive mandate and a complex environment. This study examined what constraints restrain UNIFIL's military and whether the current structure of the military element is actually suitable for assisting the mission in achieving its mandate or if an alternative structure would better serve UNIFIL.

The objectives of this research were to study and understand UNIFIL and seek to identify how the military may better serve the mission, particularly in an ever-evolving and complex peacekeeping environment with significant financial constraints possibly looming on the horizon.

A qualitative research approach was adopted to better gain from the experiences and backgrounds of the research participants. Additionally, in order to best capture the differing realities of the elite sample of interviewees, a post-positivist approach was utilised. Finally, a research methodology that focused solely on semi-structured interviewers was designed to achieve the research aim and objectives.

This study can be used by Ireland in its current role as a member of the United Nations Security Council to raise the requirement to consider alternative military structures for the UNIFIL mission

that will enhance its ability to achieve the mandate or, at the very least, streamline the force in such financially constrained times. It could also be used to highlight the necessity for the UN Department of Peace Operations (DPO) to consider contingency planning for all their missions globally to help explore alternate structures. More realistically, it can be used by the Irish Defence Organisation to consider whether UNIFIL is a suitable overseas deployment at present given our current personnel malaise.

The UN conducts regular reviews of UNIFIL. However, there has been no comprehensive analysis as to whether an alternative type of mission would be suitable, other than the traditional peacekeeping type that the mission is currently entrenched. Ultimately, this study has demonstrated that UNIFIL is providing a very valuable service in assisting the prevention, deterrence (to an extent) and de-escalation of conflict in a fragile security environment. However, it is very evident that there is room, and logic, for the political masters to restructure UNIFIL's military to better enable the mission or at the very least improve efficiency in today's financially constrained environment. It is very evident from the research that if restructuring does take place it must be maintained in the framework of a Chapter VI mission (peacekeeping) as opposed to under the guise of a Chapter VII mission (peace enforcement) mission.

The Geostrategic Importance Of The Irish Sea Is Evolving. What Is The Optimum Level Of Capability Required By The Irish Naval Service To Operationalise A New And Emerging Governance Framework?

Lt Cdr Phil Dicker

This research set out to examine the importance of the Irish Sea in economic terms and determine if the geostrategic importance necessitates a dedicated governance response in the form of a permanent Naval Service (NS) presence in the region. It also sought to determine what capabilities may be required if a permanent presence is to be established.

Geographically the Irish Sea accounts for a very small percentage of Ireland's entire maritime domain yet its geostrategic importance is of a level significantly disproportionate to anywhere else in the waters that surround this island. The Irish Sea has always held such significance as it is the connection between our nearest, and most economically significant neighbour, however as Ireland's maritime based 'blue economy' grows so too does the level of activity and indeed the economic importance of the Irish Sea.

The author examined how the region is evolving and in particular focused on the changes that are taking place as a result of the United Kingdom's exit from the European Union and the existential threat posed by climate change. Two key findings were identified in this regard: firstly, the 'Brexit' associated changes are currently manifesting principally as changes in the patterns of shipping and secondly, climate change is fuelling a significant and very rapid move towards Offshore Renewable Energy (ORE). The latter is driving significant change in the Irish Sea. The level of ORE development in the Irish Sea is likely to cause a significant increase in the congestion of the region and will challenge relationships between competing interests, not least between members

of the maritime community and the State. There is a clear requirement for a dedicated 'at sea' governance capability that ensures a safe and responsible use of the maritime resource.

The research has also identified an appropriate level of capability including the requirement for the establishment of a Forward Operating Base (FOB) within the region. The research has however identified a significant shortcoming in terms of the legislative provision empowering the NS to protect Ireland's interests at sea. It has also identified a lack of cooperation amongst State agencies tasked in the maritime domain. This issue is manifesting as a less than optimal governance capability and an inefficient deployment of State resources.

The author has determined that a dedicated NS capability is warranted, however, inefficiencies associated with the utilisation of State assets need to be addressed in order to achieve the optimum solution. The author has identified several mitigations in this regard.

Should The Defence Forces Develop A Sustainability Strategy, and If So, Should It Be A Top-Down Or Bottom-Up Approach?

Comdt Robert Downey

Today, one of the greatest challenges the human race faces is to sustain the planet that sustains us. Biodiversity destruction and environmental variations, including decreased air quality and climate change, are some of the most significant problems of our generation. In recent years, the topic has developed a worldwide recognition when, in 2015, the United Nations adopted General Assembly Resolution 70/1, which is titled, Transforming Our World: The 2030 Agenda for Sustainable Development. Ireland is a signatory of this resolution and has since published the Climate Action and Low Carbon Development Bill 2021 and developed the Sustainable Development Goals National Implementation Plan 2018-2020.

This thesis examines the subject of sustainable development within the Defence Forces and focuses on efforts made to date to enhance sustainability. It also investigates whether the organisation needs to develop a sustainability strategy and, if so, should it be a top-down or bottom-up approach. The research was grounded in a constructivist philosophy with an overarching qualitative approach that was utilised to draw on the knowledge of several subject matter experts in the area of sustainable development. Qualitative data collection through semi-structured interviews was the preferred method of research. A number of current members of the Defence Forces of different ranks serving in various installations and at DFHQ Level were interviewed. In order to ensure an unbiased group and protect against confirmation bias, two non-military participants were invited to partake in the study. They were Head of Building Maintenance, Office of Public Works and the Chief Transformation Officer of An Post. The current appointments, qualifications and experience of the non-military participants were principal factors in their selection.

The thesis concludes with a number of observations on the importance of sustainability to the Defence Forces and Ireland, the value of strategy and provides the following key recommendations that the organisation should endeavour to follow to ensure the Defence Forces plays its part in achieving the targets set by government: the development of a sustainability strategy; the

appointment of a sustainability Champion; the expansion of the role of the Defence Forces' Senior Energy Executive; the continuation of support to bottom-up projects and the development of a mechanism to mainstream successful bottom-up projects. A sustainability strategy developed over time would ultimately provide a clear set of plans, actions and goals that outlines how the Defence Forces is to meet its Climate Action Bill responsibilities and contribute to Ireland attaining its Sustainable Development Goals.

Is Just Culture Compatible With Defence Forces Leadership Doctrine?

Comdt David Farragher

This thesis aims to answer the primary research question: Is just culture compatible with Defence Forces Leadership Doctrine (DFLD)? Current DFLD provides an organisational framework intended to embed the cultural values, attributes, skills, and actions that contribute to leadership development, throughout all Defence Forces (DF) services. Unique within DFLD, the Irish Air Corps (IAC) advocate the practice of 'just culture' which centres around principles designed to create an environment of trust and accountability. Subsequently, these contribute to organisational learning and improvement as a consequence of addressing safety related systems failures while adopting a culpability mindset. If DF strategic leadership intend to advocate and foster cultural change throughout the organisation there must first be an acknowledgement that change takes time. The DF faces two challenges in introducing cultural change, firstly identifying organisational barriers to change, secondly how to overcome them.

A qualitative research methodology was undertaken to achieve the research aim and objectives. Conducting semi-structured interviews with suitably knowledgeable participants with lived experiences pertaining to the research question afforded the collection of relevant data which facilitated the discovery and review of themes to address the research problem.

The research findings recognise that DFLD prevailing principles and values aim to align DF organisational culture. Nevertheless, support from research participants indicate that there is a gap in the DF cultural capacity to maximise learning opportunities which is linked to an organisational bias for social norms attributing blame to an individual in the event of an adverse incident.

Essentially, if the DF seeks to foster a culture that sets the conditions for honest disclosure it must embrace collective learning as a consequence of mistakes. Significantly, the research revealed that there is a desire among organisational leadership to address this cultural void through the introduction of a parallel reporting system which is voluntary, nonpunitive and protected throughout the DF. Essentially, the adoption of just culture can only be validated if there is organisational buy in which is dependent on a cycle of trust and its advocacy by leadership emanating from within leadership doctrine.

An Exploration Of The Need For Personal Resilience Training In The Irish Defence Forces

Lt Cdr Órlaith Gallagher

The Defence Forces (DF) inducts Cadets and expects them to be resilient, having assessed them during the induction process. The DF then asserts that it develops resilience further during the course of training in order to prepare the individual for the challenges of military life. However, an individual's resilience levels are not constant. They rise and fall depending on life experiences. Consequently, this research asks the question, does the Defence Forces need to conduct personal resilience training? If so, for whom? Or should, individuals be responsible for their own levels of resilience? In addition the research attempts to assess if the DF should define personal resilience because there are currently a number of definitions espoused in DF policy and doctrine.

A review of the literature suggests that employee and organisational resilience are inter linked. A transformative approach to an organisational framework that supports employees to enhance their resilience may lead to the development of a more resilient organisation. Employees, within this organisation, would have improved wellbeing and self-efficacy and a greater sense of belonging and inclusivity. This is especially the case for women in male-dominated organisations (Bridges et al., 2021).

On this basis, the main recommendation from this research, is the initiation of a feasibility study to best assess, how the DF can create an organisational framework that initiates cultural change and supports all service persons' resilience. This will act as a pivotal recruitment and retention strategy, which will support the progression of the DF to an organisation with a greater number of women in key decision-making positions. In turn, organisational resilience will be enhanced and the DF will be more agile and in the optimal position to support national resilience on the global security stage

The EU Strategic Compass Where European Security And Defence Derives from and Leads To

Lt Col Sven Grygiel

There is war on the European continent, in Europe's closest neighbourhood, started by a well-known adversary. In this context in particular, Europe's Common Security and Defence Policy needs to show its capabilities and the Member States need to speak with a common voice. The European Strategic Compass as Europe's new strategic direction had been initiated without knowing that a war was coming to Europe and that the EU would need to show its strength and robustness so soon.

This study investigates the European Council approved version of the Strategic Compass, describing its new developments, assessing its appropriateness, and comparing Ireland's upcoming military developments to Europe's ambitions. As the first ever formally agreed strategic redirection of Europe since the CSDP, the Strategic Compass offers a lot of improvements to strengthen Europe's security and defence capabilities, to take a large leap towards a common military strategy,

and to unite Europe's Member States in a common security understanding and way forward over the next five to ten years. With an amended and tailored European Rapid Deployable Capability, ambitious future armament projects, and bolstered partnerships across the globe, Europe sets the conditions to become a strategic autonomous global player amongst the powerful world-nations.

In light of Russia being revived as the main aggressor, paired with a detailed analysis of emerging threats in the cyber and space domain, small European Member States, like Ireland, will now need to play their part in this new strategic direction, to contribute in a tailored and professional way. Ireland is demonstrating its lofty ambitions and willingness to do so with the developments proposed by the Commission on the Defence Forces early this year. This kind of mindset is crucial to make all developments of the Strategic Compass happen and to unite all Member States by their willingness to act cohesively.

The Defence Forces:
Is It Able To Survive Nuclear And Radiological Threats?
Lt Cdr Karl Longmore

This thesis asks whether the Irish state and its Defence Forces is prepared to protect the people and land from nuclear and radiological catastrophe. This thesis identifies a distinct gap in literature and knowledge of the states post war Defence policy including in current published emergency planning and legislation. This is more prescient given that the current regime in Russia has openly threatened use of weapons of mass destruction against Western countries should they become involved in the Ukraine conflict. This conflict has also highlighted the danger to nuclear energy plants in a destabilised region with war being fought around nuclear power plants and disturbingly the radiated 'no-go' area around Chernobyl.

Since the early 2010s, the Irish State has begun a process of coordinating emergency planning and risk assessment. This process has taken into account likely but varied scenarios such as natural disasters and mass casualty events. It is very likely that this approach has assisted the state in managing the COVID-19 pandemic in Ireland. However, the long standing threat presented by nuclear power and weapons to the Irish State appears to be de-emphasised.

It is the Defence Force's task to consider and be prepared to respond to threats to the state, whatever, those threats maybe. While the Defence Forces has been involved in the planning and execution of emergency response such as flooding and the pandemic response, there is scant reference to the Defence Forces in providing assistance in the current National Plan for Nuclear and Radiological Emergency Exposures (NPNREE, 2019). Actual practice in national emergencies over the last decade has demonstrated the utility and capability of the Defence Forces. However, nuclear and radiological incidents are of a scale and complexity that challenges even the most well resourced and prepared state.

The thesis starts by reviewing evidence of the Irish state and military's own planning on such a complex and contentious scenario. It further analyses what instruments the Irish State has created that cover the thesis scenarios of nuclear attack, nuclear industrial disaster and terrorist

use of radiological substances. International experience from the United States and Finland will be compared with Ireland. Finally the Irish Defence Force experience and its capability will be examined as to understand how can the organization best assist the State should any of those scenarios occur.

It is hoped that the thesis conclusion provides areas of capability, identifies areas for greater state and military cooperation which includes possibilities for further research and thus a greater understanding of the matter at hand.

The More Things Change, The More They Stay The Same – An Analysis Of Defence Capability Procurement In Ireland. How Can It Be Advanced?

Comdt Jamie Malynn

How effectively and efficiently a nation can procure its defence materiel is intrinsically linked to a country's defence capability. Procurement of defence capability is unique and increasingly complex due to the growing level of regulation required from European and national legislation.

The research aim of this thesis was to critically analyse the existing procurement practices and structures of the Irish defence organisation and to raise awareness of alternatives in the procurement of capabilities. The research examined the procurement methods and options available and queried the appetite of senior management to adopt alternative methods of procurement. Additionally it sought to discover what changes are required to make capability procurements more efficient and effective. The research adopted a pragmatic qualitative research methodology, utilising semi-structured interviews to gather data from expert defence procurement practitioners.

The results showed a significant level of consensus from interviewees within the Department of Defence/Defence Forces in relation to the changes required to advance how Ireland procures defence capability. The significance of the research is vindicated in the agreement of the interviewees. The findings reveal that the current Human Resource structures are impeding the development of competency in defence procurement within the defence organisation. The findings also indicate that Ireland is not well placed to benefit from collaborative defence procurement opportunities. Interwoven with all findings was the necessity to professionalise the function of procurement within the Irish defence organisation.

This thesis identified a number of recommendations that will assist the strategic management of the Irish defence organisation to advance how defence capability is procured in the future.

From High-Challenge Special Ops To Examining The Elite High-Performance Black-Box: Is A Facilitative Environment The Key Component To Ensure Sustained Defence Forces Special Operations Forces Success?

Comdt David McCarthy

The Defence Forces Special Operations Forces (DF SOF), as a strategic asset, maintains a specialist capability for the conduct of challenging interventions within complex domestic and foreign security operations. However, recognised capability shortcomings; and deficiencies in strength and support structures could impact its long term ability to maintain high-performance success. Consequently, the purpose of this thesis is to answer the central research question: 'Is a facilitative environment the key component to ensure sustained DF SOF success?'

The thesis examines the challenge-support environment and black-box culture of DF SOF; and assesses the balance required to provide DF SOF Operators with the feeling of psychological safety. It scrutinises the environmental factors that are influencing the current organisational climate of DF SOF. In addition, it analyses the cause of the high turnover of DF SOF Operators to see if there is a risk that without implementation of sufficient support structures, DF SOF may be unable to maintain its SOF Operator capability.

The review of the literature reinforces the special and unconventional nature of SOF. The review was guided by a conceptual framework that focused on the relationship between the high-performing personal qualities of SOF Operators, the challenge mindset of the elite SOF team and the challenge-support environment of the DF SOF Organisation. A potential gap was identified in the manner in which elite high-performance SOF units are supported.

To address this gap and to address the research aim, a research paradigm grounded in a relativist-pragmatist philosophy using a mixed-methods methodology was adopted. This allowed for the exploration of deductive themes uncovered in the review of the literature and data-led inductive themes identified during the primary research process. The quantitative data was analysed by employing exploratory data analysis and descriptive statistics analysis through the creation of a 'SOF Operator climate survey', which assessed SOF Operator perceptions of the DF SOF environment. An inductive, thematic analysis through a focus group was used to establish the understanding of the SOF NCO Leadership to validate and challenge the findings of the literature review. This was progressed through a series of semi-structured elite interviews using a thematic analysis with Strategic Leadership and current and former Unit Commanders of the ARW. This was then related to the experiences of external high-performance sports coaches.

The research findings indicate that specific environmental conditions must be created to allow for an equitable balance between the challenge and support requirements of human development. Through a multi-factorial approach linking the relationships of the conceptual framework, a better understanding of the unique nature of the DF SOF capability, the mindset and psychological resilience required to operate in a high challenge environment and the ideal environmental conditions required for sustained high-performance success was gained.

Finally, recommendations were posited with regard to improving the understanding and utility of DF SOF, through the development of a specific SOF education programme to enable greater awareness and appreciation of the strengths and limitations of SOF. It proposes that a psychological resilience programme be developed and applied to the ARW that would provide greater support to SOF Operators in ensuring that challenge and support are developed equitably. It also proposes the creation and cultivation of a DF wide facilitative environment to ensure DF SOF sustains high-performance success into the future.

Heavily Invested In Peace.
Is The Peacebuilding Work Of Women's Mediation Groups Valued?
Comdt Eoghan McDermott

This thesis aims to answer the primary research question: Is the peacebuilding work of women's meditation groups at the local level valued? The relevance of this study was to examine if a better understanding of their vital work would lead to greater inclusion of women's voices during mediation in conflict areas.

Twenty-two years have passed since the adoption of UNSCR 1325 which set in motion the Women, Peace and Security agenda. One of the key pillars of UNSCR 1325 is that of participation. Even though it has been demonstrated through the 1998 Good Friday agreement that the inclusion of women's voices leads to a more sustainable peace, there is still a long way to go. Under Chapter VII of the UN Charter Peacebuilding activities are included as Peace Support Operations in pursuit of the restoration or maintenance of peace.

The objectives of this research were to understand how women's mediation groups contribute to peacebuilding and to assist the Defence Forces overseas to fully appreciate the operational context. The methodology employed qualitive research in the form of semi-structured interviews with academics, mediators, and high-level participants designed to achieve the research aims and objectives.

The findings recognised the significant contribution women's mediation groups make to peacebuilding. Women mediators often evolve from a conflict environment organically by necessity. However, participants do acknowledge that the peacebuilding work of women's mediation groups is often not valued. This is reinforced by the low numbers of female participation at the Track 1 or political level and the lack of understanding of the reasons for greater female participation.

In the 'Valley of Death' Between Defence Policy Ends and Military Means, Could a Capability Development Planning Process Be the Strategic Way for the Irish Defence Organisation?

Comdt Sharon McManus

This thesis examines the reason for and the impact of the lack of a capability development planning process (CDPP) in the Irish Defence Organisation and if such a process could bridge the 'Valley of Death' between defence policy ends and military means.

Through a hypothetico-deductive reasoning approach the thesis posits three sub-questions which can be summarised as 'what, why and how'. Firstly, what is a capability development planning processes, what are the key elements and what is the relationship between capability development and Irish Defence Policy? Secondly, why is it important to challenge conventional ways of thinking in capability development? Thirdly, how can a conceptual framework model for a CDPP be developed that is fit for purpose for use by the Irish DefOrg?

By dividing the concept of capability planning into three main phases of upstream (translating political guidance into capability requirements to meet policy objectives), midstream (conducting a gap analysis of existing force capabilities against capability requirements and prioritising the capabilities for development) and downstream (developing the capability priorities across all the defence lines of development) the thesis focused primarily on the upstream stages. The thesis demonstrated that capability-based planning is a more useful approach than threat-based planning as it focuses on a range of capabilities than can be applied to many types of threats or situations; that there needs to be a symbiotic linkage between Government Defence Policy ends and Defence means to enact that policy including strategic goal setting; and that planning for capability requirements includes an understanding that a condition of 'non linearity' and 'uncertainty' is part of the wider intellectual approach to capability development.

Finally, it presents a model for the upstream stages of a CDPP, which considers essential parameters from political guidance, the environmental assessment, scenarios, missions, taskings, joint partitions and capability requirements determination, which could serve as a useful tool for the development of a CDPP for the organisation going forward.

The thesis concludes that any nascent CDPP should focus its initial efforts on the upstream stages of capability development at the joint level, which is the junction of political objectives and military roles in a truly integrated way.

International Law And The Regulation of Cyberoperations Below The Jus Ad Bellum Threshold
An Irish Cybersecurity Perspective
Comdt Maeve O'Grady

Josep Borrell, Vice President of the European Commission, set out his fears that the EU was at risk of being "always principled but seldom relevant" (2021, p. 2). International law could be said to be similarly threatened, particularly in relation to cyberoperations, in respect of which its application has been strongly challenged. While states now broadly agree that international law applies in cyberspace, how it applies remains uncertain and contested. This thesis analyses why the application of international law to cyberspace has been so fraught with difficulties and considers whether international law can provide the Irish State with a means of enhancing its cybersecurity and deterring state-led cyberoperations below the threshold of armed conflict.

The thesis finds that the application of international law in cyberspace is problematic due to the manifestation of cyberoperations below the jus ad bellum threshold and the challenging geopolitical environment that inhibits agreement on the principles of the international law of cyberoperations. International law is an object of dispute (Delerue, Douzet, & Gery, 2020, p. 15) and arguments on the application of international law in cyberspace represent states' strategic positions in the evolving geopolitical power struggle. The thesis finds that, as cyberoperations are transnational unilateral responses cannot be effective, and that small states have an interest in promoting international law and norms to create a more favourable international environment. The thesis concludes that, as international law continues to exert a normative force on state behaviour, it has the potential to regulate sub-threshold cyberoperations as part of the comprehensive approach to cybersecurity. While the international law of cyberoperations may not currently be adequate, due to uncertainty and contestation regarding its practical application, it has the potential to contribute to enhancing cybersecurity if states continue to engage and to shape its development. The Voluntary National Contributions (UN, 2021) on international law in cyberspace represent a positive step towards that engagement and the future development of opinio juris in cyberspace, although the successful governance of cyberspace depends on building on this foundation.

Does Current Professional Military Education Prepare Air Corps Technicians For Their Leadership Role In The Aviation Maintenance Environment?
Comdt Stephen Gerard O'Leary

Aircraft technicians progress through the ranks from the role of technician, who perform individual technical tasks on aircraft, to the role of aircraft inspector. As an aircraft inspector they are responsible for managing complex maintenance inspections on aircraft. These complex management tasks require a different set of skills compared to those traditionally associated with an infantry non-commissioned officer (NCO) in the land component; yet the professional military education (PME) received by the aircraft technicians historically has been based on the training that is required for an infantry NCO.

Academic literature on PME is primarily focused on officer education, with limited material available on NCO PME. The topic of engineering leadership is emerging within academic literature with Rottmann et al. (2016) identifying three engineering leadership orientations: technical mastery, collaborative optimisation, and organisational innovation.

A mixed methods approach was taken to conduct the research with a qualitative survey, focus groups and semi structured interview used to investigate if current PME prepare Air Corps technicians for their leadership role within the aviation maintenance environment.

The findings of the research were that the current PME develops skills in line with the Defence Forces competency framework. However, a training deficit exists regarding airworthiness and leadership skills relevant to the aircraft maintenance environment.

The participants of the research did not identify themselves as traditional military leaders, instead their leadership matched the orientations of technical mastery and collaborative optimisation. The leadership orientation of organisational innovation exhibited traits that were deemed to be unsuitable for a military aviation maintenance environment.

A requirement for specific training for aircraft technicians to prepare them for their leadership role in an aviation maintenance environment was identified. Inclusion of engineering leadership orientations of technical mastery and collaborative optimisation on career courses would make the leadership training more relevant to a technical audience.

Defence Attachés: An Instrument Of Defence Diplomacy. What Are The Benefits For Ireland The Defence Forces?

Comdt John O'Sullivan

This thesis examines the subject of Defence Diplomacy and how the work of Defence Attachés is an integral part of that diplomacy. The majority of countries, including small European neutral nations have chosen to deploy Defence Attachés for many years. Ireland is therefore somewhat unique in comparison to other countries in how it approaches its Defence Diplomacy activities in that it has never deployed Defence Attachés.

In recent years, the topic has come up for discussion and at the time of writing, the deployment of Irish Defence Attachés has been strongly recommended by the Commission on the Defence Forces. But what would the benefits of such an endeavour be for Ireland and its Defence Forces? This thesis aims to address that question.

Operating within a deductive reasoning conceptual framework, both the current and historical literature on Defence Diplomacy and Defence Attachés is examined, including correspondences acquired from Defence Forces Archives and UK National Archives. Research grounded in a post-positive philosophy with an overarching qualitative approach was utilised to draw upon the knowledge of a number of subject matter experts in the area of Defence Diplomacy. Qualitative data collection through semi-structured interviews was the preferred method of research, with two

serving Defence Attachés being interviewed as part of the process as well as a former Secretary General of the Department of Foreign Affairs.

The thesis concludes with a number of observations on the benefits that Ireland and the Defence Forces can accrue from a more integrated Defence Diplomacy plan, with input from a number of stakeholders across government. The deployment of Defence Attachés should take place in support of greater security awareness, training, economic and diplomatic objectives, but it should be done in a planned, deliberate and coordinated manner.

Civil-Military Engagements With Covid-19 2020 – 2022
Comdt Simon Riordan

At the outset of this thesis the premise was that European Union (EU) Member States' militaries had intervened to save the day after 11 March 2020. Academic literature was reporting that the EU's militaries had become health actors. Military personnel were more visible in the media where they were seen to be providing assistance to governments, national health services, nursing homes, and EU citizens. Media reports showing senior military figures working alongside politicians and senior department representatives gave the impression that a shift in the civil-military bargain was occurring, that more of the balance of power was shifting from government authorities to militaries and that militaries would have a new role as health actors in the future. This thesis found that this is not the case and that the balance is in fact shifting from militaries to both government authorities and citizens. The fact that power is shifting to citizens came as a surprise.

Militaries have not become overly involved in human security; instead of becoming actors they have become participants in crisis management. The involvement of EU militaries in health crises was not considered properly by Member State governments prior to the pandemic. This thesis concludes that Member States' Emergency Planning Offices need to include militaries in future plans, preparations, simulations and exercises. This is a lesson learned arising out of the EU's response to the pandemic.

Pandemics are no different to biological threats that along with cyber attacks and disinformation campaigns can manifest as hybrid threats which can only be countered by non-military means using societal resilience. The resourcefulness of citizens is as a result of education and social conditioning that enhance individuals' ability to withstand crises and disruptive events. Clearly education and culture are key ingredients for Irish citizens and as such Irish society to be resilient to hybrid threats while the Defence Forces concentrates on conventional warfare.

The Department of Defence (DOD) should concentrate on organising exercises in response to hybrid events where the Defence Forces are included but Irish citizens become citizen soldiers in under the threshold of war battles of the future. This is the paradigm shift that has occurred in the rebalancing of power because of the COVID-19 pandemic where more military power in peacetime has moved from militaries to governmental institutions and citizens. The DOD should liaise with the Department of Education along with social and cultural departments to prepare the minds of the Irish people for future pathogens, disinformation campaigns and social engineering amongst

other hybrid threats. Despite its slogan to 'strengthen the nation' the Defence Forces should realise it cannot inspire resilience in the Irish people.

"Why Did You Stay?"

The Application of Motivation Theory to Explain Why Defence Forces Lieutenant Colonels Have Remained in Service and if This Can Be Applied to Policy for the Retention of Officers.

Comdt Martin Ryan

The Defence Forces is experiencing a retention crisis with a continuous exodus of personnel from its ranks the past seven years resulting in a dysfunctional rate of turnover of close to 10% annually. Despite intensive recruitment during the period 2016 – 2021 when a total of 3,116 personnel were inducted to the Defence Forces an alarming 3,679 personnel exited in the same period resulting in a net loss of over 550 personnel. It is becoming ever more apparent that these high levels of recruitment alone will not plug the deficit in terms of shortages in personnel. In an effort to address retention in the Defence Forces research has concentrated on why personnel are leaving the organisation. In contrast this research focused on what motivates senior officers to remain in the organisation which is an alternative methodology to extrapolate data that could be considered when developing future retention policy, thus the research title "Why did you Stay?"

An online survey which 61% of Defence Forces Lieutenant Colonels (Naval Service CDRs) participated in revealed that intrinsic motivations outweigh extrinsic motivations in terms of motivational factors to remain in the Defence Forces. The five primary motivational factors to remain in the Defence Forces as identified by the survey participants from a set of nineteen predetermined factors are; the positive relationships, your length of service and personal investment, the flexibility, job security and the responsibility. The research reveals that Lieutenant Colonels are highly motivated at work however when asked what might cause them to leave the organisation the sense of frustration and disillusionment with the organisation can be felt.

Defence policy makers if drafting future retention strategy and initiatives should consider in particular the following intrinsic motivating factors; positive relationships, length of service and personal investment, flexibility, the responsibility, the variety, the work itself and job satisfaction, the opportunities, the training and continuous professional development, and the importance of the work, all of which have contributed significantly to Lieutenant Colonels motivations to remain in the Defence Forces.

What Is Required Of An Organisation To Enable Mission Command?

Major Andrew J. Scott

Mission command is critical to how the United States Army commands and controls formations of the 21st century and is fundamental to the science and art of warfare. The conception and development of mission command is credited to Helmuth von Moltke as a result of the Prussian military reforms of the 1800s. His realisation that subordinate commanders in contact with the enemy inherently possessed the ability and understanding of what is required to win faster than that of senior commanders who were not present. The evolution of mission command has been named as the primary means of command and control within many formations across the defence community; most notably the German Army with the introduction of Auftragstaktik pre-World War II and the United States Army of the present day. This study will seek to identify what is required of an organisation to enable mission command through the lens of a learning organisation with mutually supporting efforts of both trust and culture. Additionally, this study will seek to identify transparent pitfalls of mission command within a contemporary perspective that emerges from literature and interviews from multi-national military leaders.

Defence Forces: Ready Or Not?

A Study of the Military Readiness of the Irish Defence Forces

Comdt James Sharkey

Military readiness is the culmination of all aspects of military endeavour that enable a military force to successfully achieve its mission.

The objective of this research is to develop a comprehensive picture of what military readiness is, its current status within the Defence Forces, international best practice and how it can be further developed. The research is underpinned by three subordinate themes: Ready for What? Ready of What? And Ready for When?

A qualitative method of research was designed to achieve the research aims and objectives. The study drew upon the consideration and experience of a number of key actors in the Defence Organisation, national and international members of the Commission on the Defence Forces and academics from Irish Universities with an interest, knowledge and expertise of Irish and International defence policy.

The findings arising from the research recognise that Ireland requires a comprehensive and fit for purpose policy with specified tasks to identify the Ready for What; a capability development process to identify the Ready of What; and resources to implement the capability and allow for the Ready for When.

Currently, the Defence Organisation is not militarily ready and requires significant organisational and cultural change to meet current and future threats. A defined and honest raison d'etre must be articulated clearly and concisely in the form of a policy document with distinct, achievable and resourced tasks. This is the key to the development of military capabilities which will provide Ireland with an ability to project power and respond to domestic or international security crises in a timely manner.

Direct Entry: Stop Gap Or Viable Career Choice: An Evaluation Of The Recruitment And Retention Of Direct Entry Officer Inductees Within The Irish Naval Service

Lt Cdr Eoin Smyth

This thesis aims to examine Direct Entry recruitment of sea-going Merchant Naval Officers into the Irish Naval Service and ultimately determine if the Naval Service represents a viable career progression for this cohort. The purpose of the study is to identify whether any issues exist within the current processes which effect recruitment and retention of suitably qualified and experienced personnel who represent a key element in the regeneration of the Naval Service. Additionally, the thesis seeks to explore the area of organisational culture and the effect it may have on a new entrant's ability to assimilate into an organisation

A qualitative approach was adopted for this research. Data was collected by means of semi-structured interviews conducted with both serving and retired Direct Entry Officers. The senior Naval Service Human Resources Officer was also interviewed to provide an organisational perspective on the research subject. The raw data captured from the interviews was thematically coded to identify common themes which were further analysed to provide answers to the research questions.

The analysis identified various factors within the recruitment, induction and training processes which could explain the poor applications to successful candidate ratio as well as a poor initial impression of the organisation. The research also suggests that there is a lack of acceptance in the Naval Service for externally qualified inductees which in some cases has led to voluntary exit but that this has moderated with the passing of time.

It can be inferred from this research that the Naval Service has certain attributes that make it attractive to Merchant Naval Officers seeking a career change however it is not considered a viable long term career choice by them.

Ireland And Transnational Right-Wing Extremism: Steadfast Resilience or Blind Vulnerability?

Comdt John Tynan

Throughout the last two decades the primary threat that has dominated the counter terrorism landscape internationally has been that of the enduring threats posed by radical Islamist related extremism. A particular focus on radical Islamist related extremism has been driven by the significant directed or inspired attacks perpetrated in the West by various Islamist extremist groupings but in particular those carried out by Al Qaeda and ISIL. Notwithstanding the enduring threat of radical Islamist extremist terrorism, considerable concern is worldwide is now orientating towards the upward trajectory of violent right-wing extremism (VRWE).

This thesis sets out to examine the presence of transnational VRWE in Ireland and its nascent influence, and whether VRWE is a threat which requires greater attention at a national perspective as cited by Margna (2020). A review of literature was conducted to develop a greater understanding

of the taxonomy of VRWE belief systems utilising a conceptual framework developed by Bjørgo and Ravndal (2019). A historical evaluation of Irelands previous encounter with VRWE was also reviewed to understand Irelands true resilience to VRWE.

A qualitative, phenomenological approach was adopted for this research. Initially, data was collected from previous academic research on the topic of the right wing in Ireland. Additional data was collected from European Union (EU) and international publications on VRWE and counter VRWE to examine the transnational influence. The final element of data collection was the conduct of semi-structured elite interviews conducted with both academics and practitioners who have expert knowledge and conducted previous research in the field of VRWE in Ireland.

One of the main factors that emerged from both the documentary analysis and interviews is the role of the online environment in particular in the propagation and influence of VRWE in Ireland. There was consensus from interviewees that the emergence of prominent Irish based online right wing extremist influencers have been directly enabled by the capacity and influence created through the online space which was amplified throughout the COVID-19 pandemic. Although efforts to combat spread of VRWE ideologies are advancing at the EU level, further efforts at a national level to control and regulate violent discourse and hate speech online are necessary to stem its influence.