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**Research Essay**

**Our Peacekeeping Dilemma: Knowing When to Say No**

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*The Buck stops here*  
-Harry S. Truman

*My subordinates ... lacked moral fibre*  
-General (ret'd) Jean Boyle

## **Introduction**

Leaders take responsibility for their actions – and that of their subordinates. This is a cardinal rule and the principle is enshrined in the quote from Truman. The perception that General Boyle did not observe this rule was likely was one of the primary factors that led to his resignation. As a result of the events that unfolded during Canada's mission to Somalia in 1992 and 1993 that included the now-familiar events such as the beating death of the Somali teenager Shidane Arone, the Canadian government created the Somalia Commission of Inquiry. For over two and a half years, the Commission was given the mandate to examine all aspects that ultimately led to the torture and beating death of Arone, including the chain of command system, leadership, discipline, actions and decisions of DND and the Canadian Forces. One of the fundamental causes that lead to the death of Arone highlighted by the inquiry was the failure of command at all levels (strategic, operational and tactical) to take responsibility for sending an ill-prepared Airborne Regiment to Somalia. The Inquiry was terminated, however, before the examination of responsibility reached to the Chief of Defence and the political direction behind the military.

One of the most striking features of the Somalia Commission was the scathing indictment of some of the witnesses, most specifically at the strategic leadership level, to take responsibility for their actions. The Executive Summary for the Commission Report had this to say concerning the testimony of the witnesses to the inquiry:

“ Giving testimony before a public inquiry is no trivial matter. It is a test of personal and moral integrity that demands the courage to face the facts and a willingness to accept

blame and tell the truth. It also involves a readiness to be held to account and a willingness to accept blame for one's own wrongdoings. Many soldiers, non-commissioned officers, and officers showed this kind of integrity. ... However, we must also record with regret that on many occasions the testimony of the witnesses as characterized by inconsistency, improbability, implausibility, evasiveness, selective recollection, half-truths and just plain lies.”<sup>1</sup>

Despite the fact that the comments of the Somalia Commission remain quite controversial within the Canadian Forces, the response of the Department was generally positive toward the outcome of the inquiry. Of the 160 recommendations submitted by the Commission, the government has chosen to implement 132 and has put these on the fast track for implementation in the next two years.<sup>2</sup> Progress toward completion of these recommendations is being tracked regularly by the Department. The implementation of these recommendations will likely ensure that forces sent for peacekeeping will not commit the same sort of unlawful actions on peacekeeping missions in the future. While not on the same scale, the events in Somalia for Canada represent the same sort of restructuring that occurred in the US military following the My Lai massacre in Vietnam. The legacy of the Somalia inquiry is likely to have long lasting effects on the conduct and organization of the Canadian Forces. In the words of the Chairman of the Somalia Inquiry:

“ It is inappropriate, at this point, to speak in terms of a *conclusion* to the Somalia debacle. Our investigation has been curtailed, and important questions remain unanswered. Somalia, unfortunately, will continue to be a painful and sensitive subject for Canada's military for years to come”<sup>3</sup>

One of the issues that will continue to haunt the leadership will continue to be the issue of understanding and taking command responsibility at all levels in peacekeeping missions. As a result of the Somalia Inquiry, the Canadian public and media now demand a much higher degree of openness and truthfulness from commanders than ever before. The complexity of peacekeeping missions, as well as the tendency towards more violent and potentially hostile

situations requires a commander to be fully aware of his moral and legal obligations in such cases. The aim of this paper is to attempt to clarify the nature of command responsibility for the military commander with regard to peacekeeping missions. The lesson of Somalia is that, in some circumstances, it may be necessary to question orders before obedience. The focus of this paper will be on the strategic level of command, with lesser reference to the operational level. What the master corporal is a commander at the tactical level, his scope of accountability and decision making is limited and much better defined. It is at the strategic and operational level of command that the most difficult decisions need to be made. After a discussion of current doctrine on accountability and responsibility, the paper will explore the legal basis for intervention, issues of command requirements in committing forces to peacekeeping operations, and finally a review of problems facing Canadian commanders in the changing nature of UN and international operations today. In today's world, as illustrated by the title of this paper, it is important that commanders at the strategic and operational level be aware of all factors that may lead to failure in peacekeeping operations. This paper will outline the circumstances under which he may be obliged to advise against committing forces to the operation. This is perhaps best summarized in the words of the Somalia Commissions report:

“ Another mitigating circumstance is the fact that these individuals [military commanders] can be seen as the products of a system that has set great store by the can-do attitude. The reflex to say “yes sir” rather than question the appropriateness of a command or policy obviously runs against the grain of free and open discussion, but is ingrained in military discipline and culture. However, leaders properly exercising command responsibility must recognize and “assert not only their right but their duty to advise against improper actions”, for failing to do so means that professionalism is lost”<sup>4</sup>

The central question addressed in this paper is when the questioning of a policy or mandate at the strategic or operational level is appropriate, and the best means by which the risk of carrying out the order may be understood and then communicated to and appreciated by superiors.

## **Command Responsibility**

Before beginning a discussion of command responsibility, it is essential to have a clear idea of the definitions of authority, responsibility and accountability that are in the context of the military commander. This subject has been under scrutiny by the department for some time, particularly in the context of clarifying the roles of the civilian and military personnel within the integrated headquarters. The recent report to the Prime Minister by the Minister of National Defense<sup>5</sup> assists both civilian and military members with the various reporting structures within DND as well as general areas of accountability. This publication, however, does not provide definitions for these terms nor does it contain any examples for illustrating these principles. As such, it does not assist in understanding when the military commander may be held accountable for his actions.

As one of the topics that the Somalia Commission was asked to comment on, the definitions of accountability, responsibility and authority figure prominently in the report. In order to gain a better appreciation of the role of command, it is helpful to look at the definition of accountability contained in that report:

“ Accountability is the mechanism for ensuring conformity with standards of action ... Those exercising substantial power and discretionary authority must be answerable (That is, subject to scrutiny, interrogation and ultimately, commendation or sanction) for its use... The accountable person accounts for all activities that have been assigned or entrusted – in essence, for all activities for which the individual is responsible”<sup>6</sup>

Note that the definition of accountability as used by the Somalia Commission uses the notions of authority, delegation and responsibility. It is vital that the concepts of authority and responsibility be clear in the mind of the military commander, so that his accountability for the outcome of a peacekeeping operation, whether good or bad, is clearly understood.

The definition of command responsibility may be found most clearly in the Canadian Forces Employment Manual. The relationship between command, authority and delegation is defined as follows:

“ Command is vested in an individual who has total responsibility. Commanders possess authority and responsibility with regards to their assigned forces, and are accountable, while in command, to their superiors and to the nation ... Authority gives the right to make decisions, issue orders, and monitor the execution of assigned tasks.... This accountability is the complement of authority and can never be delegated.”<sup>7</sup>

The above definition of command responsibility clarifies what may be delegated and what may not. By the nature of command authority, the right to act in a particular set of circumstances for a given task may be delegated to a subordinate. The monitoring of how a subordinate carries out his responsibilities always rests with the commander and he remains accountable for their actions. This notion is repeated by the report of the Somalia Commission:

“ Responsibility is not synonymous with accountability. The person authorized to act [by his superior] is “responsible”. Responsible officials are held to account.... The subordinate remains responsible for the proper exercise of powers or duties assigned, but the subordinate’s proper or improper exercise of such power or duties may also reflect proper or improper supervision of overall accountability”<sup>8</sup>

The CF Force Employment Manual emphasizes the same point, that all subordinates are responsible for their actions:

“ All members of the CF, as individuals, are responsible for their actions and the direct consequence of these actions. This is a basic legal precept”<sup>9</sup>

In summary, it is evident that the authority of command brings with it both responsibility and accountability for actions taken by both the commander as well as those under his command. The commander cannot delegate his accountability to subordinates under any circumstance. However, the authority to act can be delegated to subordinates, but subordinates remain both responsible and accountable for the results of their own actions. The key difference is that while the superior remains accountable for the actions of his subordinates, he is accountable only for

the manner in which he delegated the authority, not the action of the subordinate. The accountability of the military commander is to ensure that he both delegates his authority appropriately and monitors the activities of his subordinates diligently.

Perhaps the best way to illustrate these concepts is to use the Somalia peacekeeping mission as an example. At the strategic level, the military commander is responsible for the provision of forces to meet the mandate from the political level. At the operational level, the force commander is responsible for operationally ready forces for deployment. At the tactical level, the commander must ensure his forces are ready to meet the specific task assigned. The strategic commander will be held accountable if the mission is a failure, but will only be held personally responsible to the extent that he did not carry out his duties appropriately. Such duties would include, among other things, acceptance of the mission mandate and the delegation and monitoring of the operational commanders under his supervision.

### **Legal Accountability of the Commander**

Having clarified the definitions of authority, responsibility and accountability by means of an example, this concept will be explored further by looking at the legal foundation on which this authority rests. In the most general sense, the commander is expected to use his authority wisely and in a lawful manner. The legal basis for the commander at all levels to issue orders and expect obedience from subordinates is found in Section 83 of the National Defence Act (NDA):

“Every person who disobeys a lawful command of a superior officer is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment”<sup>10</sup>

This rather severe penalty acts as a strong deterrence to any delay or questioning of orders from superiors. The NDA makes no provision for such questioning, other than simply stating that the order must be obeyed unless it is “manifestly unlawful”. It is not intended here to discuss what constitutes a lawful order under the Law of Armed Conflict. A full discussion of this issue would



be beyond the scope of this paper and has been given full treatment elsewhere.<sup>11</sup> In any case, the most immediate application of the determination of a manifestly unlawful order is at the tactical level of command. The basic principle given to subordinates for determining whether an order is lawful or not is provided for in the Queen's Regulations and Orders and is "one that would appear to a person of ordinary sense and understanding to be clearly illegal"<sup>12</sup>

Rather than concentrating on what might be an illegal order, this paper will focus on the accountability aspects of the commander at the strategic and operational with regards to his recommendations to higher authority and his responsibility for the actions of his subordinates. In general, it will not be obvious at this level of command when orders should be questioned, and the definition of "manifestly unlawful" is of no use. It is essential at these levels that the commander become familiar with the requirements of the Rule of Law and the Law of Armed Conflict when preparing for missions so that higher order considerations may come into play when considering orders. The responsibility of the commander to know the law is clearly outlined in the following quote from the CF Operational Manual and may assist him in understanding his accountability in planning and executing missions:

"Commanders at all levels are responsible for the correct and comprehensive applications of both bodies of law [Canadian Domestic Law and International Law] in planning and conducting operations, since the interpretation of these laws will affect the definition of the operation's mission and its execution"<sup>13</sup>

Not only is it vital that the commander knows the correct application of law, this interpretation must be passed down to subordinates with whatever tasks are delegated to them. The military commander must expect and require regular reports from his subordinates, and will be held accountable if he does not inquire in this regard. Failure of the chain of command to both pass and receive information was a principle conclusion from the Somalia Commission:

“In other words, we must believe that the commanders did not know what was happening in their commands and therefore the chain of command failed. But the matter is worse, for the evidence is that the chain of command provided enough information that the commanders ought to have been prompted to inquire into the situation and to act. ... In short, there is compelling evidence that the chain of command, during both the pre-deployment and in-theatre period, failed as a device for passing and seeking information and as a command structure”<sup>14</sup>

International courts have consistently rejected the excuse that the military commander at the strategic and operational level was simply unaware of what was happening at the tactical level. Many precedent cases exist in law, but two instances will be used here for illustration. The first is that of General Yamashita, who was tried by a United States Military Commission after World War II for atrocities committed by his troops in the Philippines. He was charged with permitting or failing to prevent his troops from committing murder, rape, torture and a host of other crimes against humanity. Yamashita’s defence was that he did not effectively command the troops since the American offensive have disrupted his command and communications network. Moreover, Yamashita claimed he did not know of crimes committed and therefore should not be held liable. Both of these defence were rejected by the court, which found that not only did Yamashita have the means to know what was happening but should have taken measures within his power and appropriate to the circumstances to prevent the atrocities. A commander may be held liable if he fails to exercise the means available to him to know of the offenses, and that “such a failure to know constitutes criminal dereliction”<sup>15</sup>

A second case that will be mentioned here occurred in more modern times. An Israeli Commission of Inquiry that looked into the massacre of civilian refugees by Philangist forces in 1982 has upheld this principle of command knowledge. During the invasion of Lebanon in June 1982, Israeli troops were allied with Philangists to capture Beirut. In September, acting in reprisal for the death of their leader, Philangist forces entered refugee camps at Shatila and Sabra

and massacred up to 2000 men, women and children. One of the issues before the Inquiry was the level of foreknowledge of Lieutenant-General Eitan, who served as Chief of Staff for the Israeli Armed Forces at that time. The conclusion as to his responsibility was found as follows:

“The absence of a warning from Eitan’s staff officers, such as the IDF Director of Military Intelligence, cannot serve as an explanation for his ignoring the danger of a massacre. The Chief of Staff had already foreseen, in his cabinet speech, the real danger in the near future of Phalange atrocities. Moreover, under international law, Eitan cannot absolve himself of his responsibility simply because his staff officers are amiss, since ultimate power and accountability rests with the commander, not his staff officers”<sup>16</sup>

When preparing for peacekeeping missions, it is essential that the strategic and operational level commander become intimately concerned with the details of the mission and the monitoring of how his subordinates are carrying out his commands. As the Yamashita case demonstrates, the operational commander will be accountable if he does not adequately supervise, and if necessary, punish subordinate commanders for incompetence. The Eitan case shows that that the strategic level, this accountability extends to the political interface and shows that political instructions must be questioned if it is likely to lead to inappropriate acts by his forces. An interesting question, which unfortunately was not answered by either the Somalia Inquiry or the Eitan case, is the degree of accountability at the political level. The degree of accountability to which a commander at the strategic or operational level will be held will depend upon the degree to which he demonstrates “due diligence” in both the delegation and monitoring of the activities of his subordinates. This is summarized by the Somalia Commission Inquiry as:

“ A person who delegates authority is also responsible, and hence accountable, not for the form of direct supervision that the supervisor is expected to exercise, but, rather, for control over the delegate and, ultimately, for the actual acts performed by the delegate... Where a superior delegates the authority to act to a subordinate, the superior remains responsible: first, for the acts performed by the delegate, second, for the appropriateness of the choice of the delegate; and third, with regard to the propriety of the delegation; and

finally, for the control of the acts of the subordinate. Even if the superior official is successful in demonstrating appropriate, prudent, diligent personal behavior, the superior remains responsible for the errors and misdeeds of the subordinate.... It is the responsibility of those who exercise supervisory authority, or who have delegated the authority to act to others, to know what is transpiring within their area of responsibility. ... When a superior contends that he or she was never informed, or lacked the requisite knowledge with regard to facts or circumstances.... It will be relevant to understand what processes or methods were in place to ensure the adequate provision of information.”<sup>17</sup>

The conclusion from these examples is that the commander will be found liable if he does not take sufficient action to ensure the mandate is appropriate (strategic level) and that his forces are in the correct state of readiness to meet that mandate (operational level). He must know the legal constraints on deploying his troops and will be held accountable for ensuring he is kept informed.

The next section gives the legal framework under the Rule of Law and the Law of Armed Conflict by which troops may be employed, in order to assist in the understanding the responsibility of the commander has with regard to the mandate and operational readiness.

### **Legal Framework for Peacekeeping**

Canada has always valued the Rule of Law, and as a result has been prepared to contribute internationally to the cause of peace. The preamble to the Canadian Charter of Rights and Freedoms begins,

“Whereas Canada is founded upon principles that recognize the supremacy of God and the Rule of Law...”<sup>18</sup>

Canada has always valued the Rule of Law as it has applied to peace between nations and has, as a result, been an enthusiastic supporter of the United Nations (UN). At a meeting of the Conference of Defence Associations, Mr. Joe Clark, then Secretary of State for External Affairs, summed it up as follows:

“Canadians are a peaceable people. We do not fight wars at will. ... Canadians helped invent peacekeeping. It’s architect, Lester Pearson, won the Nobel prize. And its participants [UN Peacekeepers] – 43 thousand of whom have been Canadians – won another Nobel Prize two years ago. Peacekeeping is growing dramatically in the world”<sup>19</sup>

The United Nations provides the legal basis under which the rule of law may be applied in preventing and resolving the disputes between nations. Under the preamble to the UN Charter, the determination of the UN is to

“save succeeding generations from the scourge of war, which twice in our lifetimes has brought untold sorrow to mankind”<sup>20</sup>

On that basis, under Article 1 one of the purposes of the United Nations is to:

“maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes of situations which might lead to a breach of the peace;”

In theory, at least, the act of aggressive war by a state now constitutes a crime and is liable to punishment by the international community. The International Law Commission, under the direction of the UN, was directed in 1954 to prepare a Draft Code of Crimes against the peace and security of Mankind. Article 1 of the Draft Code stated that the offenses listed were crimes under international law and the responsible individuals were to be punished. After much discussion, in 1974 the General Assembly reached a consensus on the wording of the Draft, and Article 5(2) of the Code states that a “war of aggression is a crime against international peace”.<sup>21</sup> In practice, however, it may be difficult to determine when an act of aggression has occurred and in this regard the General Assembly is authorized only to make recommendations to the Security Council.<sup>22</sup> In practice, then, the prohibition of aggressive war by the UN has done little to curb conflict between states and nothing to resolving internal conflicts. Indeed, much of the violence and atrocities in the current era arise from “failed states” such as Somalia, Sierra Leone and

Yugoslavia where aggressive war is very much in evidence. Equally, there does not appear to be a mechanism to extract perpetrators of war crimes to stand trial in the international courts.

The Security Council has the authority under the UN Charter to settle disputes between states. Under Article 24 of the Charter, the Security Council has the primary responsibility for the maintenance of international peace and security. The specific means at the disposal of the Security Council are outlined in Chapter 6 and 7 of the Charter. Under Chapter 6, the Security Council seeks resolution of the dispute by whatever peaceful means possible. Under Article 42 of Chapter 7, the Security Council is authorized to “take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security”<sup>23</sup>. Most of the operations undertaken by the UN in the form of peacekeeping have been under Chapter 6 of the Charter, which presumes that the dispute has been settled by peaceful means and that action by armed forces is not required. This has led to the comment that peacekeeping by lightly armed troops, enforcing an already negotiated peace settlement is really a “Chapter 6 and a half” operation. The intervention of armed forces were never intended as part of Chapter 6., which deals with the peaceful settlement of disputes between states.

Since the end of the Cold War, there has been a remarkable increase in intervention by the Security Council in attempting to resolve disputes. As noted by Professor Jacobson in August 1997:

“The 1990’s have seen a near tenfold increase in the frequency of UN and UN sanctioned peacekeeping intervention, compared with the 1945-1990 record. ... The dramatic increase in UN and UN-sanctioned activism has rested on a fundamental revision of mandate and purpose. Previous activities were restricted to arenas where both or all of the conflict parties agreed to invite UN peacekeepers to be monitors of cease-fire agreements. In the 1990’s, the UN Changed its mandate and purpose to cover intra-state conflicts and conflicts in progress, with no requirement for either invitation or agreement among combatants, whether state or non-state.”<sup>24</sup>

This change in mandate has resulted in many more Chapter 7 interventions in the 1990's than in the previous decades. Prior to 1990, the only Chapter 7 operations conducted by the UN included the action in Korea in 1950 as well as the intervention in the Congo in 1961. Since 1990, Chapter 7 operations have been authorized in Iraq, Somalia and Bosnia. This change in mandate has broad implications for the military commander, as will be discussed later in this paper.

Canada is, and likely will continue to be an enthusiastic supporter of the UN and peacekeeping operations. Canada has had a long history of participation in UN operations, and is said to have originated peacekeeping operations under Chapter 6 of the Charter as a result of the actions of Lester B. Pearson in the Suez Crisis in 1956.<sup>25</sup> In the words of Alex Morrison, during a Peacekeeping Seminar in 1993:

“Canada invented peacekeeping as it is now practiced [1993]. Canadians have been members of every UN peacekeeping mission as well as of many non-UN operations. No other country has that record. More Canadians than citizens of any other country have worn the Blue Helmet and the Blue Beret in the interests of international peace, security and stability.”<sup>26</sup>

Canada's policy statements continue to support participation in UN operations. The most recent Foreign Policy statement from the Department of Foreign Affairs and International Trade (DFAIT) was updated in 1996 and had this to say about the UN:

“The UN continues to be the key vehicle for pursuing Canada's global security objectives. Canada can best move forward its global security priorities by working with other member states. The success of the UN is fundamental, therefore, to Canada's future security. ... Our military personnel will continue, within our means, to be available at international headquarters and in the field to support and direct multinational peace operations.”<sup>27</sup>

The 1994 Defence White paper reiterated the commitment to peacekeeping, but noted that, in view of our limited resources, we may not participate in every operation:

“Within the limits of our resources, we will strive to respond expeditiously to UN requests for expertise, individual personnel, and entire field units. ... Canada must remain

prepared to contribute forces to a wide range of UN and other multilateral operations. ... Canada cannot, and need not, participate in every multilateral operation. Our resources are finite”<sup>28</sup>

The White paper also stipulates the criteria for involvement in peacekeeping operations that should be met before participation in peacekeeping or emerging humanitarian tragedies.

These key items are similar to those proposed earlier by former External Affairs Minister Mitchell Sharp and are enumerated as follows:

- There must be a clear and enforceable mandate
- There must be an identifiable and commonly accepted reporting authority
- The national composition of the force must be appropriate to the mission, and there must be an effective process of consultation among mission partners.
- In missions that involve both military and civilian resources, there must be a recognized focus of authority, a clear division of responsibilities, and agreed operating procedures.
- With the exception of enforcement actions and operations to defend NATO member states, in missions that involve Canadian personnel, Canada’s participation shall be accepted by all parties to the conflict.

Operationally, the following criteria must be met before committing forces:

- The size, training and equipment of the force must be appropriate to the purpose at hand, and remain so over the life of the mission.
- There must be a concept of operations, an effective command and control structure and clear rules of engagement.

Lastly, the 1999 Defence Planning Guidance (DPG) instructs the Environmental Chiefs of Staff (ECS) to maintain the capability to operate as part of a multi-national coalition UN force under Chapter 6 of the Charter. Under Chapter 7 of the Charter, the ECS are to maintain the



capability to operate as part of a multi-national coalition UN force in mid-level joint and combined operations against modern enemy forces anywhere in the world.<sup>29</sup>

It is clear, then that the commander of military forces at the strategic level can expect to be committed by the government to peacekeeping operations as part of Canada's commitments to promote collective security through multilateral efforts. It is equally clear from the preceding sections that the commander will be held accountable for his preparations for peacekeeping missions and examination of the mandate under which the forces will be committed. As was outline above, the peacekeeping operations have become much more complex in the 1990's. While Canada will participate as a minor coalition member in a UN-sponsored mission, advising the government on the military implications of these missions will require a close examination of all contingencies. The recently proposed peace observer mission in Kosovo, and possible military extraction of Canadians in case of escalation of hostilities is an example of where it is very difficult to foresee all possibilities. Political pressures to deploy with insufficient support or number of forces will always be present, and the inherent risk of such operations must be properly communicated to the political level. The aborted mission to Zaire, where Canadian troops were committed to Central Africa by the Prime Minister for humanitarian aid to refugees may well be an example of where this advice was either insufficient or not listened to.

Aside from the strategic level, it is equally important that the operational commander be cognizant of the risks involved in getting forces ready to deploy. The next two sections examine the preparation and possible pitfalls in preparing for such missions.

### **Peacekeeping Operation Preparation**

The 1994 White Paper recognizes the complexity of preparing for peacekeeping operations. The traditional peacekeeping role of sending troops to maintain a negotiated peace

settlement between consenting parties has given way to much more complex and dangerous mandates. The emergence of peace enforcement operations involving threat or the use of force requires that much more preparation be done. As a result of the experience of the Somalia study, the following lessons were learned concerning peace and ‘armed humanitarianism’:<sup>30</sup>

- Peace operations are demanding, with much more subtle and complex objectives and a high degree of military-civil cooperation.
- To engage and conduct peace enforcement operations, legitimacy is a necessary condition especially in view of the presence of the media and high public expectation
- Selection and training of personnel for peace operations must be regarded as of high importance.
- Peace operations involve unique cultural, structural and operational requirements
- Appropriate ROE is vital as a means of ensuring forces are governed by national policy and are complying with international and domestic law.

Failure to recognize the unique requirements for more complex peace operations, in particular with regard to the need for disciplined forces, was identified as a principle reason for the failure in Somalia. The conclusion of the Somalia Inquiry was as follows:

“ The fact is, at the time of the Somalia mission, discipline was simply taken for granted. It seems to have naturally been assumed that trained soldiers in a professional military would naturally be well-disciplined. The matter was tracked and reported on indifferently and inconsistently, with no central co-ordination or sharp focus at the highest levels. Above all, discipline was the subject of inadequate attention, supervision, guidance, enforcement or remedy by the senior levels in the chain of command; it was, shockingly, simply ignored or downplayed. In facing the future, the first requirement is to take steps to recognize the importance of discipline and the role it must play as a matter of fundamental policy”<sup>31</sup>

Almost all of the recommendations of the Somalia inquiry regarding discipline were accepted and are now in the process of being implemented. It is interesting to note that the

breakdown in discipline by the now-disbanded Canadian Airborne Regiment bore striking similarities to the incidents in the Royal Canadian Navy investigated by Rear-Admiral Mainguy in 1949. In both cases, minor discipline problems were overlooked and not passed up the chain of command. The principal recommendation of the Mainguy Report<sup>32</sup>, that of strengthening the divisional system, is similar to the Somalia recommendation that officers and NCO's must monitor discipline closely.

The specific performance objectives with regard to preparation for peace operations is set out in *NDHQ Instruction 5/96*, entitled "Training Requirements for Peace Operations". This document recognizes that prior to Somalia, the forces did little mission-specific training prior to UN deployments. Emphasis on conventional readiness and multi-purpose forces meant that there was no formal doctrine on peacekeeping. As reported by Major Shelly, there have been substantial changes to the training program:

"Now, requirements for mission training have been specified to include such areas as UN policy, rules of engagement, the geo-political situation and cross-cultural awareness. For a formed unit, pre-deployment training should last twelve weeks, and be designed to develop individual skills and unit cohesion. Individual topics such as mine awareness, convoy escort and first aid are also covered, as well as any other skill particular to the mission. The last four weeks of the training should be designed to acclimatize deployees and validate the training already given. ... The effect ... will be to support the soldier and the commander more strongly in their execution of peacekeeping duties. Enhanced screening should remove the few individuals who may not be capable of functioning well in the peacekeeping environment"<sup>33</sup>

This change in training procedure now aligns the training program with the legal Requirements contained in the Additional Protocol I (AP1) to the Geneva Conventions of 1949.

<sup>34</sup>Article 43 to AP1 requires that armed forces be "subject to an internal disciplinary system which, *inter alia*, shall enforce compliance with the rules of international law applicable in armed conflict". As well, the commander is also required to ensure that his troops are well versed in the knowledge of the Geneva protocol. Article 83 requires that the operational commander

“disseminate the Conventions and this protocol as widely as possible”, and “include the study thereof in their programmes of military instruction”. Lastly, Article 87 enforces upon commanders the responsibility to prevent, and if necessary, to suppress and to report breaches of the Geneva Convention and Protocols. All of these require that the operational commander must enforce a high standard of discipline on his troops.

The high standard to which is expected of the operational commander in conducting his forces in peacekeeping operations is best summed up in the current Land Forces Strategic Guidance:

“Despite financial constraints, the Canadian Government will continue to commit soldiers to overseas operations. Peace support missions are viewed by Canadian governments as foreign policy initiatives that have a high domestic appeal and provide international recognition. These operations will be conducted in an environment that will include the expectation by the Canadian people and their elected representatives that the Army displays the highest moral values and restraint, follows strict rules of engagement and minimizes civilian casualties and damage to infrastructure. At the same time, casualties to Canadian service personnel will be considered intolerable and Canadian operations will be subject to intense media scrutiny”<sup>35</sup>

This statement, if taken at face value, would seem to impose an almost impossible standard upon the strategic and operational commander that would have to be met prior to agreeing to deploy troops to peacekeeping missions. In particular, the requirement to meet complex mission mandates in dangerous environments, while at the same time guaranteeing zero possibilities of casualties does not seem possible. At some point, the commander at each level will have to do a risk assessment and advise his political or military superior of possible consequences of proceeding. If he fails to do so, then he will have assumed the risk himself and be held accountable for the consequences. In such an environment as outlined by the above strategic guidance, it is imperative that the strategic and operational commanders be aware of the potential pitfalls that may be encountered so that these may be properly incorporated into the risk

assessment. The following section outlines a few of the potential problem areas that will likely be encountered

### **Peacekeeping Pitfalls**

The previous section outlined what should, in ideal circumstances, be the commander's responsibility for preparing for peace support operations. In the circumstances outlined in the previous section, the commander would be simply responsible for ensuring all the prescribed preparations were done and that the tasks delegated to his subordinates were accomplished to his satisfaction. In the ideal world, there would always be sufficient training, preparation, and commitment of resources as well as political will to accomplish the mission. However, in the complexity of the peacekeeping operations of today, the commander needs to be aware of potential pitfalls that may cause his mission to stumble and result in his being held accountable. In these instances, he must be aware of what is developing and be prepared to advise against commitment of forces or continuance in the field.

As was seen in the previous section, the commander is responsible for ensuring that his forces respond in a disciplined, effective manner to whatever situations arise. At the same time, Canadian troops are increasingly being placed in situations where ethical decision-making is very difficult. As Major Shelley of the Royal Military College comments:

“In peacekeeping scenarios, soldiers predisposed by training to vigorous action may be frustrated by unclear or inappropriate mandates, inadequate or restrictive rules of engagement, and an unresponsive or cumbersome UN decision making process. Soldiers may be faced with making decisions in a climate very different from the combat environment for which they will be prepared. Inevitably, many of these decisions will have a significant moral dimension to them, dealing as they must with life, death, and the welfare of many persons: soldiers, refugees, prisoners, and civilian members of Non-Government Organizations.”<sup>36</sup>

The pressure that may be faced by the soldier, as he is placed in an increasingly horrific or violent situation may result in a temptation to act to resolve the situation that may be later viewed as inappropriate. As noted in the Land Forces Strategic Guidance, “post Cold war peace support operations have been characterized by radical shifts in intensity, with periods of tranquility and minor levels of violence escalating to high levels of aggression and lethality, often with little warning.<sup>37</sup> The only solution, in view of the strategic guidance to be aware of intense media scrutiny and avoid casualties, is to be fully aware of what is or may happen in the field and ensure that these risks are properly communicated up the chain of command. The commander, in discussions with his subordinates, needs to be aware of the warning signs that might be present in his forces. In such situations, soldiers often experience “The UN Soldier’s Stress Syndrome”, which as been seen to result from the following factors:

- Conflicts between aggressive impulses and an inability to express them;
- Im

“The CF will not commit to deployment of forces that are insufficient or inadequate to carry out the proposed [peace support] mission. Proper estimates are always completed before forces are committed and personnel ceilings are imposed”<sup>39</sup>

Nevertheless, as noted in the previous section, fiscal realities and personnel constraints may well impose limitations to planning and a temptation to under-estimate the true cost and requirement so as to be able to participate in the operation. Peacekeeping operations are indeed a strain on the Department’s resources. As noted by Sharon Hobson, reporter for Jane’s Defence Weekly:

“Canada’s Department of National Defence has spent more than C\$832 million on peacekeeping missions in the last 5 years [1991-1996]. ... DND pays for peacekeeping missions out of its annual budget; there is rarely any extra funding allocated by Parliament. ... Because of peacekeeping commitments, the army has encountered a collective training crisis...”<sup>40</sup>

Similar comments were made in a Jane’s Defence Weekly article in 1997 regarding the proposed mission to Zaire:

“When Canadian Prime Minister Jean Chretien offered to provide the commander and 1500 personnel for the humanitarian relief mission to Zaire, he continued a Canadian tradition ... However, regional crises have proliferated since the end of the Cold War, creating more demand for peacekeeping forces. Canadian resources were stretched fully in 1993 with 4,800 personnel involved in 15 missions. ...”<sup>41</sup>

At the same time as the number of peacekeeping missions are increasing, Eric Margolis of the Pearson peacekeeping Centre has noted the size of combat troops have been decreasing, even as Canada seeks to take a leading role in Foreign Policy by pressing its international crusade against land mines:

“Combat troops in Canada’s armed forces have shrunken to under 15,000: smaller than New York City’s Transit police. This pathetic figure is unworthy of Paraguay, never mind a leading industrial power and a founding member of the North Atlantic Treaty Organization.”<sup>42</sup>

The Conference of Defence Associations (CDA) has also noted in August 1998 that there appears to be serious fiscal and capability constraints facing the Department today, that may severely limit the ability to participate in operations:

“Today, large parts of the Canadian Armed Forces are in distress and disarray. Some parts are even in crisis. ... Since 1993, the DND budget has been reduced sharply by 28% against original projections, while the demands of defence policy and high-technology have increased sharply ... The result is a limitation of their [the CF’s ] ability to undertake more than the lowest level of missions stated in the 1994 White Paper. Worse, it puts the troops in unnecessary life-threatening danger.”<sup>43</sup>

Such a viewpoint by the CDA may be overly pessimistic, since the Chief of the Defence Staff (CDS) has assured Parliament, in his first annual report, that the Canadian Forces taken the measures necessary to ensure the continued capability to field multipurpose, combat-capable forces. Nevertheless, the CDS admits that the Canadian Forces are in a period of structural transition and that vigilance is necessary to ensure operational readiness. While the number of peacekeeping missions has declined since 1997, there is no doubt that resource constraints will play a large part in the strategic level consideration of the mandate given by the politicians.

Similarly, the operational level commander is responsible, through the operational planning process, to produce a recommendation to the strategic level for a proper force that is appropriate, well balanced and durable before deployment. He must resist all pressures to understate the requirement in order to meet political considerations and have the courage to recommend against committing troops if equipment, personnel or resources are not adequate.

Lastly, at a strategic level the Department (both the CDS and the Deputy Minister) must work intimately with Foreign Affairs and International Trade to ensure that the missions undertaken by the Armed Forces in peace support operations are both legal and appropriate. While such criteria are beyond the mandate of the Department, they nevertheless affect the ability to carry out a clear military mission with defined tasks. As stated in the Response to the



Somalia Inquiry, the Minister rejected the recommendation that the Government of Canada issue new guidelines and compulsory criteria for decisions about whether to participate in peace support operations. Instead, the Minister responded that the Government “will continue to use judgement when reviewing peace support operations, using existing guidelines...”<sup>44</sup>. Given that these are the same guidelines and judgement that committed Canada to the Zairean Crisis and failed to provide troops to the Rwandan crisis, the ability by all levels to give clear and unabashed military advice to the Government is especially critical.

### **When No is not an Option**

Despite the best efforts of the strategic or operational level commander, it may be that the advice given at the strategic or operational level is either ignored or overridden. It may be truly said, that contrary to the title of this paper, saying “No” is not really an option. At best, the military commander may say “Not Yet”, or “Not advisable”.

It is fully understood that the armed forces are accountable in a democracy to the government and therefore the strategic level commander must, at the end of the day, obey his political masters. Equally, the operational level commander must accept that his strategic level commander has the right to send him in harm’s way and that unlimited liability is a condition of service. However, it is arguable that in some cases the moral and ethical considerations surrounding the commitment of forces is so blatantly wrong that the only justifiable action is to resign from the Forces. The circumstance when resignation is the best course is always difficult to define, and usually there are few guidelines to follow. In response to this dilemma, Micheal Mahoney in an unpublished paper for the U.S. Air Force Academy offers the following criteria to assist in knowing when the military commander ought to draw the line:<sup>45</sup>

- When your personal integrity is at stake, i.e., when you are asked personally or ordered to falsify, misrepresent or perform morally objectionable actions. Such a case may occur when the operational commander is asked to hide evidence that his unit is not operationally ready, or not be permitted to voice objections to the next level of command. Equally, at the strategic level, if the politicians misrepresent the risk or intent of a military operation to the Canadian people for purely political gain, resignation may be the only course open to protest the action.
- When the actions of your superior seriously compromises or undermines good order and discipline in the command, organization or service. For example, such a consideration might occur at the operational level if the commander felt that changes to the military justice system had emasculated it to such an extent that he could no longer guarantee disciplined forces.
- When the actions of a superior compromises or undermines the welfare of a nation. Normally, this circumstance would occur at the strategic level where it may be felt that resource cuts have let the gap between commitment and capability grow too large so as to become insoluble.

James Toner, a professor of military ethics at the U.S. War College, has noted<sup>46</sup> that resignation is an option that should be either rarely threatened or employed unless the circumstances strongly warrant it. His contention is that the idea of resignation is often so casually discussed at times that it runs the danger of being trivialized. Nevertheless, he admits that there are times when the military commander of integrity simply cannot stand for the decision. In such circumstances, he says, resignation is ethically required.

## **Conclusion**

This paper has presented the case that in the post-Somalia world that we are now facing, the commander of Canadian military forces at the strategic and operational level must be particularly aware of the legal requirements and limitations of recommending deployment of forces to peace support operations. Considerations such as the Rule of Law, the Law of Armed Conflict as well as the state of discipline of his forces must be taken into account as part of the estimate process. The rationale that the commander was unaware of what his subordinates were doing will not be accepted as an excuse under any circumstances. In short, the commander will be held accountable for both his actions as well as his subordinates in all operations. In these circumstances, the commander at all levels, up to and including the strategic level, must resist the pressure to say “yes” to deployments prematurely. It has been argued in this paper that in the face of resource limitations and increased public accountability that a proper risk assessment has been done and communicated up the chain of command, including the political level. It is hoped that the Somalia experience has brought about changes that will ensure that the Canadian forces are never again sent on missions either ill-equipped or under-trained because the military commander did not advise against improper action.

## End Notes

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- <sup>1</sup> Department of National Defence, “*A Commitment to Change, Report on the Recommendations of the Somalia Commission of Inquiry*”, Executive Summary, (Ottawa: DND Canada, October 1997). p ES-3
- <sup>2</sup> *Ibid*, p ES -1.
- <sup>3</sup> *Ibid*. p ES-47
- <sup>4</sup> *Ibid*. p ES-15
- <sup>5</sup> Department of National Defence, “*Authority, Responsibility and Accountability*”, Report to the Prime Minister, (Ottawa: DND Canada, March 1997)
- <sup>6</sup> Department of National Defence, “*A Commitment to Change, Report on the Recommendations of the Somalia Commission of Inquiry*”, Volume 2, (Ottawa: DND Canada, October 1997) p 380.
- <sup>7</sup> Department of National Defence , B-GG-005-004/AF-004 *CF Force Employment Manual*, (Ottawa: DND Canada, 1998) Article 103 Para 1
- <sup>8</sup> Department of National Defence, “*A Commitment to Change...*”, Volume 2, p 381.
- <sup>9</sup> Department of National Defence, B-GG-005-004/AF-004 *CF Force Employment ...*, Article 103 Para 2
- <sup>10</sup> Department of National Defence, *National Defence Act*, Article 83, [<http://canada.justice.gc.ca/FTP/EN/Laws/Chap/N/N-5.txt>]
- <sup>11</sup> See, for example, a full discussion of this issue in “Superior Orders and Command Responsibility”, L.C. Green, *The Canadian Yearbook of International Law*, 1989, pp 167-202
- <sup>12</sup> Department of National Defence, QR&O Volume 1, Article 19.015
- <sup>13</sup> Department of National Defence, B-GG-005-004/AF-000 *Canadian Forces Operations* (Ottawa: DND Canada, 1997) Article 103 Para 3
- <sup>14</sup> Department of National Defence, “*A Commitment to Change...*”, Executive Summary, pp ES-19,20
- <sup>15</sup> Major William H. Parks, “Command Responsibility for War Crimes”, *Military Law Review*, Vol 105 (1985) p 90
- <sup>16</sup> Lieutenant-Commander Weston D. Burnett, “Command Responsibility and a Case Study of the Criminal Responsibility of Israeli Military Commanders for the Pogrom at Shatila and Sabra”, *Military Law Review*, Vol 107, (1987) pp 71-198
- <sup>17</sup> DND, “*A Commitment to Change ...*”, Executive Summary, p ES-15
- <sup>18</sup> Canada, *Canadian Charter of Rights and Freedoms*, Preamble
- <sup>19</sup> William J. Yost and Thomas St. Denis, ed., *Peacemaking: Canada’s Role* (Ottawa: Tyrell Press Limited, 1991) pp 1-2.
- <sup>20</sup> Office of Public Information, *Charter of the United Nations and Statute of the International Court of Justice*, (New York: United Nations 1980) p 1.
- <sup>21</sup> Yoram Dinstein, *War, Aggression and Self-Defence* (London: Cambridge University Press, 1994) p 124.

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<sup>22</sup> Dinstein, p 130.

<sup>23</sup> Charter, p 23

<sup>24</sup> Professor Carl G. Jacobson, “*Reflections on Peacemaking as Real-politik, Conflict Resolution and Oxymoron: Uncertain Lessons*”, [[http://www.sfu.ca/~dann/nn4-4\\_8a.html](http://www.sfu.ca/~dann/nn4-4_8a.html)], Fall 1997

<sup>25</sup> In fact, peacekeeping was practiced by the UN many years before 1956, but the use of lightly armed troops to assist in the resolution was suggested by Lester Pearson

<sup>26</sup> Alex Morrison, ed, *The Changing Face of Peacekeeping*, (Toronto: CISS, 1993), p 6.

<sup>27</sup> Department of Foreign Affairs and International Trade, “*The Protection of our Security within a Stable Global Framework*”, [[http://www.dfait-maeci.gc.ca/english/foreign\\_p/cnd-world/chap4.html](http://www.dfait-maeci.gc.ca/english/foreign_p/cnd-world/chap4.html)], December 1996

<sup>28</sup> Department of National Defence, “*1994 Defence White paper on Defence*”, [<http://www.dnd.ca/eng/min/reports/94wpaper/index.html>], September 1994

<sup>29</sup> Department of National Defence, “*Defence planning Guidance 1999*”, [<http://www.dnd.ca/vcds/dgsp/dpg99/index.html>], June 1998

<sup>30</sup> Berel Rodal, “*The Somalia Experience in Strategic Perspective*”, [[http://www.sfu.ca/~dann/nn4-3\\_10.html](http://www.sfu.ca/~dann/nn4-3_10.html)], July 1997

<sup>31</sup> DND, “*A Commitment to Change ...*”, Executive Summary, p ES-22

<sup>32</sup> Department of National Defence, “*Report in certain incidents which occurred on board HMCS Athabaskan, Crescent and Magnificent*”, Rear-Admiral E.R. Mainguy, R.C.N., (Ottawa: DND Canada, October 1949)

<sup>33</sup> Major C.R. Shelly, “*Ethical Decision Making and Responsibility in Peacekeeping Operations*”, YCISS Occasional Paper Numj10.02 0 0 10.02 46403 86056 354.36003 Tmper48(, ork )Tj-0.0025 Tc -0.0023 Tw 10.02 0 0 10.02 215099079

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<sup>44</sup>Canada, "A Commitment to Change ...", CIOR 24.1, p58

<sup>45</sup> Micheal A. Mahoney, *Where Obedience and Loyalty End*, Washington D.C., CFC Library 174.9355 M25  
September 1987

<sup>46</sup> James Toner, *True Faith and Allegiance: The Burden of Military Ethics*, (Kentucky: University Press of  
Kentucky, 1995) p 113

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## ANNOTATED LIST OF WORKS CONSULTED

Bercuson, D. Significant Incident, Toronto: McClelland and Stewart, 1996

This book by David Bercuson profiles the history of the Airborne Regiment and the causes that lead to the beating death of Shidane Arone in Somalia. His conclusion is that the root causes of this incident were the chronic underfunding of the army by successive governments as well as a failure of proper role models by senior leadership.

Burnett, W.D., “Command Responsibility and a Case Study of the Criminal Responsibility of the Israeli Military Commanders for the pogrom at Shatila and Sabra” Military law Review, (Volume 107, 1985) : 71-189 An excellent overview of command responsibility as the responsibility of military commanders for war crimes committed by subordinates or persons under their control. The paper develops the history and doctrine of command responsibility in the first half, and then examines in detail what occurred at Shatila and Sabra as well as who could be held responsible.

Canada, Department of National Defence, Report on the Recommendations of the Somalia Commission of Inquiry, Ottawa: PWGSC, 1997 This government publication addresses each of the recommendations of the Somalia Inquiry and provides a response as to whether the recommendation was accepted and a proposed date for implementation. Of the Commission’s 160 recommendations, 132 were accepted in whole or in part. The main set of recommendations not accepted by the government dealt with the establishment of an Inspector General to oversee the Department.

Canada, Department of National Defence, Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia, Ottawa: PWGSC, 1997 The entire report of

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the Somalia Commission consists of an Executive Summary and 5 volumes of conclusions and recommendations reached by the Inquiry. The Executive Summary provides an overview of all the conclusions reached, as well as areas of investigation that could not be pursued owing to the early termination of the inquiry.

Canada, Department of National Defence, Authority, Responsibility and Accountability, Ottawa:

DND 1997 The intent of this document is to provide guidance on the roles and areas of responsibilities for the military and civilian chain of command within the Department of Defence. The role of the Deputy Minister and the CDS, as well as the senior staff are documented so that lines of accountability to the Minister and the Cabinet are clarified.

Canada, Department of National Defence, 1994 White Paper, Ottawa: PWGSC, 1994 The 1994

White Paper is still considered the foundation of Defence policy and was drafted by the Department after extensive consultation by the government as to what kind of forces Canada should have. The main premise of this document is that Canada should retain modern, multi-purpose forces with the capability to fight “alongside the best, against the best” (i.e., remain fully combat capable, not simply a constabulary force)

Canada, Department of National Defence, Defence Planning Guidance (DPG) 1999, Ottawa:

DND, 1999 Each year the Department drafts guidance for the heads of the various Capability Components (Maritime, Land, Air, DCDS, VCDS, etc.) that outlines the Departmental priorities and assists each area to draft the business plan for each component. This document also provides information as to what performance is expected and how this is to be measured.

Canada, Department of National Defence, B-GG-005-004/AF-000, Canadian Forces Operations,

Ottawa: DND Canada, 1997-05-15 This publication is the keystone manual within the CF



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doctrine publication system and provides definitions and overall concepts for CF operations. This publication comprises a framework for a hierarchy of subordinate publications that provide amplifying guidance, principles and procedures for each of the various components.

Canada, Department of National Defence, The Land Force Strategic Guidance and Direction, Ottawa: DND Canada, 1998 This document provides the evolving overarching concepts for the Army at the strategic and operational/tactical levels. It provides the strategic overview and then presents where the Army will be focussing in the next five to ten years.

Canada, Department of Justice, National Defence Act, Ottawa: PWGSC, Consolidated Statutes the national Defence Act gives the legal framework for the existence of the Canadian Armed Forces and comprises Chapter N-5 of the collection of Consolidated Statutes of Canada

Canada, Department of National Defence, CF Force Employment Manual, Ottawa: DND, 1997 The aim of this Canadian Forces manual is to provide guidance for the planning, conduct and review of CF operations at the strategic and operational-levels. As such it is intended to amplify the planning process outline in Chapter 4 of B-GG-005-004/AF-000, Canadian Forces Operations

Canada, Department of National Defence, Queen's Regulations and Orders, Volume 1, Ottawa: DND Canada This set of Regulations and Orders is issued in a four volume set (Administration, Discipline, Financial and Appendices). They provide the general framework and definitions under which the Canadian Forces operate by authority of the

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National Defence Act. These general articles are then amplified and explained by the Canadian Forces Auxiliary Orders (CFAO's) for particular applications.

Canada, Canadian Charter of Rights and Freedoms, Ottawa: PWGSC 1992 A must-read for all Canadians, which gives the fundamental rights and freedoms which exist in this country.

Conference of Defence Associations, Canadian Defence at the Crossroads, Presentation to the House of Commons Standing Committee on Finance (August, 1998) An insightful presentation by the CDA, which is mandated to provide advice to government on matters of Canadian Defence. The essence of the presentation was to show that the forces are seriously under-funded and need an injection of \$500 million immediately and a baseline funding level of 10.5 billion by FY 04/05.

Dinstein, Y. War, Aggression and Self-Defence, Cambridge: Grotius Publications Limited, 1993 This book provides an excellent overview of the Law of Armed Conflict, and includes coverage of the legalities of UN resolutions for involvement in intra-state conflicts.

Freidland, M. Controlling Misconduct in the Military, Ottawa: PWGSC, 1997 In this study prepared for the Somalia Commission, Professor Friedland outlines the measures available to control discipline within the military and recommends areas for further investigation that may have contributed to discipline problems.

Green, L.C. The Contemporary law of Armed Conflict, New York: St Martins Press, 1993 Professor Green covers the history of armed conflict from the age of chivalry to present day conflicts, and illustrates the Law of Armed Conflict with many case studies.

Green, L.C., Essays on the modern Law of War, New York: Transnational publishers, 1985 This book is a collection of essays on various aspect of the Law of Armed Conflict, including such topics as the medical profession and the role of legal advisors. One notable aspect of

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this book is the inclusion of illustrations from Canadian law and Canada's role in the development of the Law of Armed Conflict..

Green, L.C. "Superior Orders and Command Responsibility", The Canadian Yearbook of International Law, (1989) : 167-202 From the Canadian perspective, this article examines command responsibility both from the perspective of a superior who gives the order as well as the subordinate who is required to obey that order.

Hobson, S. "Canada's Peacekeeping Expenses rise to \$611 Million", Jane's Defence Weekly, (May 15, 1996) Sharon Hobson provides details from the Auditor's General report for 1996, which reveals that DND's incremental costs for peacekeeping are taking a substantial bite out of the Departments budget.

Hobson, S. "Zairean Crisis a Hard Lesson for Canada", Jane's Defence Weekly, (Jan 8, 1997) This article outlines why Canada keeps on volunteering for peacekeeping missions, and how the Zairean Crisis may cause Canada to reconsider that position.

International Committee of the Red Cross, A-JS-007-008/JD-002 Protocols Additional to the Geneva Convention of 12 August 1949 This book contains the additional protocols I to the Geneva Convention adopted on June 10, 1977 that extends protection of non-combatants to intra-state conflicts.

Jacobson, C.G., "Reflections on Peacemaking as real-politik, conflict resolution, and oxymoron: uncertain lessons". National Network News, Volume 4, No 4. (Fall 1997) An abridged version of the presentation given by Professor Jacobsen to the Pugwash International Conference in Norway, the paper presents a somewhat cynical view of the accomplishments of peacemaking. He suggests we are quite selective in our intervention, choosing to send troops only when it serves Western interests to do so.

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Mahoney, M.A., Where Obedience and Loyalty End, Unpublished manuscript, September 1987.

This short article, found in the IRC database, gives a well thought out basis for determining the limits to obedience and loyalty when these are in conflict with moral principles.

Mainguy, E.R., Audette L.C. and Brockington, L.W., Report on Certain “Incidents” which Occurred on Board H.M.C.S. Athabaskan, Crecent and Magnificent, Ottawa: DND Canada 1949. A report commissioned by the Naval Service to investigate discipline problems on three ships in 1949, the report is often cited as the foundational document for the overhaul of divisional system in the Navy. (Often referred to as the Mainguy Report)

Margolis, E. “Hot Air is Cheap”, Peacekeeping and International Relations, (Jan/Feb 1998) Volume 27, Issue 1, 1-2 A highly critical view of Canada’s crusade against mines, from the point of view that if Canada was really serious about this effort, it would put its money where its mouth is.

Morrison, Alex, ed. The Changing Face of Peacekeeping Toronto: Canadian Printco Ltd., 1993 This book contains the presentations made by various speakers to “Peacekeeping 93: An Exhibition and Seminar”. Speakers included notables such as General (ret’d) Lewis Mackenzie, Peter Haydon and Alex Morrison. The focus of the seminar was on the changing nature of peace support operations, and how this should affect the way the operation is conducted and supported.

Office of Public Information, Charter of the United Nations and the Statute of the International Court of Justice, New York: United Nations, 1980. The collection of a statute that give the abiding principles for the United Nations, and provides the principles whereby the

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UN can intervene in the interests of collective peace and security. The most relevant Chapters of the Charter are 6 and 7, which give the authority for the Security Council to intervene to solve disputes between states.

Parks, W. H. "Command Responsibility for War Crimes", Military Law Review, (Volume 62, 1963) 1-104 The author gives both a historical and comparative view of various war trials, principally from World War II onwards. The intent of the author is to determine the standard of conduct required by a military commander in combat with regard to prevention, reporting, investigation and prosecution of war crimes.

Rodal, B., "The Somalia Experience in Strategic Perspective", National News Network, Volume 4, Number 3 (July 1997) An excellent overview of how the nature of peacekeeping is changing, and what lessons can be learned from the Somalia affair as to how to better prepare for the second generation of peacekeeping.

Shelly, C.R., "Ethical Decision Making and Responsibility in Peacekeeping Operations", YCISS Occasional paper no. 48 (July 1997) Major Shelly is a CF officer with peacekeeping experience, and therefore speaks with some authority on the psychological aspects of combat operations. In this paper, he examines the causes of stress due to ethical conflicts, and how we can better prepare the soldier for this kind of conflict.

Toner, J.H., True Faith and Allegiance: The Burden of Military Ethics, Kentucky: University Press Kentucky, 1995 A excellent reference on the moral and ethical issues facing the military member in contemporary society. Although this book is written from an American perspective, the comments are very relevant to the Canadian situation.

Wesley, M. The Causes of Failure of UN Missions to Civil Wars, New York: St. Martin's Press, 1997 Micheal Wesley chronicles the current weakness within the UN to deal with

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internal conflicts that result from a crumbling of authority structure within the state. He illustrates this point with examples from Somalia, Cambodia, Mozambique and Bosnia.

Yost, W.J. and St. Denis, T. Peacemaking: Canada's Role, Ottawa: CDA Institute, 1991 This book is the record of presentations made the annual meeting of the Conference of Defence Associations, in January 1991. It is notable from the perspective that this conference took place during the Gulf War and attempts to define Canada's place in the changing nature of peacekeeping of the 1990's.