

NUPIReport

Responsibility to Protect

[No. 7 - 2008]

Power to Protect?

The Evolution of Military Structures and
Doctrine in Relation to the Responsibility
to Prevent and Protect

Ståle Ulriksen



R2P



Publisher: NUPI
Copyright: © Norwegian Institute of International Affairs 2008
Series Editor: Eli Stamnes

ISBN: 978-82-7002-222-9

Alle synspunkter står for forfatternes regning. De må ikke tolkes som uttrykk for oppfatninger som kan tillegges Norsk Utenrikspolitisk Institutt. Artikkene kan ikke reproduseres – helt eller delvis – ved trykking, fotokopiering eller på annen måte uten tillatelse fra forfatterne.

Any views expressed in this publication are those of the author. They should not be interpreted as reflecting the views of the Norwegian Institute of International Affairs. The text may not be printed in part or in full without the permission of the author.

Visiting Address: C.J. Hambros plass 2d
Address: Postboks 8159 Dep.
0033 Oslo
Internet: www.nupi.no
E-mail: pub@nupi.no
Fax: [+ 47] 22 36 21 82
Tel: [+ 47] 22 99 40 00

Power to Protect?

The Evolution of Military Structures and
Doctrine in Relation to the Responsibility
to Prevent and Protect

Ståle Ulriksen

Executive Summary

This report investigates military thinking and force structures in relation to the requirements of the Responsibility to Protect (R2P), tracing developments in these fields since the International Commission on Intervention and State Sovereignty (ICISS) presented its report in December 2001. The focus is on five factors seen as central to military development.

The first section discusses the growing divide between military doctrines and force structures designed to fight more or less symmetric interstate wars on the one hand, and those designed to do peacekeeping, stabilization and counterinsurgency on the other. Both ‘schools’ are relevant to R2P, but in very different ways. The former involves a capability to destroy military forces and the machinery of states. If credible, that may be effective as a threat to prevent rational actors from committing atrocities. However, implementation can create a chaos that this approach was not designed to handle. To manage that chaos and to protect the population in the long-term, forces capable of controlling population and territory – i.e. capabilities of the other school – are needed. The balance between these two military ‘schools’ is currently in favour of the latter, but that may change if great power rivalry continues to escalate. A return to forces designed solely to protect classic national interests would be very harmful to the military capabilities needed for R2P.

The second section discusses the availability and suitability of two kinds of forces. The level of forces in ongoing operations has risen dramatically since 2001. In a sense this is positive: it improves the staying power of the forces already in place. But this level is not likely to increase further unless now-marginal actors can become more involved in international operations. Moreover, the availability of deployable rapid reaction forces in readiness increased dramatically from 2001 to 2007, but the strength of these forces is now threatened by the demands of ongoing operations. The growth in Western reaction forces is likely to slow down if European policies do not change. This can be highly deleterious to the ability to intervene rapidly if genocide is unfolding. Even so, the ongoing institutionalization of the African Standby Force (ASF) clearly represents an improvement.

The third section compares the doctrinal requirements of the ICISS with recent doctrinal developments, especially in the USA but also in the UN and NATO. It concludes that these developments in doctrines

for counterinsurgency and stabilization are positive and highly relevant for R2P. There is a new recognition of the need to protect the population in order to achieve success in all stability and counterinsurgency operations. This is a big shift that, if continued, may enhance the ability to protect quite dramatically.

The fourth section discusses military security sector reform (SSR) as a R2P measure. It holds that SSR may be perceived both as a tool in post-intervention settings and as a tool for the prevention of war crimes. It concludes that there is a gap between the thinking on civilian SSR and military SSR, and that new momentum is needed in military SSR.

Both the increase in rapid reaction forces from 2001 to 2007 and the ongoing paradigmatic shift in military doctrine represent improvements in the international community's military ability to address R2P emergencies. However, the rising demand for more troops to ongoing operations is a real threat to the credibility of the new reaction forces. If the international community is to be able to prevent or stop genocides or major atrocities in the future, greater attention should be given to the maintenance and preferably also the expansion of such forces.

Introduction¹

The World Summit Outcome Document, which was endorsed by the world's heads of states in 2005, implies the use of military force as a means to be utilized in the protection of populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.² It does not, however, elaborate on the issue beyond stating that military force should be used 'in a timely and decisive manner ... on a case-by-case basis and in cooperation with relevant regional organizations ... should peaceful means be inadequate and national authorities are manifestly failing to protect their populations'.³ This report draws on the recommendations of the International Commission on Intervention and State Sovereignty (ICISS), which introduced the principle of the Responsibility to Protect (R2P) and formed the basis for the political process that led up to its authoritative formulation in 2005.

Four issues relevant to the use of force in connection to R2P will be discussed here. First, the suitability of the military doctrines and force structures of two different 'schools' of military thought will be discussed: those concerned with symmetric interstate wars on the one hand, and with peacekeeping, stabilization and counterinsurgency operations on the other. Secondly, the availability and relevance of two kinds of forces – aimed at rapid reaction and sustainability respectively – will be elaborated on. Here, the capabilities of the UN, NATO, EU and AU will be outline in detail. Thirdly, recent doctrinal developments in the fields of counterinsurgency and stabilization will be viewed in light of the ICISS recommendations. And fourthly, security sector reform (SSR) as an R2P tool will be examined. These discussions will lead up to suggestions as to how to best utilize military force in the protection of populations from mass atrocities.

Command of the commons vs entering the contested zones

The International Commission on Intervention and State Sovereignty (ICISS) published its report as well as a supplementary volume in December 2001 (ICISS 2001a, 2001b).⁴ The ICISS recognized that to-

¹ This project is financed by the Norwegian Ministry of Foreign Affairs. I am grateful for comments from the members of the project group and particularly for comments, advice and a helping hand from Eli Starnes, who has headed the project.

² A/60/1, 24 October 2005.

³ Paragraph 139.

⁴ International Commission on Intervention and State Sovereignty (ICISS) (2001a) *The Responsibility to Protect, Report of the International Commission to Intervention and State Sovereignty* (Ottawa: International Development Research Centre, and International Commission on Intervention and State Sovereignty (ICISS) (2001b) *The Responsibility to Protect. Research*) (Hereafter ICISS report

day's military concepts are not ideal tools for the protection of civilians:

The challenge in this context is to find tactics and strategies of military intervention that fill the current gap between outdated concepts of peacekeeping and full-scale military operations that may have deleterious impacts on civilians. (ICISS 2001a # 1.23)

ICISS takes note of the developments from neutral and passive peacekeeping towards more pro-active peace enforcement that occurred during the 1990s. Such doctrines were developed and refined by the UK and France in particular,⁵ but were also adopted by many other European states that were frustrated and traumatized by the experiences from Somalia, Bosnia and Rwanda during the early 1990s. Even so, it was US power that was perceived as the solution in Bosnia in 1995, in Kosovo in 1999 and in Afghanistan in 2001. That power was based upon a fusion of sensors, precision-guided munitions and systems for command and control, as well as highly capable communication technology binding them all together. In May 2000, the Pentagon released its Vision 2020 aiming for “‘full spectrum dominance’ where these ideas were seen as the basis for future military development.

It is important to note that, in all periods of rapid military change, most states have followed the lead of the powers perceived as dominant regarding military technology, structures and doctrines. This holds true today as well – especially in the Euro-Atlantic area, where institutions like NATO and the EU pushed strongly for military transformation along American lines after the Kosovo campaign in 1999. On the other hand, this drive for *transformation* clashed with actual experiences in Iraq and Afghanistan following the first intense phases of warfighting. Until relatively recently, it was an axiom that if a military force was capable of handling the most intense warfighting, it could take on all other operations – like peacekeeping, stabilization or counterinsurgency. Today, however, many military thinkers would point out that operations of the latter type require special skills not gained through preparation for intense interstate warfare. As stated by the ICISS: ‘The main mission of military forces in post-intervention operations is to provide the safe environment necessary for the restoration of good governance and the rule of law’ (ICISS 7.38). It is no longer obvious that forces designed, equipped and trained for all-out war are capable of handling such tasks.

2001). Bibliography, background: Supplementary Volume to the Report of the International Commission to Intervention and State Sovereignty, December, Ottawa: The International Development Research Centre.

⁵ Ministry of Defence (UK) *Wider Peacekeeping* (London: Stationery Office Books (TSO), 1995).

Discussing future US military options, Barry Posen has distinguished between two very different types of military power related to different objectives.⁶ First, there is command of the commons – which today involves the ability to control the high seas, high-altitude air-space and near space. During the 19th century the UK had such command, based on the global presence of the unrivalled Royal Navy. Since the end of the Cold War, the United States has enjoyed more or less unchallenged command of the commons thanks to its space-based infrastructure of sensor, navigation and communication satellites, its powerful Navy and Air Force equipped with precision-guided munitions, and its command and control system that provides unprecedented ability to fuse these assets together. In the commons, the USA is seen as able to gain complete military dominance and crush most challengers completely, without taking substantial losses.

Second, there is the ability to enter and control the contested zones. In these zones superior armaments do not necessarily give complete dominance. True, in symmetric clashes in open terrain between modern Western armies and less well equipped, trained and led armies of the same type, the former have been overwhelmingly superior. But in operations where Western forces have been challenged by guerrilla-type forces in urban areas or in mountainous terrain, the technological advantages have to a certain extent been nullified. Local fighters may have superior knowledge of the area of operations; they are probably better acclimatized to local conditions, and they may be as skilled as regular intervening troops in combat in close quarters.⁷ The choice, or balance, between the two types of military power required to obtain command of the commons and control of the contested zones is still hotly debated in Western military circles. This is a debate likely to be influenced by events. It would seem, for instance, that the war between Georgia and Russia in August 2008 has shifted the balance in favour of the former in several European states.

How then, do these developments in military perspectives affect the ability to protect civilians from atrocities?

The ability to take command of the commons means being able to control the global, or regional, scene and deter challenges at that level. It also implies the capability to locate and destroy conventional mili-

⁶ Barry R. Posen, 'Command of the Commons', *International Security*, vol. 28, no. 1, 2003.

⁷ Moreover, modern navies that may dominate the high seas are still vulnerable in the littorals. Similarly, modern air forces are vulnerable when flying low. In these areas, very advanced and expensive modern equipment, as well as less advanced but vital equipment for transport and supply, may be vulnerable to cheap and simple sea mines or old-fashioned anti-aircraft artillery or rocket-propelled grenades.

tary forces, or at least reduce their capabilities to such an extent as to render them incapable of conventional military operations. The destructive potential of such capabilities is indeed huge, curtailed only by norms and political limits. But it does not imply the ability to effectively destroy irregular forces operating in difficult terrain or within large populations, nor the capability to protect vulnerable groups if they are attacked by irregular forces. Consider Kosovo 1999. The proclaimed aim of the intervention was to protect the Albanian population from Serb atrocities. NATO chose not to deploy ground troops into the province – the only strategy that could have given the Albanian population physical protection. Instead, NATO carried out a 78-day bombing campaign directed mostly at Serbia proper, in which some 1500 civilians were killed and a generation of young Serbs traumatized. The effect in Kosovo was a dramatic rise in inter-ethnic violence, resulting in thousands of deaths and an exodus of over 800,000 Albanians from the province. If the objective was to reduce human suffering, that NATO campaign was a failure of epic proportions.

Such military power may be effective as a means to protect against crimes against humanity only if it can deter rational and calculating actors and convince them that any large-scale atrocities will be the end of their regime. NATO failed to do that in Yugoslavia in 1998/99. The state or international organization that threatens to use such power must be seen as politically credible, as willing to take the risks and costs of such very dramatic actions. Today, those risks and costs may be perceived mainly as the consequences of the responsibilities to be taken after the initial campaign. If a military campaign destroys a regime and the state apparatus, chaos may follow. Those responsible for crushing the regime will have to consider who is going to take responsibility for cleaning up the post-war mess.

To see an intervention through means as well that the intervening side has to be prepared to remain engaged during the post-intervention phase as long as necessary in order to achieve self-sustained stability. Coalition or nations act irresponsibly if they intervene without the will to restore peace and stability, and to sustain a post-intervention operation for as long as necessary to do so.⁸

It is not very likely, especially after the costly insurgencies in Afghanistan and Iraq, that the few states capable of wielding command of the commons will also be willing to commit themselves to new long-term stabilization and state-building efforts. Therefore, such tasks are likely to be handed over to one or more organizations of the international community. It is also highly likely that any threat of at-

⁸ ICISS Report 2001, paragraph 7.40.

tack or actual attacks on regimes committing atrocities will be perceived as advancing the interests of the state or coalition behind those attacks. Thus, actions to stop atrocities within one state may upset regional or global balances and exacerbate great power rivalry, making it more difficult to reach agreement on an international response. Moreover, it may be difficult to achieve a balance between the international community and the powers implementing the threat or attack. The international community should not serve as a handmaid for superpowers that ‘don’t do windows’.⁹

The quest for ‘full spectrum dominance’ has been termed ‘transformation’ for short. It has also been heavily criticized for de-linking military and political objectives. In the words of Frederick Kagan, this transformation is rooted in a vision of war that ‘focuses on destroying the enemy’s armed forces and his ability to command them and control them. It does not focus on the problem of achieving political objectives. [...] The U.S. has developed and implemented a method of warfare that can produce stunning military victories but does not necessarily accomplish the political goals for which the war was fought.’¹⁰ French military theorist General Vincent Desportes has criticized transformation for increasing the ability to destroy but failing to achieving strategic results:

Initially, *Transformation* fell under a logic of destruction, generally in a *stand off* mode, at a security range [...]. In some ways, it is the reflection of what could be called the ‘targeting culture’: indeed it had been conceived against an enemy perceived as a set of targets to be destroyed, but today’s opponent has well grasped that he had the utmost interest to offer our smart fires a battlefield that is either empty or very closely intermingled within the population’. ‘[...] destruction seems to become counter-productive in its ambition to directly produce some political efficiency’.¹¹

⁹ ‘Superpowers don’t do windows’, a phrase meaning that the USA should not squander its resources on global policing, but use them strategically. It implies a sharing of work that leaves ‘nationbuilding’ and peacekeeping to others. See John Hillen ‘Superpowers Don’t Do Windows’, *Orbis, 1997). Also available at <http://www.fpri.org/americanvulnerable/03.SuperpowersDontDoWindows.Hillen.pdf>; Ian *Johnstone and Ethan Corvbin (eds) *International Peacekeeping* vol. 15, no. 1, February 2008, Special issue: The US role in Contemporary Peace Operations: A Double-Edged Sword.

¹⁰ Frederick F. Kagan, ‘War and Aftermath’, *Policy Review*, August-September 2003.

¹¹ Interview with Brigadier General Vicent Desportes, ‘From Transformation to Adaptation, a New Paradigm?’, *Doctrine* no 12, 4 May 2007, accessed 16 December 2008 from http://www.cdef.terre.defense.gouv.fr/publications/doctrine/doctrine12/us/doctrine/art1_us.pdf. See also Judah Grunstein, ‘General Vincent Desportes: The Likely War’, *Small Wars Journal* 31 August 2008, accessed 16 December 2008 from <http://smallwarsjournal.com/mag/docs-temp/91-grunstein.pdf>

Desportes' point is also that command of the commons is not what war is all about today.

One can perceive that it is the very place of warfare that has changed. Yesterday, warfare was conducted in the three dimensions, in open spaces, amongst armed forces. Now, warfare is essentially conducted on the ground – because it is on the ground that crises are born and settled – in closed spaces and amongst the populations. This new emergence of the population as a stake and as a major player is absolutely fundamental. Yesterday, the population was the State: now the population imposes itself at the very heart of any crisis and of any military action. There is only one single 'front' to hold or conquer, it is the one of populations, within a time span which is long, necessarily long.

Following this reasoning, we will primarily search for military developments dealing with the ability to enter the contested zones. In most R2P scenarios, such capabilities are likely to be the most relevant. And, as mentioned, capabilities for command of the commons may be used in an R2P emergency, but even such use of overwhelming fire-power needs to be followed up by a presence on the ground.

Also capabilities to control territory and populations must be subdivided further. Operations intended to protect civilians against atrocities may take very different forms, and will therefore require different forces. To stop a rapidly unfolding genocide there will obviously be need for rapidly deployable forces that can reach the area of operations very quickly, and be able to carry out their task in a very demanding environment. To quell a civil war born from long-standing ethnic antagonism, a prolonged military presence combined with peacebuilding measures may be necessary. If so, the ability to sustain forces in an area of operations over time is needed. Rapid reaction and sustainability are not easily compatible.

Rapid reaction capabilities depend upon high readiness, as units will have to be able to deploy fast, and upon flexibility in tasks, as units will have to cover a range of potential situations. Also important is easy access to means of transport, as the area of operations may be almost anywhere. The tasks themselves will normally be limited in time and space. Readiness is very expensive. Flexibility requires a lot of training and perhaps several sets of equipment for different tasks. Ready access to fast transport normally necessitates maintaining a fleet of expensive transport aircraft. Units trained and equipped for rapid reaction are normally be more expensive to maintain than ordinary standing forces and far more expensive than similar units in re-

serve. Such forces will be needed for the initial phase of an intervention.

The high end of *global power projection* is about the ability to deploy substantial military resources and to sustain high-intensity military operations over long distances. Depending on scale and intensity, it rests on a spectrum of capabilities in intelligence, reconnaissance, communication, logistics and supply, air and sea transport, and all the military capabilities needed for war. The latter include long-range or carrier-borne aviation, amphibious capabilities, precision strike capabilities, tanker aircraft etc.

PSO and stability operations require the ability to sustain force levels in the long term, mostly low-intensity operations abroad. Sustainability rests upon the ability to train new forces continuously or to rotate standing forces in and out of operations, recovery and training in cycles. Most European states recognize that keeping one unit in the field continuously requires a total of three to six such units. Faster cycles creates stress that causes experienced personnel to quit, and decreases recruitment. If the forces are required to switch between operational roles, modes and tasks, considerable training is required. If the time between deployments is cut, so is the time for training for other tasks. Such forces will be needed to sustain post-intervention stabilization and peacebuilding.

Readiness and rapid reaction vs sustainability

The capability to intervene quickly over long distances with enough mass to stop an ongoing genocide or large-scale ethnic cleansing is extremely expensive. The effect of such a force will depend on the nature of the conflict, the size and geographical character of the area to be controlled, on the strength and capabilities of the opposition, and so on. In combat operations in most of Africa, a concentrated and coherent brigade with naval and air support would constitute an overwhelming force. The British intervention that turned the tide in Sierra Leone in 2000 consisted of less than 5000 soldiers and sailors, with a ground force of around 2000 paratroopers and marines. Such a highly capable force may have a large impact on the balance of power in an area where the level of military capabilities is low, especially if there are other forces present. In Sierra Leone, the British intervention allowed the UN forces to regroup and respond. The Indian UN troops in Sierra Leone had been cornered by the Revolutionary United Front (RUF), but played a very important role in the aftermath of the British intervention.

However, a brigade is a small force if spread out in order to protect a population against a decentralized and not easily identified paramilitary force. NATO sent 60,000 troops, the equivalent of 12 brigades, to control Kosovo, a small country with a population of 2 million – and that was after the fighting was over. And in Iraq, almost 200,000 US and allied troops, assisted by a large number of private security operators and Iraqi troops, have not yet been able to subdue the insurgency and sectarian violence.

A force that attempts to hold and control a hostile area, like one of the provinces in Southern Afghanistan, needs to maintain bases to provide for supplies and to give the troops the possibility to rest. The logistical support and maintenance of the force, as well as the protection of the bases themselves, requires a lot of manpower. But that manpower is the overhead that has to be paid to keep the operation running. If a brigade is inserted in such an area, a very large part of the force will be engaged in supporting activities. This means that only a relatively small number of troops will actually be able to operate among the population they are there to assist and protect. And even those troops have to rest sometimes. Thus only a fragment of the force will be effective at any given moment. Even a small irregular force may prove a difficult challenge for an international force of this kind. Local irregular forces may be able to take the initiative, pushing the international force into a reactive pattern of operations.

The availability of capabilities¹²

Let us first look at the outlook for sustaining forces in ongoing operations. The ICISS noted that with 108,000 troops engaged in UN and NATO peace support operations in 2001 there were ‘real constraints on how much spare capacity exists to take on additional burdens’.¹³ As of November 2008 almost 90,000 troops were engaged in UN operations; there were another 67,000 in NATO operations, 6000 in EU operations and some 2000 in AU operations – 165,000 troops altogether.¹⁴ A similar number, 166,000 Western troops, were deployed in

¹² Briefly, ground forces have traditionally been organized into companies, battalions, brigades, divisions and corps. A unit is composed of from two to five lower level units, with support units added on each level. Battalions (400 to 800 troops) are normally composed exclusively of one arm, like infantry, armour and artillery. Traditionally, the brigade (2000 to 5000 troops) is the smallest unit where different arms are combined in order to support one another. From brigade level upwards, a step from one level to the next represents a leap in the fighting qualities of the units. Thus the strength of a division (15–25,000 troops) is regarded to be greater than the sum of the strength of its brigades. And the corps (50–100,000 troops) represents yet another step towards greater efficiency.

¹³ ICISS Report 2001, paragraph 8.10.

¹⁴ Based on the web pages of the various institutions.

other missions.¹⁵ If all these, arguably very different, operations are counted together, the number of deployed troops is more than 330,000: more than three times larger than the number that had worried the ICISS in 2001.

In November 2001 there were 47,000 troops in UN operations. Twelve states contributed more than 1000 troops. In November 2008, 90,000 troops were engaged, and 22 states contributed more than 1000 troops. Bangladesh, Pakistan, Nigeria and India were the largest contributors in 2001, with a combined total of nearly 18,000 troops or 37.5%. In 2008 these states were still the major contributors, albeit in a slightly different order, and contributed 34,500 troops or 38.3% of the total.

The USA contributed just 212 troops to the UN in 2008, but it had 21,500 troops in NATO operations. This makes the USA the largest single contributor to operations conducted by international organizations, followed by Pakistan (10,700), France (10,500), Bangladesh (9600), the UK (9000), India (8700), Italy (7300), Germany (6200) and Nigeria (5500).

European countries, including Turkey, had more than 62,000 troops deployed in operations run by international organizations. The five¹⁶ South Asian states were providing 34,000 troops and African states some 25,000. Latin America provided some 6000 troops and South East Asia 3000, whereas Canada, Australia and New Zealand contributed 4300. In the Middle East, only Jordan and Yemen contributed forces to UN operations, 3260 in total. China had 2200 troops in UN operations, Korea 400. Russia contributed only some 300 troops to UN and EU operations, and Japan had a mere 38.

Can the present numbers be sustained? Can they be increased? If so, who will be willing and able to do so?¹⁷

Some 185,000 of the 330,000 troops mentioned above were US. Most of these were engaged in Iraq and in Operation Enduring Freedom in Afghanistan and the Indian Ocean. The USA cannot be expected to continue this level of deployment, and it does not seem likely that Afghanistan and Iraq will set a precedent that will lead to greatly en-

¹⁵ There were some 148,000 US troops in Iraq and 12,000 outside ISAF in Afghanistan, 4100 British troops in Iraq, and 1800 French troops supporting UN operations in Cote d'Ivoire.

¹⁶ Pakistan, Bangladesh, India, Nepal and Sri Lanka.

¹⁷ See also D.C.F. Daniel and Leigh C Caraher, 'Characteristics of Troop Contributors to Peace Operations and Implications for Global Capacity', *International Peacekeeping*, vol. 13, no. 3, September 2006.

hanced US interest in other crises. Even so, Washington plans to be able to deploy 15 brigades continuously in a future sustainable system of rotation. With supporting forces this may equal some 110–120 000 troops.

Europe could certainly do more, even from the present force structure. Spain for instance has a politically-set ceiling of 3000 troops in international operations, but could, according to its defence minister Carme Chacon, sustain a level of 7700.¹⁸ Several other European states have the capacity to do more.

Even so, any great rise in numbers will probably have to come from elsewhere. China has already stepped up its contributions and is likely to increase them even more. Several states in East Asia, as well as Russia and many of the states in the Middle East could also do more. Many of these states are relatively rich; they have well-equipped and well-trained forces. It is a paradox then, perhaps, that the pages below show that the most promising development regarding reaction forces comes, not from these regions, but from Africa.

Reaction forces: the UN

In the autumn of 2008, two former US ambassadors called for the five permanent members of the UN Security Council to each ‘provide 5000 fully trained troops on an ongoing basis for peacekeeping mission authorized by the Security Council’.¹⁹ Presumably this was a call for 5000 ground troops. None of the powers in question would place 5000 of their troops in harms way without ample support from air and naval forces and corresponding command and control. Consequently, such a force would be effectively comparable to a full-scale NATO Response Force on a continuous basis. The need for rotation of forces inflates the numbers tremendously. Even for quite capable powers in terms of power projection like the UK and France, such a commitment would require perhaps half their military capability. France, the UK and the USA are all too heavily engaged in ongoing operations to be able to commit such numbers. Russia might be able to raise and deploy such a force, but the state of its navy is not convincing. China lacks a range of central capabilities for such power projection. In other words, this is not a likely scenario.

Paradoxically, the only rapidly deployable UN force in history was raised not by the great powers, but by a coalition of small and medium-sized European states. In 1993, Brian Urquhart, former under-

¹⁸ ‘Spain Could Double Amount of Troops Abroad’, *Defense News*, 10 December 2008.

¹⁹ Morton Abramowitz and Thomas Pickering, ‘Making Intervention Work’, *Foreign Affairs* September/October 2008, p. 104.

secretary of the UN, argued strongly in favour of a standing UN military force that could intervene rapidly in escalating conflicts.²⁰ Such arguments had been raised before, unsuccessfully. Urquhart's campaign, however, gave some results. In his 'Supplement to An Agenda for Peace' of 1995, the UN Secretary-General referred directly to the lack of available forces for Rwanda in May 1994 when he recommended the creation of a standby rapid reaction force for the UN. Denmark had already, in 1994, launched an initiative to establish such a brigade. A working group was organized in 1995; by the end of 1996, Austria, Canada, Denmark, the Netherlands, Norway, Poland, and Sweden had signed the documents that led to the establishment of the UN Standby High Readiness Brigade, SHIRBRIG.²¹ Denmark also offered to host the headquarters of SHIRBRIG in Copenhagen.

SHIRBRIG's operational activities were all in Africa. The brigade became a valuable instrument in the first phases of UN operations on that continent as well as in transition phases. It brigade was made available to the UN in 1999, and in 2000–01 it led UNMEE between Ethiopia and Eritrea. In March 2003, SHIRBRIG sent a planning team to assist ECOWAS in the planning of the operation in Cote d'Ivoire. SHIRBRIG's next task, in September 2003, was to establish interim headquarters in Liberia. SHIRBRIG took over command from the West African ECOMIL force, and later handed this over to the permanent UN headquarters. From July 2004 to February 2005, SHIRBRIG led the UNAMIS political mission in Sudan, preparing for the deployment of UNMIS in South Sudan. From March to December 2005 SHIRBRIG led UNMIS.

In 2008, some 16 states contributed officers to SHIRBRIG HQ, including all the Nordic states. The brigade pool consists of forces earmarked for SHIRBRIG. Except for the case of UNMEE, SHIRBRIG never functioned as a brigade as such. Its contribution was first and foremost to serve as a standing headquarters that could assist the DPKO in the preparation and planning of missions, and as an interim or first-phase HQ for new missions. From its own experiences and by studying other ongoing UN operations, SHIRBRIG has built up operational expertise. Additionally, it has provided important support for the building of military capabilities in Africa, especially in cooperation with the African Union and ECOWAS. SHIRBRIG has also served as a model for African Union standby brigades.²²

²⁰ Brian Urquhart, 'For a UN Volunteer Military Force', *New York Review of Books*, vol. 40, no. 11, 10 June 1993.

²¹ Finland joined later. For more information see [www.shirbrig.dk](http://pbpu.unlb.org/pbpu/library/SHIRBRIG%20Deployment%20in%20UNMEE.pdf) and <http://pbpu.unlb.org/pbpu/library/SHIRBRIG%20Deployment%20in%20UNMEE.pdf> for an evaluation of SHIRBRIG's first mission to UNMEE.

²² African Union (AU) (2003) Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee, Part II – Annex, page E-5. Docu-

SHIRBRIG never became a standing military force for the UN, but it certainly represented an improvement. Still, in the autumn of 2008 Denmark, supported by the other Nordic states, proposed to close down SHIRBRIG. As all Nordic states, including the host nation, then withdrew their contributions, SHIRBRIG was doomed. In November 2008 the member states concluded that, while SHIRBRIG had been an important organization:

...given the changed environment for peace keeping operations, the evolution of the needs of the UN, as well as other pressing operational commitments of the member states in peace keeping operations, the member states have concluded that other forums are now better equipped for continued support to the UN. Therefore, they have decided to cease all operation activities on the 30th June 2009 and to close down the organization.²³

SHIRBRIG has by no means been a major drain on the military resources of the member states. And it is hard to see which ‘other forums’ will take over the tasks hitherto handled by SHIRBRIG. Given the Nordic history of strong support for UN peacekeeping operations, it is a sad fact that SHIRBRIG is being terminated by Denmark, Sweden, Finland and Norway.

Reaction forces: NATO

In the force structure of 1991 only a fraction of NATO’s forces were meant to be deployable over long distances and to maintain a high level of readiness. The NATO force structure adopted in July 2001 called for the transformation of the whole structure into deployable units, albeit with differentiated levels of readiness. One lesson learnt from the operations in the Balkans was the value of rapid-reaction forces like the Allied Command Europe Rapid Reaction Corps (ARRC), which had spearheaded the NATO operations in Bosnia in 1995–96 and in Kosovo in 1999. Additionally, the Eurocorps had provided the core of SFOR headquarters in Bosnia for 18 months during 1998–99 and taken command of KFOR in Kosovo in 2000. A permanent headquarters was far more efficient than one created ad hoc and on location.

ment adopted by the Third Meeting of the African Chiefs of the Defence Staff 15–16 May, Addis-Ababa. Accessed 2 January 2009 at [http://www.africanion.org/root/au/AUC/Departments/PSC/Asf/doc/POLICY%20FRAMEWORK%20FINAL%20ANNEXES%20\(PART%20II\).doc](http://www.africanion.org/root/au/AUC/Departments/PSC/Asf/doc/POLICY%20FRAMEWORK%20FINAL%20ANNEXES%20(PART%20II).doc)

²³ Danish Ministry of Defence (2008) ‘Lukning av SHIRBRIG’, Danish MOD web pages 25 November. Accessed 30 December 2008 at http://www.fmn.dk/Nyt%20og%20Presse/Nyheder/Documents/public_statement_shirbrig.pdf

Since 2001/2002, nine multinational headquarters have been established at the corps level.²⁴ Most are available for both NATO and EU operations. They rotate in the roles as headquarters for the land elements in the NATO Response Force and the core of ISAF in Afghanistan. Most are defined as High Readiness Force (Land) HQs (HRF-L): they are meant to be ready to deploy within two weeks after the start of a crisis and be in command of a full corps of up to four divisions in two or three months. The latter should be capable of providing relief for the HRF-L HQs after six to twelve months of preparation. Each of these corps would also be capable of leading the type of force envisaged in the EU's Helsinki headline goals of 1999. Each corps is suited for commanding an operation of the SFOR or KFOR type.

In September 2002, US Defence Secretary Rumsfeld proposed the establishment of a small joint, combined reaction force on high readiness in NATO. This concept evolved into the NATO Response Force (NRF). At the Prague Summit in November 2002, the NRF was launched as part of a new major programme for the transformation of NATO. The first rotation of the NRF was inaugurated on 15 October 2003. Gradually the force expanded from 9500 soldiers, sailors and airmen in the first rotation to about 25,000 in 2006. At full strength, the NRF will have a brigade-sized ground force of some 5000 troops, aircraft capable of making 200 sorties a day, as well as a naval component including a carrier battlegroup, an amphibious task group and a surface action group. The NRF can start deployment on five days' notice and sustain itself for at least 30 days of operations. It has forced-entry capabilities, which means that it may actually force its way into an operational theatre.

The NRF marks a departure from the multinational forces of the 1990s in several ways. The main focus is on readiness and availability. As mentioned, readiness is expensive, and few military units can maintain a very high level of readiness indefinitely. Thus a structure was chosen in which six separate groups of forces are to rotate in readiness for six months each, with a full cycle lasting for three years. In the course of those three years, then, no less than 150,000 personnel will have served in the NRF; there will have been three operational headquarters and at least 13 component headquarters. This also makes the NRF NATO's primary instrument for transformation of its European forces.

²⁴ Multinational Corps in Europe (lead nation in parenthesis) ARRC (UK), Eurocorps (rotates Fr, GE, Sp, BE), German-Netherlands Corps (rotates Ge-NL), NDC-It (Italy), NDC-Sp (Spain), NDC-Tu (Turkey), RRC-Fr (France), NDC-Gr (Greece), MNC-NE (rotates Ge-Pol). The last two have a lower level of readiness than the rest.

The force was declared fully operational in October 2006. Almost from the outset, the NATO leadership has had to make ‘heroic efforts’ to convince member states to provide enough troops.²⁵ Simultaneously however, NATO found itself running into deep trouble in Southern Afghanistan. Since then, every NATO summit has issued requests for heightened force levels in ISAF. The operations in Afghanistan are demanding. Thus the NRF and ISAF are competing for the relatively limited pool of deployable, highly trained and well equipped European ground forces. The USA has never been a large contributor to the NRF, partly because of the strain on forces due to the wars in Iraq and Afghanistan. By the autumn of 2007 it had become fairly obvious that ambitions for the NRF would have to be lowered.²⁶

The most demanding task of the NRF is so-called forced entry, or to ‘Deploy as an initial entry force to facilitate the arrival of follow-on forces in a joint operation area from a benign to a hostile environment, with or without host nation support (e.g. peace enforcement).’²⁷ Lowered ambitions are likely to imply either that fewer forces will be held at high readiness, or that forced entry will have to be given up as a task for the NRF. In a R2P perspective, both solutions mean that the only international stand-by force capable of rapidly employing substantial capabilities to halt a sudden outbreak of major atrocities will no longer be able to perform that function.

The European Union (EU)

The EU has a force built around the same system of rotation as the NATO Response Force. At any point in time, at least two EU battlegroups are held in high readiness, i.e. able to start deployment within five days. The standard battlegroup is a 1500-strong all-arms ground force built around an infantry battalion. It is seen as the minimal military force capable of operating on its own in hostile areas. Some of the battlegroups contributed in 2007 and 2008 have also had air force and maritime components, and the battlegroups may well develop into more integrated joint forces in the future.

²⁵ Robert Bell, ‘Sisyphus and the NRF’, *Nato Review* no. 4, 2006. Accessed at <http://www.nato.int/docu/review/2006/issue3/english/art4.html> NÅR?

²⁶ ‘NATO Rapid Reaction Force to be Eliminated’, *Der Spiegel*, 20 September 2007, accessed at <http://www.spiegel.de/international/world/0,1518,506905,00.html> 29 December 2008; Donna Miles, ‘NATO Response Force Depends on Allies’ Support, Gates Says’, American Forces Press Service 25 October 2007, accessed at <http://www.globalsecurity.org/military/library/news/2007/10/mil-071025-afps07.htm> 29 December 2008

²⁷ SHAPE web pages at http://www.nato.int/shape/issues/shape_nrf/nrf_q_a.htm, accessed 29 December 2008.

Operation Artemis in 2004 served as a prototype for the battlegroup concept. On request from the UN, the EU sent a French-led force into Bunia in Ituri province of the DR Congo in June 2004. Some 20,000 refugees were under threat from several of the militias operating in the province, and the UN forces could do little to protect them. The EU force stabilized the town and held it until a reinforced UN brigade could move in three months later. In 2006 a new EU force was sent to the DRC to support the presidential elections in Kinshasa. Again, EUFOR supported the UN operation, but was not a part of it. A German battlegroup was in readiness when the request arrived. Germany had been very reluctant to commit its troops to Africa since the UN-operation in Somalia in 1992–94, but it still contributed a large part of the deployed force and accepted operational command of the operation. Even though that force was reinforced by troops from France and others, this may be seen an example of how the formation of new EU institutions shapes the foreign policy of member states.²⁸

During the second half of 2008, a British national battlegroup and a German-French led battlegroup based on the Eurocorps were in readiness. As the forces of General Laurent Nkunda approached Goma in North Kivu in the DRC in October and November 2008, the UN again asked the EU for help. Both Britain and Germany were sceptical to deploying their battlegroups and turned down the UN's call. The British army was overstretched, as the UK still had 4100 troops in Iraq and almost 9000 in Afghanistan. British Conservatives held that their country should participate, but not take the lead, since there were 'a large number of other European countries with military forces which could help who are nothing like as overstretched as Britain is'.²⁹ France too was overstretched, with 10,500 troops in Afghanistan, Chad, Cote d'Ivoire, Kosovo and Lebanon and a substantial commitment to the NRF. The Germans only had some 6000 troops in Afghanistan and Kosovo but still claimed overstretch. However, overstretch cannot be an excuse for not deploying a force already committed. If the British, French and German armies were indeed 'overstretched', they should never have committed themselves to contributing battlegroups in the first place. In effect, Britain and Germany not

²⁸ Ståle Ulriksen, 'European Military Changes since 9/11' in Giovanna Bono (ed.), *The Impact of 9/11 on European Foreign and Security Policy* (Brussels: IES, VUB-Press, 2006).

²⁹ James Tapsfield and Gavin Cordon, 'Brown: Congo Must Not Become Another Rwanda', *The Independent*, 2 November 2008. Accessed at <http://www.independent.co.uk/news/world/africa/brown-congo-must-not-become-another-rwanda-985589.html> nâr?

only withheld their own troops, they were accused of obstructing any EU intervention.³⁰

Alongside Belgium, France, who held the EU presidency, had initially appeared eager to take the lead in such an operation, but in December Foreign Minister Bernhard Kouchner indicated that this was no longer the case. France had also committed itself strongly to the NRF during the autumn of 2008. Belgium, the Czech Republic, Finland, Ireland, Luxembourg, the Netherlands, Spain and Sweden all reportedly supported deploying the battlegroups.³¹ But it would seem that only Belgium was actually willing to commit its troops. The Belgians were strongly in favour of sending both battlegroups into Kivu.³² Italy and Spain, the main contributors to the most capable battlegroup in readiness in the first part of 2009, were hesitant to commit themselves.³³ Greece, which led the other battlegroup in that period, was silent on the matter. Belgium reportedly offered to contribute a large part of the forces, but asked for the British to contribute their operational HQ at Northwood.³⁴ The Belgians wanted a European system for command and control to back up their troops. The British turned down the request, while Foreign Secretary David Miliband suggested that any 'EU member state is at liberty to offer contributions to Monuc'. Belgian Foreign Minister Karel De Gucht noted, 'The chance that we'll get a European mission in Congo is limited, to put it mildly. No country is ready to take the lead.'³⁵

³⁰ 'Rescuing Congo', *Financial Times* editorial comment 14 December 2008, accessed 2 January 2009 at http://www.ft.com/cms/s/0/a567f624-ca10-11dd-93e5-000077b07658.html?nclick_check=1

³¹ Congo Watch (2008) 'EU Split on UN Call for Congo Bridging Mission – France, UK, Germany Have Ruled out an EU Intervention fFrce', *Congo Watch*, 8 December 2008, accessed 2 January 2009 at <http://congowatch.blogspot.com/2008/12/eu-split-on-un-call-for-congo-bridging.html> ; Helen Warrel and Harvey Morris, 'EU Sidesteps Urgent Appeal for Congo Force', *Financial Times*, 8 December 2008, accessed 2 January 2009 at <http://www.ft.com/cms/s/0/8d057606-c565-11dd-b516-000077b07658.html>

³² 'EU Mulls Troop Presence in DR Congo', *Deutsche Welle*, 8 December 2008, accessed at <http://www.dw-world.de/dw/article/0,,3857544,00.html> 2 January 2009.

³³ 'Belgisch voorstel voor EU-troepenmacht in Congo krijgt geen steun (en)', *Europa NU*, December 2008, at <http://www.europa-nu.nl/9353000/j9vvh6nf08temv0/vi0pdlsc03om?ctx=vi06e722yjy4> Accessed 2 January 2009.

³⁴ Iliana Bet-El, 'Failed Statement', *The Guardian*, 16 December 2008, accessed 2 January 2009 at <http://www.guardian.co.uk/commentisfree/2008/dec/16/congo-davidmiliband>

³⁵ 'EU, Belgium Rule Out Europe-Led Peace Force in Congo', *Deutsche Welle*, 3 December 2008, accessed 2 January 2009 at <http://www.dw-world.de/dw/article/0,,3844683,00.html>

The events of the last few months of 2008 reinforce the view that the EU battlegroup system is heavily dependent on the individual states contributing the forces. It is doubtful if any European battlegroup will be deployed to a high-risk area like the eastern DRC unless at least two of the major European powers are willing to back it. Deployment is perhaps most likely if France and the UK work in tandem.

The African Union (AU)

In 2002, no less than 53 African states agreed to establish an African Union standby force (ASF) consisting of five regional brigades by 2010. The military elements of these brigades should be able to deploy in 30 days, and a full civil-military force for complex scenarios in 90 days.

The AU planned the ASF in relation to six scenarios:³⁶

1. AU/regional military advice to a political mission
2. AU/regional observer mission co-deployed with UN mission
3. Stand-alone AU/regional observer mission
4. AU/regional peacekeeping force for Chapter VI and preventive deployment missions
5. AU peacekeeping force in complex multidimensional peacekeeping mission with spoilers
6. AU intervention – e.g. In genocide situations where the international community fails to act promptly.

The AU itself was to establish structure capable of handling the first three scenarios by 2005. At the time the regions were to have established capabilities to handle scenario 4. By 2005 the AU should also start work on an African high-readiness brigade. By 2010 the AU should have the capability to handle scenario 5. By that time, all regions should also have their brigades ready, and some regions should further develop their rapid deployment capabilities. For scenario 6 the AU recognized that a lead nation would be necessary, to provide command structures above brigade level and with airmobile and amphibious forces with first-entry capabilities. Those states should be identified. The five brigades are organized as follows.

- The Western African brigade was built on existing cooperation in ECOWAS. ECOWAS had conducted several peace support operations in Liberia, Sierra Leone, Guinea-Bissau and Cote d'Ivoire

³⁶ African Union (AU) (2003) Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee, Part I. Document adopted by the Third Meeting of the African Chiefs of the Defence Staff 15–16 May, Addis-Ababa. Page 3. Accessed 2 January 2009 at [http://www.africanunion.org/root/au/AUC/Departments/PSC/Asf/doc/POLICY%20FRAMEWORK%20MAIN%20DOCUMENT%20\(PART%20I\).doc](http://www.africanunion.org/root/au/AUC/Departments/PSC/Asf/doc/POLICY%20FRAMEWORK%20MAIN%20DOCUMENT%20(PART%20I).doc)

from the early 1990s. The Western Africa Brigade counts 6500 troops. Of these, 1500 will form a rapid-reaction force, 3500 will be in the main brigade and the last 1500 in a reserve force.

- In Southern Africa, the SADC Brigade was officially established at the SADC summit in 2007, after several years of planning. Fourteen states pledged a total of 6000 troops for the brigade.³⁷ The secretariat and the HQ planning element are in Gaborone, Botswana. The brigade is supported by the Regional Peace Training Centre in Zimbabwe.
- In Central Africa, the Regional Standby Brigade was based upon cooperation in the Economic Community of Central African States (ECCAS)³⁸ and shaped in a string of meetings in 2003–2004.
- I September 2004, agreement was reached on establishing the Eastern African brigade. Eleven states³⁹ would contribute to the 3000-strong force. The HQ and a logistics base were to be established in Addis Ababa and the secretariat in Nairobi. In 2007, Tanzania and Mauritius withdrew from the Eastern brigade to join the SADC force.
- The North African command was not launched until December 2008. The plan is to establish HQ in Egypt, a secretariat in Libya and training centres in the region. The brigade is planned to consist of 7–8000 troops.⁴⁰

Despite serious difficulties and a constant lack of resources, the ASF is moving forward. The African Union carried out a peacekeeping mission with 3000 troops in Burundi between April 2003 and February 2004, when a UN mission took over; in Darfur, with a peak of 7000 troops from July 2004 to December 2007, when it was replaced by UNAMID; and in Somalia from March 2007.⁴¹ African forces

³⁷ Angola, Botswana, the DR Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. Some SADC member states (Angola, Namibia, Zimbabwe) used the organization to support the regime of Laurent Kabila in the DR Congo in 1998–2002.

³⁸ ECCAS consists of Angola, Burundi, Cameroon, the Central African Republic, Chad, the Republic of Congo, DR Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome.

³⁹ Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Rwanda, Sudan, Tanzania and Uganda.

⁴⁰ 'Defense Ministers Launch North Africa Command as Part of AU Standby Force', *Tripoli Post*, 23 December 2008, accessed 2 January 2009 at <http://www.tripolipost.com/article/detail.asp?c=1&i=2655>

⁴¹ Tim Murithi, 'The African Union's Evolving Role in Peace Operations: the African Union Mission in Burundi, the African Union Mission in Sudan and the the African Union Mission in Somalia', *African Security Review*, vol.17, no.1, 2008 (Pretoria: ISS). Available at

should be commended for mustering the will to take on important and difficult tasks where other actors have declined: Nigerian and Rwandan forces in Darfur, and Ugandan forces in Somalia, have deployed, fought and taken losses despite being clearly too small for the tasks at hand.

From this brief tour of the reaction forces of international organizations we may conclude that the ability for rapid reaction is in decline in the UN, at least temporarily so in NATO and questionably in the EU. True, there remain great challenges ahead for the ASF – but the AU is the only international organization where increased capabilities might be expected. Investments in heightened African capabilities are likely to yield the most in this field in the near future.

The ability of international organizations to intervene rapidly in R2P emergencies in terms of available high-readiness troops has increased since 2001, but is currently being reduced due to the demands of ongoing operations in Afghanistan and Iraq. The ability to sustain troops in ongoing operations, measured as change in actually deployed troops to international operations, has increased greatly since 2001. Major actors like the USA, France and the UK are now stretched to their limits. Further growth is not likely unless major actors that today contribute only small numbers of troops to such operations can change their policies. Added together, this strongly suggests that the international community will not be able to take on new R2P operations involving substantial numbers of ground troops in the near future.

Operational concepts and doctrines

Military doctrines can be effective only if they are used as a tool for developing campaign plans, tactics and military techniques. The operationalization of doctrine is difficult, costly and time-consuming, and many doctrines turn out to be theoretical showcases that do not affect military practice. For years after the Cold War ended, for instance, it was argued that if a military unit could do high-intensity combat, it could do anything. This extremely questionable point of view worked as an excuse for not really taking into account the lessons learned from PSO and stability operations when developing military structures. However, during the past decade or so, new, real and very serious challenges have demanded new solutions, and big changes are now underway.

Doctrines designed for full-scale war, counterinsurgency and even for stabilization operations are not necessarily optimized for protection of civilians. Military doctrines need to be designed specifically for humanitarian intervention. It is not very likely, however, that such doctrines will be efficiently internalized and integrated into forces otherwise engaged primarily in national defence or stabilization operations or counterinsurgency. Nevertheless, doctrines developed for the latter kind of operations may incorporate elements that can enhance the capabilities of the forces to conduct operations aimed at protecting a population against crimes against humanity. In this section, the doctrinal requirements of the ICISS are discussed with reference to the new US Counterinsurgency doctrine, FM 3-24 (hereafter 'Counterinsurgency' or 'FM 3-24'), as well as other recent doctrinal developments in the UN and NATO.⁴²

The ICISS recommended that the Secretary General of the UN should initiate development of a doctrine for Human Protection Operations, to be based on seven principles.⁴³ In the following, these are examined in terms of doctrinal developments and ongoing practices.

1. *The operation must be based on a precisely defined political objective expressed in a clear and unambiguous mandate, with matching resources and rules of engagement.*

This is of course what all doctrines prescribe, and what all political and military actors also know will never happen. Additionally, the Commission pointed out: 'The allocation of sufficient resources is indispensable for success, and failure to do so has been a major problem in the past.'⁴⁴

Further: 'Quick success in military operations can best be achieved by surprise', but also acknowledged: 'in the context the context of an intervention for humanitarian protection purposes, it will be virtually impossible to rely on secrecy and surprise or to make maximum use of the full and devastating power of modern weapons.'⁴⁵ Further: 'A critical factor which will impact on the intensity of operations, is the need for cooperation from the civilian population once the immediate objective of stopping the killing or ethnic cleansing has been achieved. This means first and foremost not to conduct military actions which will result in widespread hatred against the intervening

⁴² The US Army - Marine Corps (2007) *Counterinsurgency Field Manual*, US Army Field Manual No. 3-24/ Marine Corps Warfighting Publication No. 3-33.5, Chicago: University of Chicago Press.

⁴³ ICISS 2001 Report, paragraph 7.51.

⁴⁴ ICISS 2001 Report, paragraph 7.19

⁴⁵ ICISS 2001 Report, paragraph 7.30.

nations.’ Hence, the military command must place limitations on itself. The Commission indicated that this increased the need for coordinated civil–military planning and for ensuring that all means were tailored to the objectives.⁴⁶

While the ICISS report sees these factors as limitations, FM 3-24 holds that the use of overwhelming firepower is of limited utility or *even counterproductive* in counterinsurgency operations (COIN).⁴⁷ FM 3-24 simply states that conventional warfighting methods almost always fail in COIN. In this view, protection of civilians is not a hindrance to effective military operations: it is a prerequisite for them. The thinking in FM 3-24 is thus quite radical compared to that of the ICISS on this point.

2. *The intervention must be politically controlled, but be conducted by a military commander with authority to command to the fullest extent possible, who disposes of adequate resources to execute his mission and with a single chain of command which reflects unity of command and purpose.*

Paragraph 7.20 is especially important in this regard:

Military decision making is based on clear and unequivocal communications and chains of command, and unity of command is essential for the successful conduct of operations. It is achieved best if there is a single chain of integrated command and if nations are prepared to transfer the authority over the forces they contribute to the fullest extent possible to the force commander they appointed to execute the intervention. The differing national interests of the intervening nations and the legal differences which exists due to different national laws will likely result in some limitations with respect to the degree to which forces will be placed under the command of the officer charged to conduct the intervention operation, and with respect to the use of deadly force. However, the fewer the national reservations on the employment of the national contingents in such an operation are, the greater is the capacity of the force commander to act decisively and flexibly.⁴⁸

These are also principles accepted – and broken – by all political and military actors. In practice all UN, NATO and coalition operations are strongly affected by various national caveats and limitations on how the commander may use the forces. All national contingents are more or less directly controlled from home. It should be noted, though, that

⁴⁶ ICISS 2001 Report, paragraph 7.32.

⁴⁷ FM 3-24 ‘Counterinsurgency’, Introduction, page LIII.

⁴⁸ ICISS 2001 Report, paragraph 7.20.

there has been an increase in states willing to give up most such caveats, especially within NATO. Nevertheless, the existence of such caveats and the resultant division between those who face the brunt of the fighting and those who do not, is a major threat to coherence in the alliance. The ICISS voiced concern as to the weakness of coalitions, noting that differences in objectives very often surface in discussions on the exit strategy, ‘with some partners emphasizing the need to address the underlying problems, and others focusing on the earliest possible withdrawal’.⁴⁹

As noted under principle 1 above, the ICISS called for greater civil–military coordination. FM 3-24 goes further, and points out that military means must be used in concert with other means. Unity of effort calls for unity of command. FM 3-24 therefore states that all US government institutions engaged in a COIN mission should be placed under the command of one leader.⁵⁰ Such thoughts are also the basis for the UN’s Integrated Missions concept and NATO’s Comprehensive Approach. Again, the FM 3-24 goes far beyond what was suggested by the ICISS in 2001.

3. *The aim of the human protection operation is to enforce compliance with human rights and the rule of law as quickly and as comprehensively as possible, but it is not the defeat of a state: this must properly be reflected in the application of force, with limitations on the application of force having to be accepted, together with some incrementalism and gradualism tailored to the objective to protect.*

The goal of COIN is first and foremost to render an insurgent movement politically irrelevant, not to protect the population. Still, the FM 3-24 is far more aware of the need to protect civilians than previous US doctrines: ‘Initially, COIN operations are similar to emergency first aid for the patient. The goal is to protect the population, break the insurgents’ initiative and momentum, and set the conditions for further engagement’.⁵¹ The heightened focus on protection of civilians may be instrumental. But it also reflects a recognition that protection increases the chances of success for the mission, and that failure to protect civilians may have effects that greatly reduce the chances of success.

⁴⁹ ICISS 2001 Report, paragraphs 7.9–7.13.

⁵⁰ FM 3-24 ‘Counterinsurgency’, paragraph 2.9.

⁵¹ FM 3-24 ‘Counterinsurgency’, paragraph 5.4, page 153.

- If the government or the international forces do not protect the population, people will find ways to protect themselves. They may create militias that may grow to become powerful actors.⁵²
- If people are not protected they will not provide information on the insurgency. Thus protection is a means to provide better human intelligence.⁵³
- Success in counterinsurgency is dependent on mobilizing the ‘good will of the people against the insurgents’. Thus success depends upon ensuring that the population feels protected and not threatened by COIN operations.⁵⁴

Again, this is a radical change in military thinking, even compared to the ICISS. Military effectiveness is not limited by taking protection into consideration: it is based upon it.

4. The conduct of the operation must guarantee maximum protection of all elements of the civilian population.

The ICISS also stated that the rules of engagement should reflect the principle of proportionality, while:

Proportionality in this context ought not to exclude the option to escalate as appropriate, but should lead to restraint in the use of destructive power of modern weaponry. Proportionality should also not have the effect of paralyzing the military forces on the ground, or trap them into a purely reactive mode denying them the opportunity to seize the initiative when this may be needed.⁵⁵

FM 3-24 repeatedly states that less force might be better than much force, and that abstaining from the use of force may be a good solution in many situations. While FM 3-24 is designed to increase efficiency in counterinsurgency operations, and not as a doctrine for how to protect against crimes against humanity, it is nevertheless good news in an R2P setting. Since the doctrine emphasizes the protection of civilians, it should generate new tactics and techniques designed to improve the ability to protect. It is likely that it will give rise to new organizational structures and even new technology to improve protection.

⁵² FM 3-24 ‘Counterinsurgency’, paragraph 3-24, pp. 112–113.

⁵³ FM 3-24 ‘Counterinsurgency’, paragraphs 3-132– 3-133, p. 120 and paragraph 3-180, p. 134.

⁵⁴ FM 3-24 ‘Counterinsurgency’, paragraph 7.5, page 238.

⁵⁵ ICISS 2001 Report, paragraph 7.27.

5. *Strict adherence to international humanitarian law must be ensured.*

FM 3-24 is very conscious of the fact that abuses, killings and collateral damage caused by government or international security forces are likely to strengthen the insurgency.⁵⁶ In discussing the use of torture, it points out how the French conduct in the Algerian war of independence, with illegal and immoral activities, made French forces extremely vulnerable to enemy propaganda: lose moral legitimacy, and you lose the war.⁵⁷ Again the FM 3-24 attacks the impression that more violence is more effective than less violence.

6. *Force protection for the intervening force must never have priority over the resolve to accomplish the mission.*

For decades US doctrines have focused heavily on force protection. The new doctrine recognizes that ‘sometimes, the more you protect your force, the less secure you may be’ and that ‘Ultimate success in COIN is gained by protecting the populace, not the COIN force.’⁵⁸ It is important for COIN forces not only to stay in close contact with the population, but also to share their risks. This shift in perspective also means that tactics may change from depending on large unit bases to smaller and decentralized patrol bases and operational support bases. It also implies that units not designed for combat, like the logistical train, will have to be trained in protection of bases and logistic operations.⁵⁹ In other words, more troops will be present among the population. Basically, ‘Counterinsurgency’ calls for a decrease in the use of force, and correspondingly for greater will to take risks.

The Commission pointed out the considerable risk inherent in abstaining from the use of such potentially very destructive means as air power. In several Western interventions, air power had been used simply to avoid casualties. ‘The real question, ultimately, was whether the West was willing to risk the lives of its soldiers in order to stop war crimes, human rights abuse, and forced migration.’⁶⁰

The ICISS also pointed out that ‘the use of only minimal force in self-defence that characterizes traditional peacekeeping would be inappropriate and inadequate for a peace enforcement action, including a military intervention’.⁶¹ It continued: ‘Force protection of the intervening

⁵⁶ FM 3-24 ‘Counterinsurgency’, paragraph I-45.

⁵⁷ FM 3-24 ‘Counterinsurgency’, paragraphs 7-42–7.445.

⁵⁸ FM 3-24 Counterinsurgency paragraph 1-149, page 48.

⁵⁹ FM 3-24 ‘Counterinsurgency’, paragraph 8-18, page 263.

⁶⁰ ICISS 2001 Report, paragraph 7.33.

⁶¹ ICISS 2001 Report, paragraph 7.26.

forces is important, but should never be allowed to become the principal objective. Where force protection becomes the prime concern, withdrawal – perhaps followed by a new and more robust initiative – may be the best course.’⁶²

There can be no doubt that the willingness to use force has increased since 2001 – in NATO, in the UN and in newcomers like the EU and the AU. Still, the reluctance to use force displayed in the DRC during the autumn of 2008 also shows that this remains a problem in some operations.

7. There must be maximum coordination between military and civilian authorities and organizations

The Commission pointed out the differences and difficult relations between military and civilian, and in particular humanitarian actors.⁶³ But it also recognized the need for substantial non-military means and for the need to integrate all means under one ‘lead player.’⁶⁴ Such non-military means include ‘unrestricted development funds’ for quick-impact development projects. Considering the impact of the ongoing debate on humanitarian space, and the humanitarian criticism of quick-impact projects and provincial reconstruction teams (PRT), it is reasonable to say that the final word has not been said. Rifts between OCHA and the DPKO in the UN, between ECHO and the ESDP apparatus in the EU, and between military actors and humanitarian actors in most Western states, show that this debate goes on with undiminished strength. Obviously, as repeatedly demonstrated in Afghanistan and elsewhere, implementation of these concepts is difficult. Even so, concepts like interagency operations (US), comprehensive approach (NATO, EU and others) and especially the integrated missions of the UN have made huge progress since 2001.

FM 3-24, as noted under principle 2 above, places considerable emphasis on civil–military integration in terms of both unity of effort and unity of command. Here it should be noted that while FM 3-24 takes note of the humanitarian space debate, it is not paralysed by it. Rather it states that, in the absence of formal relationships and cooperation with NGOs, ‘military leaders seek to persuade and influence other participants to contribute to achieving COIN objectives’. This does not exclude military efforts to coordinate or share information with NGOs, but it underlines that COIN is a major political and military effort that cannot wait for principle and theoretical debates to be concluded.

⁶² ICISS 2001 Report, paragraph 7.34.

⁶³ ICISS 2001 Report, paragraph 7.22.

⁶⁴ ICISS 2001 Report, paragraph 3.37.

If ‘Counterinsurgency’ is successfully implemented, all this will make US forces far more efficient – also in missions where protection against atrocities is the objective. The USA is the dominant military power today, and doctrinal developments in the US military are followed closely all over the world. It is very likely that ‘Counterinsurgency’ will have a major impact on military thinking in NATO and in other allied states. If ‘Counterinsurgency’ proves efficient, it will probably influence thinking also in China, India and Russia and other major powers around the globe. Successful military concepts, or concepts perceived as successful, tend to be copied by actors at the same level, while actors at other levels attempt to counter them. In terms of R2P, this is very good news. The norms laid down in R2P are quite compatible with the instrumentality in FM 3-24. This new military thinking fits the R2P norm much better than the conventional, fire-power-oriented military paradigms that were dominant when the ICISS prepared its report.

Security Sector Reform: Military reform or military assistance

The ICISS identified five *post-enforcement protection tasks*: protection of minorities; security sector reform (SSR); disarmament, demobilization and reintegration (DDR); mine-clearing; and the pursuit of war criminals.⁶⁵ The ICISS also distinguished between two types of *preventive operations*. The first type is preventive deployment, in which troops are deployed to an area ‘where there is an emerging threat of conflict.’⁶⁶ UNPREDEP in Macedonia could be seen as an example of such a deployment. The second type concerns the deployment of military forces in order to deter the state in which a threat of conflict is emerging, or to prevent that conflict from spreading.⁶⁷ I will argue that SSR may be perceived both as a post-enforcement protection task *and* a preventive activity in relation to R2P.

Even though the lines are not always sharp between crimes against humanity (including genocide and ethnic cleansing) on the one hand, and war crimes on the other, it makes analytical sense to distinguish between them. Crimes against humanity are crimes against a civilian population. They are partly political goals in themselves, or are elements of a political and military strategy for achieving other goals. In other words, the decisions to commit these acts are taken on the political or strategic level. War crimes, on the other hand, are basically violations of the laws or customs of war. They refer mainly to how forces

⁶⁵ ICISS 2001 Report, paragraphs 7.42–7.49.

⁶⁶ ICISS 2001 Report, paragraph 7.4.

⁶⁷ ICISS 2001 Report, paragraph 7.6.

fight or behave in war or in occupied areas. These are acts that may be initiated at the doctrinal, tactical or even technical level. In other words, a private can initiate a war crime, but he cannot make a decision that starts a crime against humanity.

War crimes conducted on the tactical level are often a result of how the troops operate in the field. War crimes may be due to tactics and techniques that have been adopted, or to lack of discipline among the troops. Civilians may be killed as a side-effect of the fighting, as collateral damage, starved to death in a siege, killed by disease if medical help is blocked, etc. Troops will use the equipment and the skills that they have. If imprecise rocket artillery is the only stand-off weapon at hand, that is what will be used against a defended town that cannot be taken without great losses, even if that town is filled with civilians. Troops that are not trained in riot control will fire their automatic rifles into the crowd when cornered or scared. Poor armies often live off the land as they move through a territory. The result may be large-scale hunger among the civilian population.

Most fielded armies experience episodes where individuals or groups of soldiers commit war crimes. Stress and own losses increase the risk of such crimes, while discipline and the threat of punishment reduce those risks. Poorly organized, ill-trained and undisciplined armies tend to experience far more such incidents than armies that are well organized, trained and disciplined. Undisciplined, unfed and unpaid troops will plunder, loot and rape. Therefore, military SSR may be one way of reducing war crimes. However, military SSR has been, if not neglected, then at least not given enough priority during the last decade.

The thinking on civilian SSR, whether it stands for ‘security sector reform’ or ‘security system reform’, is far better developed than the corresponding military SSR. Most externally driven military reform is closer to traditional military assistance, a process where one state assists another state, or regrettably a certain regime in another state, in the buildup of military capabilities. As the literature on SSR points out: ‘Sound Governance of the security sector is crucial for the success of democratic consolidation and sustainable economic and social development.. [...] Indeed, in too many countries, politicized or ineffective security bodies and justice systems are a source of instability and insecurity.’⁶⁸ Still, this literature has focused almost exclusively on civilian SSR.

⁶⁸ Nicole Ball, Tsjeard Bouta and Luc van der Goor, *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework*, The Netherlands Ministry of Foreign Affairs/The Netherlands Institute of International Relations ‘Clingendael’, 2003, p. 30.

Studies of states in transition to democracy from some sort of authoritarian regime often stress the role of the military. Since the point of departure is frequently military rule, or a regime strongly supported by the military, and since the military normally holds the strongest means of coercion in the state, change is difficult without the involvement or at least consent of the military establishment. There is a relatively comprehensive literature on the political role of the military establishment in many states.⁶⁹

The security sector has been very broadly defined in the SSR literature.⁷⁰ The OECD-DAC Guidelines for SSR are perhaps the most authoritative in this regard.⁷¹ The military are listed as one out of many institutions authorized to use power, which in turn is only one of many categories within the security system. There are many advantages in using such a broad definition. It shows how institutions are inter-linked, and underlines the importance of the security sector in modern states. It emphasizes the links to other programmes for 'good governance'. For DAC, it is clearly a point to help development actors to work on the parts of the security system closest to the traditional fields of development work.⁷² In turn, the guidelines are seen as a basis for cooperation between development and military actors.

It is problematic, however, that the military are presented as rather peripheral to SSR. After all, they are the organizations with the greatest coercive power and destructive potential. Even if the entire security system works well, it will collapse if the military should turn against it. A military out of control is a major threat to the state and the population alike.

DAC distinguishes between normative and technical components in the professionalism of the security forces.⁷³ Both should be strengthened. But the development actors are seen to be primarily interested in the normative bit. This consists of a recognition of democratic principles, respect for human rights and international humanitarian law, recognition of the special role of women in conflicts, and so on. The technological component is about technical and tactical skills and doctrinal competence: the use of force. DAC emphasizes that the two components should be seen in relation to each other, and that extra

⁶⁹ Constantine P. Danopoulos and Cynthia Watson (eds), *The Political Role of the Military. An International Handbook* (London and Westport, CT: Greenwood Press, 1996).

⁷⁰ Nicole Ball and Kayode Fayemi (eds), *Security Sector Governance in Africa: A Handbook* (CDD, 2004). Available at http://www.sronline.org/ssg_a/index.cfm

⁷¹ OECD-DAC, *Security System Reform and Governance* (DAC Guidelines and Reference Series, OECD Publishing, 2005).

⁷² OECD-DAC 2005, p.17.

⁷³ OECD-DAC 2005, p. 39.

funding from non-official development assistance (ODA) sources is necessary to do this. Still, the sharp divide between what is seen as legitimate development work, and thereby fundable with ODA means on the one hand, and the work of military actors on the other, is highly problematic. Lectures on democratic principles and human rights have no effect if those lessons are not integrated with the ways the military train and fight. The normative components can be meaningful only if they affect the techniques, tactics and doctrines of the forces. It is in the choice of tactics, the creation of rules of engagement, that the military's respect for human rights is operationalized into action. The professional identity of military personnel is defined first and foremost by the way they have been trained to fight.⁷⁴

In relation to R2P, Security Sector Reform – and military reform in particular – may provide an indirect, subtle and long-term route for reducing war crimes and atrocities against civilians. If conducted successfully by integrating norms into military techniques, tactics and ethos, it can create accountable and efficient forces. In an on-going operation this may enhance the host nation's ability to take over responsibility for protecting its own civilians, allowing international forces to leave. When established as a part of an international institution, as has been done in NATO, it will boost the capabilities of that institution and the international community as a whole.

Conclusion

In 2001 the capabilities and doctrines to do peace support operations, stability operations and other so-called 'operations other than war' were perceived as spin-offs of the capabilities and doctrines needed to fight a conventional war. Today's thinking sees such operations, along with counterinsurgency, as tasks that differ fundamentally from conventional warfighting. It seems likely that military thinking and military structures will evolve along two diverging paths: one geared to the transformation of conventional warfighting into highly technology-intensive and very fast systems for unleashing accurate destructive power against other military systems; the other designed for fighting with minimal use of force within populations while simultaneously attempting to build credible and legitimate political systems. The former can be used to deter political actors from conducting atrocities against civilians. The latter is needed if deterrence fails and intervention must be implemented

⁷⁴ Carl Builder, *The Masks of War. American Military Styles in Strategy and Analysis*, Rand Corporation Research Study (Baltimore, MD: Johns Hopkins University Press, 1989).

The ability of international organizations for rapid intervention in R2P emergencies in terms of available high-readiness troops has increased since 2001, but is currently being reduced due to the high demands of ongoing operations in Afghanistan and Iraq. The ability to sustain troops in ongoing operations, measured as change in actually deployed troops to international operations, has grown considerably since 2001. Major actors like the USA, France and the UK are now stretched to their limits. Further growth is unlikely unless major actors now contributing only small numbers of troops to such operations change their policies. Added together this strongly suggests that the international community will not be able to take on new R2P operations involving substantial numbers of ground troops in the near future.

Nevertheless, the ability of the troops to conduct effective operations without harming civilians is increasing. So is their tactical and technical ability to protect civilians. If properly implemented, the new doctrines discussed here are likely to improve the international community's ability to intervene in R2P emergencies.

There is little doubt that the ongoing political, ethical and practical debates on integration of civilian and military efforts in emergencies will continue. Still, progress has been made since 2001, and the new doctrines are likely to lead to further improvements even as they cause political turbulence.

A less dramatic but potentially effective way to prevent war crimes and atrocities at the tactical level of war may be found if greater attention is given to military reform, along the lines of civilian security sector reform. Military reform has been a neglected issue. The introduction of new doctrines for counterinsurgency, based on protection of the population and minimal use of violence, may provide the 'software' needed to integrate respect for human rights, humanitarian law and the conventions of war into the tactical and technical training of troops. In this way, military SSR may prove to be an efficient tool for the prevention of atrocities.