

PERSPECTIVES

**HOW DO WE KNOW WHEN WE ARE AT
WAR?**

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J U L Y 2 0 1 0

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How do we know when we are at war?

Peter Leahy

The only excuse, therefore, for going to war is that we may live in peace unharmed;¹

Cicero

General Rupert Smith in his book *The Utility of Force* makes the challenging proposition that “War no longer exists”.² Smith makes a neat but meaningless semantic point. War does exist. Worldwide many are harmed and long for peace. Australian soldiers are at war today. They are being shot at, they see the suffering and the destruction of war, and they carry their dead and wounded comrades from the field of battle.

The old indicators of war – declaration, mobilisation and large-scale conflict between states – are no longer a reliable guide to when we are at war. Instead there are new characteristics which, on their own, make the existence of war hard to identify: undeclared, come as you are, among the people, asymmetric, and against non-state actors. The defence and security implications of new threats such as transnational criminals, climate change, refugee flows, and food, water and energy shortages are yet to be fully understood. Can we be confident that they won’t lead to war or do not already reflect new types of war that are yet to be comprehended?

War has changed. Today it is no longer exclusively defined by state, territory, industrial might, military involvement or political will. The proponents of so-called ‘fourth generation’³ and ‘hybrid’⁴ warfare catalogue the changing nature of war. All speak of the diminishing power of standing armies and the advantages of asymmetry.

¹ Cicero, Marcus Tullius, *De officiis*, Book 1, xi. Translated by Walter Miller. Loeb edn. Cambridge, Harvard University Press, 1913.

² Smith, Rupert, *The utility of force*, London, Allen Lane, 2005, p 1.

³ Loss of state monopoly on warfare; the emergence of non-state opponents; the state is at a disadvantage; and growing conflict between cultures.

⁴ This involves multiple types of warfare being waged simultaneously by flexible and sophisticated adversaries.

This paper will look at how a nation in the 21st Century knows when it is at war, and how this knowledge can help that nation to:

- Respond properly and comprehensively
- Ensure that the right response options are available to meet new threats
- And consider the best balance of national response options which may involve the reallocation of existing defence, diplomatic and security resources and budgets.

I will examine the indicators old and new that tell us when a nation is at war. And I will consider how these might guide us towards deciding whether a war is worth waging and if so how to wage it effectively. This will lead to five recommendations for Australia.⁵

War today

In Australia today it is hard to comprehend that the nation is at war. Little has changed on Bondi Beach and in the homes of most Australians. There is little public debate or discourse about national objectives, strategy, the elements of power to be employed, end states and the potential duration of deployments. These issues only come to the fore when operational casualties are announced, and then but fleetingly.

Today Australian soldiers are deployed globally and face genuine threats. The wars may not be the same as those their fathers and grandfathers fought but they are real. There may be a concept of low-intensity war but there is no such thing as a low-intensity bullet. The nation honours those who have fallen on the field of battle and cares for those who are wounded and maimed. New names are added to the Hall of Remembrance at the Australian War Memorial. Trooper Mark Donaldson was recently awarded Australia's first Victoria Cross in 40 years. Around the country families live on edge as their loved ones serve the nation in Afghanistan, Iraq, Solomon Islands, East Timor and on United Nations deployments. Our political leaders tell us that the nation is in Afghanistan for the long haul.⁶

⁵ This perspective was developed from a paper presented, by the author, to the U.S. Army War College Annual Strategy Conference in April 2010. The Conference considered the problem of 'Defining War for the 21st Century'.

⁶ *Australia in Afghanistan for the long haul*, ABC News, 12 November 2009, retrieved April 2010 from <http://www.abc.net.au/news/stories/2009/11/12/2740395.htm>.

War is no longer interstate, large-scale and episodic. Instead it tends to be intrastate, smaller, persistent and pervasive. In 2009 there were 17 major armed conflicts active in 16 locations around the world. For the sixth year in a row, there were no major interstate conflicts.⁷ A far cry from the total war of the 20th Century, these conflicts are mostly over territory and resemble the little wars of the 18th and 19th. In such situations it is hard if not impossible to identify the enemy's centre of gravity or a conflict's meaningful 'culminating point', as military commanders have long been trained to do. It is also difficult for governments to build a narrative that engages the population and convinces them of the need for war and for its patient continuation, over an extended period of time.

The longer an ill-defined conflict lasts, the more likely that public support will decline, as has been the case with the Australian public and Afghanistan.⁸ Yet the places to which Australian Defence Force personnel are currently deployed have been conflict zones for many years. Most current ADF commitments overseas began many years ago: Afghanistan in 2001, Iraq in 2003, East Timor in 1999, Solomon Islands in 2003.

War and peace

Nations wage war to secure territory, maintain their way of life, resist aggression and show resolve to achieve a political outcome. When considering whether we are at war, we must also answer the inverse question: How do we know when we are at peace?

At peace we feel secure in our community. We are able to exercise our liberties and rights and achieve a sense of economic, social, religious and political well-being. As a society, we don't feel compelled to do anything that we fundamentally don't want to do. As Cicero said, we live in peace unharmed. Yet peace is elusive. Today in the world very few nations are truly at peace. Many people are beset by war, they suffer wrongs and their condition looks set to worsen.

⁷ Stockholm International Peace Research Yearbook, 2010, retrieved July 2010 from <http://www.sipri.org/yearbook/2010/02/02A>, Rwanda, Somalia, Sudan, Uganda, Colombia, Peru, USA (i.e. US involvements globally), Afghanistan, India, Myanmar, Pakistan, Philippines, Philippines (Mindanao), Sri Lanka, (since concluded) Iraq, Israel, Turkey.

⁸ The Lowy Institute Poll of 2010 shows an increasing number of Australians opposing the war in Afghanistan - 54% in 2010, up from 51% in 2009. There was also a slight drop in confidence that 'Australia has clear aims in Afghanistan', with 43% of Australians saying they were 'very confident' or 'confident' (down from 47% in 2009 and 50% in 2008). A majority (55%) said they were 'not confident' or 'not at all confident'.

The confusion of war

Yet there seems great confusion today about what war looks like, and this situation is made worse by the loose use of war terminology. Some conflicts are seen as wars of choice, others as wars of necessity. Many suggest that these days we are not engaged in 'real' wars. Yet often what starts out as something other than a war ends up looking a lot like one. Events can quickly change and escalate. Recall Operation Restore Hope, the humanitarian operation in Somalia from 1992 to 1994.⁹ This became a classic example of mission creep as UN diplomats sought a more active role for the military in nation building.

Apart from changes in the scale, nature and character of war the language of war is changing. Today military doctrine, political statements and public commentary about conflicts are replete with euphemisms and terms baffling to non-specialists: small wars, limited wars, military operations other than war, stabilisation operations, peacekeeping, peacemaking, peace enforcement, low intensity conflict, conflict management, nation building, human security, the responsibility to protect, humanitarian operations, information war and cyber war.

In September 2001 President Bush called the American reaction to 9/11 a war on terror. Australia has an 'economic security strategy'. America is engaged in a war on drugs.¹⁰ More recently the US national security community sought to drop the label 'war on terror' and replace it with terms like 'overseas contingency operation'.¹¹ On 24 March 2010 the US Treasury Secretary declared a 'just war' to reform the banking sector.¹² By misusing the rhetoric of war, politicians further confuse the issue of when we are at war.

The traditional indicators of war

How do we know when we are at war? Traditional indicators might give part of the answer, but they are no longer reliable on their own. In the Australian context, at least five are worth examining.

⁹ The United States Army in Somalia 1992 – 1994, Center for Military History, <http://www.history.army.mil/brochures/Somalia/Somalia.htm>.

¹⁰ *Washington Post*, May 14, 2009, White House Czar calls for end to 'War on Drugs', <http://online.wsj.com/article/SB124225891527617397.html>.

¹¹ As reported in the *Washington Post*, March 25 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/24/AR2009032402818.html>.

¹² Timothy F. Geithner, United States Treasury Secretary, 22 March 2010 retrieved April 2010 from <http://www.aei.org/docLib/Geithner%20Remarks%202003-22-10.pdf>.

Declaration of war: It used to be easy to know when a nation was at war. The most obvious way was that there was a declaration of war by a state. Those days are gone. Of course some states in the 20th Century were already rejecting the notion of gentlemanly declarations of war, as Germany and Japan showed in the Second World War. Insurgencies, coups, revolts and rebellions, the most frequent forms of conflict today, are not heralded by formal statements of intent. Terrorist plots by their very nature are secret, although al Qaeda has been known to precede them with general statements of hostility against the West.

Executive commitment: Today in Australia the most common way of resorting to war is through the exercise of 'Crown Prerogative'. The Prime Minister, with the support of the Cabinet, acts without a statute and makes proclamations of war and peace. Given the ambivalence and confusion often attending contemporary decisions to commit military force to overseas service, it is time to reconsider whether each House of the Parliament of Australia should authorise such service by resolution.

The Senate Foreign Affairs, Defence and Trade Legislation Committee recently considered this issue in its review of a Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2]. Although recommending that the bill not proceed, the committee did indicate that it was not in any way against the involvement of both Houses of Parliament in open and public debates on the deployment of Australian forces overseas.

The committee considered that the proposed legislation left too many critical questions unanswered.¹³ These related to matters such as the disclosure of classified material, the constraints that the bill may impose on defence activities, unclear, misunderstood or inappropriate definitions and the scope of the bill. An area of concern for the committee related to the time taken and inconvenience caused by recalling Parliament in order to ratify a decision to deploy force. In my view, this could be resolved by allowing a period of 60 days for the resolution to be approved by Parliament. A similar period is allowed for under the United States War Powers Act. As for the committee's other concerns, it is surely not beyond the wit of Parliament to resolve these matters to allow the Parliament and the public to be involved in such an essential area of national security.

¹³ The Senate Foreign Affairs, Defence and Trade Legislation Committee Amendment (Parliamentary Approval of Overseas Service) Bill 2008 Report, February 2010. Retrieved 14 July 2010, http://www.aph.gov.au/Senate/committee/fadt_ctte/dapaosb08/report/report.pdf.

The decision to send troops to war is important, but in this era of lengthy deployments it is just as important to review the decision to stay at war. After all, once made these Prime Ministerial decisions are seldom reviewed. This should be done on a regular basis, again by both Houses of Parliament.¹⁴ Consideration of troop deployments by the Parliament would ensure an open and transparent debate, with Government required to put forward and sustain a strong narrative and justification to fully engage the Parliament and the public.

United Nations Security Council resolution: Another way of knowing we are at war is because the United Nations has authorised action through a Security Council Resolution under either Chapter VI or Chapter VII of the United Nations Charter. In Australia's case this can then be used as justification for national involvement in a conflict, through the exercise of Crown Prerogative. Historical examples of UN authorisation of military action include the Korean War. Interestingly President Truman characterised that conflict as a 'police action'.¹⁵ More recent examples include the authority for the war against Iraq in 1991, resolutions against Somali pirates, the UN Mission in the Democratic Republic of the Congo (MONUC) and – although this interpretation is contested – the Second Gulf War in 2003.¹⁶

As a partner of the United States: A further way of knowing we are war and one that is particularly relevant to aligned small or middle powers like Australia is that the nation's major security partner is at war. While seldom stated publicly, a major element of many decisions to deploy Australian forces has been to work with the nation's security guarantor. The logic is that if the United States receives Australian support in its conflicts, it will be more inclined to support Australia in our times of defence and security need.

In these situations the United States sets the security agenda and Australia becomes a 'security follower.' A result of this is that Australia – already with limited strategic options owing to its geography and relative power – finds its choices even more constrained. Today there are strong political, social, economic and strategic links between Australia and the United States. There are also very strong operational links in the fields of intelligence, command and control, logistics, and technology. These strategic and operational links make future strategic cooperation and operational

¹⁴ The draft legislation proposes a report every two months providing the status of the deployment. A lengthier period of 12 months may be more feasible.

¹⁵ UNSCR 678 dated 29 November 1990.

¹⁶ The 2003 Second Gulf War was authorised by UNSCR 1441.

deployments almost inevitable. Yet as the 2009 Australian Defence White Paper states, “we must never put ourselves in a position where the price of our own security is a requirement to put Australian troops at risk in distant theatres of war where we have no direct interests at stake.”¹⁷

The close alliance between Australia and the United States is exceptionally important to Australia. As well as the realism of having a security guarantor there is another, perhaps more important, reason for Australia’s support of the alliance – idealism. The two nations enjoy a coincidence of values, ideals, hopes and aspirations. Both countries are open-minded and generous with a similar vision for global peace and stability. Our actions as security partners over many years support this values-based explanation.

Moreover, there was a values component to the first invocation of the ANZUS Treaty, when Australia pledged support to the United States after the terrorist attack of 9/11. The speed of the decision was assisted by the fact that our Prime Minister, John Howard, had a meeting of minds with President Bush and moreover was in Washington on the day of the attack. Australia responded quickly with a troop commitment to Afghanistan which continues to this day.

Mobilisation: We used to know we were at war when the country was mobilised in support of the war effort. By this measure few nations would seem to be currently at war, as there has been no large-scale industrial, economic, political, social or emotional effort to support current war activities. For example, at the moment in Afghanistan the predominant response remains military in nature. The political, social and economic responses to the insurgency are inadequately resourced. A more focused and deliberate civil response is required. This will require the mobilisation of an extensive civil effort from contributing countries.

The prospect of any large increase in civilian numbers deployed to Afghanistan is slight. There seems little political appetite and minimal capability. The international civilian surge is unlikely to meet the need to double the size of the Afghan National Police, build governance capacity and then allow a rapid transfer of security responsibility to the Afghans. In Australia there is a welcome but, as yet, less

¹⁷ Department of Defence, *Defending Australia in the Asia-Pacific century: Force 2030*. Canberra, Commonwealth of Australia, 2009, p 47.

than credible effort to produce our own 'civilian surge'.¹⁸ This surge capacity may well be improved with the further development of the Australian Civilian Corps, expected to be fully operational in 2011. This corps, however, will be most effective for natural disasters and post-conflict areas where security can be guaranteed. In less permissive environments, such as Afghanistan, it is unlikely that they will be of broad utility.

At the moment the military are being used as the default setting for action. This is bad strategy. Politicians need to engage more fully in a comprehensive effort to determine political, economic and geo-strategic solutions to the problem. The stated aim of punishing al Qaeda and removing their safe havens will not provide a lasting solution to terrorism nor to the internal and geo-strategic problems of Afghanistan and Pakistan. Not many seem prepared to hear that the solution for Afghanistan is a long-term and predominantly civilian effort aimed primarily at stabilisation, reconstruction and capacity building.

New indicators of war

Not all of the old indicators are obsolete, but these days there are other signs that tell us when we are at war, and point towards what to do about it.

Mission confusion arises: Military strategy used to focus on the destruction of armies and the capture of territories. In these circumstances the statesman and the commander had clear and closely aligned aims and objectives. Clausewitz wrote of the importance of the statesman and commander establishing the kind of war on which they are embarking.

Today it is increasingly difficult to link the military mission with the political intent and national strategy. In Afghanistan the overarching goal as expressed by President Obama is to disrupt, dismantle and defeat al Qaeda in Afghanistan and Pakistan and to prevent its capacity to threaten America and its allies in the future. To achieve this goal the objectives are: deny al Qaeda a safe haven, reverse the

¹⁸ While it should be applauded, Australia's contribution to the PRT in Afghanistan of 30 civilians from the Department of Foreign Affairs and Trade, AusAID and the Australian Federal Police remains small in comparison to the task.

Taliban's momentum, deny it the ability to overthrow the government and strengthen the capacity of Afghanistan's security forces.¹⁹

Objectives of this nature require effective military and civilian contributions and a working partnership with Pakistan. These aims and objectives are unlikely to be achieved with the size and nature of the civilian resources currently committed to Afghanistan. The required civilian contribution to the counterinsurgency strategy remains dramatically underestimated and under-resourced and the United States has yet to achieve the effective engagement with Pakistan that it needs.

Military change happens: The rigours and necessities of war force change upon the military. A clear indication of present-day war is that significant change to military training, doctrine and organisation is under way. Militaries are conservative organisations and in peace can be slow to adapt. As Basil Liddell-Hart said: "The only thing harder than getting a new idea into the military mind is to get an old idea out". At painful cost, America has rediscovered counterinsurgency warfare. After years of neglect Australia has begun to do the same, as well as increasing the size of its Army and providing modern and appropriate equipment.

The Laws of Armed Conflict are invoked: Today a nation knows it is at war when the Laws of Armed Conflict are applied and stringent Rules of Engagement are developed and enforced. While there may be no declaration of war, most states insist on a legal framework within which to conduct war. This legitimises war and places restrictions on the types of action that soldiers can carry out. In many cases the enemy do not bother with legal, cultural or social restrictions. In some cases they are artfully able to redefine the tenets of their religion to support their barbaric activities.

Another recent change helping to suggest when war is present is the activity of the International Criminal Court, established in 2002.²⁰ The actions of the court are beginning to define the nature and legal boundaries of modern conflict in regard to genocide, crimes against humanity, war crimes and potentially crimes of aggression. Unfortunately not all countries are signatories and there are severe

¹⁹ President Obama at West Point December 1, 2009, p 4. retrieved March 2010 from <http://www.scribd.com/doc/23496905/Obama-Afghanistan-Speech>.

²⁰ <http://www.icc-cpi.int/Menus/ICC/About+the+Court/>.

limitations on the court's jurisdiction.²¹ So far deliberations by the court have occurred only following conflict, and have been relatively narrow with just four cases considered.²²

Actions within the Laws of Armed Conflict and under Rules of Engagement help define the legal accountability of service personnel. New types of conflict where civilians, as part of private security companies, are engaged in combat or 'combat support' roles will require an expansion of the concepts of legal accountability and responsibility beyond state instrumentalities. This will further push the boundaries of understanding when we are at war and the rights and obligations of civilians in a war zone. For Australia, another unresolved area is the rights and obligations of Australian Defence Force personnel when operating on Australian territory in situations short of declared war.

Stuff arrives: We know we are at war when military equipment – 'stuff' – arrives. War accelerates technological advances and materiel acquisition cycles as the military seek to defeat emerging threats and gain advantage over the enemy. Bureaucratic and time-consuming acquisition processes are abbreviated. New technologies are introduced to deal with new threats and opportunities. Rapid acquisition becomes the norm, in line with adaptability becoming commonplace. The military wish-lists neglected during times of peace are delivered in record time. Stuff has been arriving for Australian military forces in recent years. The Army is expanding, and new equipment and technology is revolutionising the soldier and his capabilities.

Civil liberties are constrained in new ways: Today war is marked by constraint of civil liberties. In the old days of state-on-state war, censorship, conscription and the internment of large numbers of perceived 'enemy' civilians were common. Today it is more likely that there will be a restriction of civil liberties through anti-terror laws, such as Australia's relatively recent legislation. New powers of search and arrest have been introduced and new powers to allow increased monitoring of computers and telecommunications equipment are being introduced. There is an inevitable tension between the desire for civil liberties and the need to protect the community.

Construction amid conflict: After industrial war reconstruction was required because of the destruction caused by the conflict. Today, in war among the people, what is required is development aid – construction rather than reconstruction. This may be less because of destruction than because

²¹ Only for actions after 2002; only when the accused is a national of a state party; and only when national courts are unwilling or unable to prosecute crimes.

²² Uganda, Democratic Republic of the Congo, Central African Republic, and Darfur.

adequate infrastructure and facilities never existed in the first place. Development is vital to winning the trust and allegiance of the local population. The difficulty is the delicate balance between security, stability and development. The major difficulty is in achieving sufficient security so that construction can take place in a stable and permissive environment.

The media turns up: During peace the media shows little interest in the military. Apart from the odd foray into a personnel scandal or acquisition debacle, journalists are seldom to be seen. During war the media demands access and can be both a hindrance and a help. Reporters see it as a duty to inform the public and 'hold the military to account'. This often brings heightened tensions and mistrust in relations among government, military and media. This is the case in Australia today. With a few exceptions, relations between the military and the media have worsened in the course of current deployments. Yet there is no point in the military – or the government – wishing away the role of the media. The environment of instantaneous news, 'web war', citizen journalism and journalists with independent access to the battlefield is here to stay. The military and government need to adapt and adopt a more open and transparent approach to the media.

In a new era of instantaneous information an open and transparent relationship will be essential in developing a narrative that sustains public support for Government war aims and a military at war. This will require a much closer engagement between the military and the media. One way of achieving this could be through more widespread and extensive embedding of journalists within ADF units.²³ In addition, a respected and neutral media representative should be embedded within Defence Public Relations. Funded by Defence, with tenure limited to one year and with direct access to the Ministerial media adviser, senior officials and Australian Defence Force officers, this individual should act as a real-time ombudsman and broker in sensitive Defence-media interactions. This Defence media ombudsman would, for instance, be authorised to take up complaints by journalists about unreasonable denial of access or withholding of operational information, as well as to encourage reasonable media self-restraint in exceptionally sensitive circumstances.

²³ The recent ABC *4 Corners* program by Chris Masters, 'The Careful War' in Afghanistan is an excellent example of what can be achieved through embedding, involving a high degree of patience, trust-building and mutual respect. <http://www.abc.net.au/4corners/> retrieved 13 July 2010.

Conclusion

Today we are at war. It is real and affects the lives of people worldwide. Many suffer and die as a result of war every day. Some deny this is genuine war, but for those involved – military and civilian – it is real enough. In these circumstances, the rhetoric of politicians is often confusing – they tend variously to pretend we are not at war, avoid discussing the issue, or try to make war out of events that are not warlike. The old indicators of war are becoming less relevant and it is difficult to recognise the new ones. New threats and challenges are emerging. It is increasingly likely that the 21st Century will be one where war is persistent and pervasive. Suitable responses are far from developed, and an effective balance between old and new methods of response is still to be determined.

Endless debates over nomenclature and the nature of conflict are not helpful. Instead, it would be useful simply to start from a recognition that war has not gone away. It is: most likely to be intrastate and smaller; less likely to lay waste to entire countries; more frequent; of longer duration; waged by non-state actors; and happening among the population. Tectonic campaigns over territory and political ideologies have been replaced by vicious skirmishes involving religion and culture, the balancing of post-colonial and post-Cold War concerns and the scourge of terrorism. Yet while in some senses smaller and of a different nature than in the past, war is no less devastating for the many human beings caught up in it.

If war has changed so too must the means of response. A balanced civil and military response is required. This requires boots on the ground and people who can deal as adeptly with economics, culture and anthropology as those that can fire an assault rifle. A proper balance of soldiers and civilians with solutions to political, social and economic as well as military problems is required.

All of this means that today war needs to be waged through a balanced whole-of-government approach rather than solely or even primarily military means. It is a novel tension – that we need to deploy civilians precisely because we are at war –but there are limits to what the military alone can achieve in the new kind of war. Many of the tasks our troops perform today are not jobs for soldiers, yet it seems that only soldiers are available to do them.

It used to be said that war was too important to be left to the generals. It now must be said that war is too important not to involve the civilians. A democratic nation needs to decide when it should be at

war. If we make the decision to fight, then we should mean it – and make a comprehensive national effort accordingly.

Recommendations

Parliamentary ratification for military deployments: Both Houses of Parliament should be required to authorise by resolution any decision to commit the Australian Defence Force to warlike operations or potential hostilities within sixty days of the decision to commit forces. Given that the contemporary kinds of conflict tend to run for many years, ADF deployments should then be reconsidered by the Parliament on an annual basis.

Clear public statements of national interests and strategy: For each military deployment, the Australian Government should provide and routinely update a clear statement of national interests and strategy. The strategy statement should include the elements of power to be used, the end state to be achieved, an indication of the exit strategy and likely time frame for the commitment of force.

Whole-of-government effort: An available, deployable, sizable and robust civil contribution to Australia's national effort should be established. The nature of future conflict is most likely to involve counterinsurgency operations, stabilisation, security, capacity building and humanitarian missions in which the primary mission deals with political legitimacy. This increased civil effort should include a greater commercial and industry element.

Continuous acquisition: Acquisition methods should be modified to allow the accelerated and continuous acquisition of military equipment to cope with rapidly emerging threats, and not only during situations widely recognised as wartime. Renewal cycles on existing equipment should be shortened. New acquisition methods must allow the rapid introduction of new equipment to enhance force protection and military adaption.

Reset the military media button, including through embedding and an ombudsman: The relationship between the military, media and government should be re-established to develop greater trust and confidence between all entities. Defence should allow more widespread and extensive embedding of journalists within ADF units. In addition, a respected and neutral media representative should be embedded within Defence Public Relations

ABOUT THE AUTHOR

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