

# Medals and the conflict

Kiwis receiving military honours for their actions in Afghanistan leads to questions about the conflicts there, writes KENNEDY GRAHAM.

**T**he bravery of Corporal Bill Apiata of the New Zealand Special Air Service warrants the Victoria Cross he has received and makes New Zealanders proud.

Apiata may stand tall, alongside Upham and Checkers, Hillary and Blake. He continues the long line of formidable Maori warriors. We are all a little taller because of his efforts.

Would that the goals for which he risked his life were as simple and clear as the courage Apiata displayed. For today's world is more complex and problematic than when Kiwi soldiers last received the nation's highest military medal.

In the 1930s, inter-state aggression was clearly recognisable, with the Panzers crossing into Sudetenland and countries colliding like billiard balls. But in a world where planes collide with tall buildings and countries cross into each other's internal affairs, our leaders proceed in a thicket of competing political, legal and moral considerations in their foreign policy making.

It does not detract from Apiata's heroism to recognise that our involvement in Afghanistan is not the product of an untrammelled political certitude.

The citation speaks of "20 enemy fighters" without identifying who the "enemy" was. Use of the word is unfortunate in an age when warfare is illegal and the United Nations Charter countenances only legitimate self-defence or authorised Security Council military action.

Defence Minister Phil Goff explains that New Zealand deployed against the Taliban and al-Qaeda in 2001 under a UN mandate. True as it goes. But there are three operations

under way in Afghanistan.

Operation Enduring Freedom (OEF) is the counter-terrorism mission set up in September 2001. The International Security Assistance Force, established in December 2001, aims to "stabilise and reconstruct" Afghanistan. The UN Assistance Mission in Afghanistan (Unama), starting in March 2002, is a UN civilian-political mission providing "strategic advice to the peace process", promoting human rights and managing relief efforts.

These three missions are distinct but the Security Council resolutions tend to conflate their purposes and mandates to the detriment of legal-political clarity. OEF was mandated by resolution 1368 which condemned the terrorist attacks of September 11, 2001, and noted the right of self-defence. The Taliban's prevarications prompted a "coalition of the willing" to overthrow it in short time.

In explaining its actions to the UN, the UK provided a memorandum documenting bin Laden's alleged complicity and the Taliban's patronage. Such evidence, they acknowledged, wouldn't stand scrutiny in a domestic court yet it was good enough, they suggested, for the international community. The US simply gave a brief statement announcing its actions.

Under the UN Charter, the right to continue military action in self-defence ends once the Security Council has taken measures to maintain peace. In December 2001, the Security Council transformed the US-led military coalition that was acting in "self-defence" into the International Security Assistance Force to maintain stability so that Unama could work. So far,



Conflict in Kabul: a United States soldier walks away from a suicide bomb blast. Photo: Reuters

so good. But the "self-defence" OEF continued, with bombers pounding the mountainous Afghan-Pakistan border and elite forces scouring the caves. OEF was thereafter ignored by the UN until October 2003 when the Security Council began to call for co-operation between it and the International Security Assistance Force.

In 2006, the Security Council welcomed the International Security Assistance Force's expansion in Afghanistan and its "closer operational synergy" with OEF. In March, it called upon the Afghan government, assisted by the International Security Assistance Force and the OEF coalition, to continue to address the security threat of al-Qaeda and Taliban.

Words matter. This seemingly rational and incremental development of multiple-force mandates masks various power struggles being waged. There is the territorial fight between a violent national insurgent group (Taliban) with establishment Afghan and international forces. There is the strategic struggle between the West and the global terrorist group (al-Qaeda). And there is the global power struggle over how, and the extent to which, one superpower governs the world through multilateral influence.

The problem that has arisen is a conflation of threat perception between US security concerns and Security Council judgments. We are in the midst of a "storm" whose long-term outcome is unforeseeable.

Contemporary strategic trends (US political assertiveness, military preponderance and security vulnerability) have been ignited by September 11. Opportunistic use of the self-empowering "war on terror" by other major nations (Russia, China, Pakistan) adds fuel.

In this maelstrom New Zealand strives to play a constructive and discernible role. Our Defence Force staff operate under the International Security Assistance Force as a Provincial Reconstruction Team in Bamyan Province, earning recognition for its quality work. But the assistance force is commanded by Nato, acting out-of-area, and OEF is commanded by the US with virtually no strategic direction from the UN. New Zealand's SAS effectively operates under US command.

Some question whether the ongoing OEF has a sound basis in international law. Does that matter? To paraphrase Norman Kirk, what is legally right will usually, in the long term, prove to be politically right.

Small nations such as New

Zealand should be careful to withstand the pull of the world's superpower into a vortex where international law cedes to national power and collective judgment to national policy. We must be wary when a disposition to dialogue, even with an "enemy", is superseded by a world view of good versus evil, of us versus them; and by a belligerent determination to plant the seeds of a culturally bound notion of freedom on terrain too dry for it to sprout.

If we are not, the terrorism of all kinds and from all sources, including the state, will conflagrate further, and the heroism of future Apiatas will be required, again and again. There must be another route to the global human village.

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