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AID TO THE CIVIL POWER:
THE NEW ZEALAND EXPERIENCE

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CONTENTS

Abstract	1
Preface	3
Abbreviations	5
1. Introduction	6
2. Background	14
3. The 1951 Waterfront Dispute	37
4. Operation Pluto	67
5. The 1981 Springbok Tour	87
6. Commentary	110
Biographical Details of Oral Sources	133
Bibliography	134

ABSTRACT

This work concerns a comparatively unexplored area of New Zealand military history- Aid to the Civil Power (ACP). ACP is divided into three distinct forms. The first is Military Aid to the Civil Community (MACC) which covers areas such as disaster relief and civil defence. MACC is not examined in this thesis. The other two forms are Military Aid to the Civil Ministries (MACM) and Military Aid to the Civil Power (MACP). MACM is the use of military personnel to replace striking workers. MACP is the use of military personnel to support the police.

Three specific incidents are studied and these are the 1951 Waterfront Dispute (MACM), the Cook Strait airlifts (Operation Pluto, MACM) and the 1981 Springbok Tour (MACP). Within these incidents the following areas are explored; civil-military relations and civilian control of military operations, the law, how governments justify ACP operations, the public reaction to ACP operations and, lastly, the military response to ACP operations.

The study establishes the following hypotheses. Firstly, civilian control is the key feature of any ACP operation as it ensures that the government is seen to be governing.

Secondly, the present laws relating to ACP confer uncertain responsibilities and powers on both the police and the military. As a consequence there is a possibility of an ACP operation being conducted that contravenes the government's wishes. Additionally, the newest piece of ACP legislation, the International Terrorism (Emergency Powers) Act 1987, lacks focus and clarity and this has ensured that the act is a poor replacement for the PSCA.

Thirdly, governments have undertaken ACP operations to gain political capital. In justifying these operations various governments have portrayed

their actions as upholding the public good although their level of commitment to the public good sometimes appears questionable.

Fourthly, the public response to an ACP operation is dependent on the incident and not the principles involved in ACP. This lack of an underlying philosophical basis to the response explains the rapid shifts in public opinion that have occurred.

Fifthly, the armed forces show a great reluctance to become involved in any ACP operation that could result in conflict with the public. This shows an awareness on the part of the military of the importance of civil-military relations.

The thesis concludes with a discussion of future trends in New Zealand ACP operations. It is considered that MACM will become a less viable option as society becomes increasingly technological. This is because the armed forces can really only supply labour as modern society and the military have few skills in common. Additionally, society is less labour oriented than it was in previous decades. The prospects of MACP operations being conducted in New Zealand are considered remote given the current lack of violence in New Zealand political life and the success of the police in dealing with disorder.

PREFACE

As a Regular Force officer in the New Zealand Army I have always been acutely aware of military history. However, it has been the history of battles and campaigns- the history of wars. Wars are, however, an aberration. The more normal situation is peace. But even in peace military operations are conducted. These operations are often termed "Aid to the Civil Power".

This work is a study of Aid to the Civil Power- a comparatively unrecognised and unexplored aspect of New Zealand's military history. When a study of Aid to the Civil Power was first suggested as being a suitable topic for a history thesis I was unimpressed. Exploratory work quickly showed the area to be extremely interesting and ripe for historical research- especially since neither the armed forces nor civilian historians have undertaken any analysis of New Zealand Aid to the Civil Power operations. These operations are relatively common in New Zealand so the lack of analysis is surprising.

The completion of this work owes much to the cooperation and assistance of many people and organisations. My supervisor, David Thomson, provided continual guidance and his well directed criticism ensured that my study continued to advance. The Ministry of Defence made the completion of this work possible by granting me a study award and ensuring that all possible resources were made available. The Ministry opened its files to investigation and arranged interviews with a number of people. Where possible file references are given for all information provided by the Ministry of Defence. However, in the case of Springbok Tour, the files were not made available. Information was provided in response to questions and this is cited as "information supplied by the Ministry of Defence". Defence Public Relations provided transcripts of radio and television programmes. The following people kindly gave

interviews; Mr K Douglas, Major General J A Mace, Mr D B G McLean, Lieutenant Colonel T J McComish, Sir Robert Muldoon, Lieutenant General Sir Leonard Thornton and Major M Wicksteed. Malcolm McKinnon of Victoria University made considerable resources available from his private research collection and provided valuable comments on my work. Lastly, thanks to my fellow post-graduate students and Susan and Rebecca for their support and encouragement.

The opinions expressed in this work represent those of the author and do not represent the views or policy of the Ministry of Defence or of the individuals whom I interviewed.

ABBREVIATIONS

ACP	Aid to the Civil Power
AJHR	Appendices to the Journal of the House of Representatives
DPR	Defence Public Relations
FOL	Federation of Labour
HMNZS	Her Majesty's New Zealand Ship
MACC	Military Aid to the Civil Community
MACM	Military Aid to the Civil Ministries
MACP	Military Aid to the Civil Power
NZPD	New Zealand Parliamentary Debates
NZR	New Zealand Railways
NZWWU	New Zealand Waterside Workers' Union
PSCA	Public Safety Conservation Act 1932
s., ss.	section, sections
RAN	Royal Australian Navy
RNZAF	Royal New Zealand Air Force
RNZN	Royal New Zealand Navy
TUC	Trade Union Congress
USS	United States' Ship

INTRODUCTION

Our defence forces also provide valuable assistance to the community on a day to day basis in a wide range of practical ways....These services to the community... are in constant demand. (1) New Zealand Government 1987

The popular belief is that the New Zealand armed forces are only employed on external operations and that they have no domestic responsibilities. However, domestic security is a responsibility of the army and the defence of the state includes the capacity to assist in the maintenance of public order, the suppression of internal unrest, civil defence, the provision of essential services and the prevention of revolution. In various Defence Reviews New Zealand Governments of both political complexions have recognised and endorsed these roles which are known generically as Aid to the Civil Power.

Aid to the Civil Power (ACP) can be broken into three distinct types of operation. These are Military Aid to the Civil Community (MACC), Military Aid to the Civil Ministry (MACM) and Military Aid to the Civil Power (MACP). MACC is the use of unarmed service personnel to provide help in sudden disasters and emergencies and to provide more routine assistance in the creation and development of local community projects. Examples of this type of activity are such things as Civil Defence, Search and Rescue and the use of military fire fighting appliances in rural fires. MACM is the use of unarmed service personnel to maintain essential services and supplies, most usually when they are disrupted by industrial disputes. Examples of this are the use of military personnel to replace striking workers and the use of the RNZAF to supplement existing civilian transport capabilities. Lastly, MACP is the use of service personnel, armed or not, to maintain public order and counteract terrorist activity. Examples of this activity include the provision of assistance to police operations such as Bastion Point and the use of service resources during the Springbok Tour.

Of the three types of operation MACC is the least contentious and most accepted form of ACP. The public demands that MACC be provided, as of right, in times of clearly defined need whether life is threatened or not. As MACC is publicly accepted and no controversy surrounds this type of operation, it is not intended to examine MACC in this study.

In New Zealand MACP has been employed on only a handful of occasions. The rarity of MACP stems from two causes; the comparative lack of violence in New Zealand political life, and the success of the police in maintaining public order. Organised violence is generally not accepted as legitimate or useful in New Zealand public expression. This may be ascribed to a number of factors including the relative responsiveness of the parliamentary system and the well developed avenues of public expression in New Zealand. The rarity of MACP operations has important effects- because they are an infrequent occurrence in New Zealand little public debate has accompanied their use and, consequently, the rationale and implications of these operations are not well understood.

By contrast MACM is far more widespread within New Zealand. This is due to three factors. Firstly, the government, if it is the financier for the direct employer involved, has a major interest in the outcome of the industrial dispute. Secondly, there is a growing willingness on the part of unions to engage in industrial action within essential services. The third factor, which is linked to the second, is that as society becomes increasingly technological more and more industries come to be regarded as essential. An example of this is sewage treatment. In the days when the discharge of untreated effluent into the sea was publicly acceptable a strike by workers involved in sewage treatment would not be regarded as serious. Today the treatment of sewage is seen as a priority. The possibility of a government conflict of interest, the impact of military intervention on labour relations and the duty placed on the government to

protect the public's health and safety are all factors which make military intervention in industrial disputes important.

Another reason which makes the study of ACP worthwhile is contemporary. In September 1987 the Public Safety Conservation Act 1932 was repealed. This act provides a thread that runs through all New Zealand ACP operations and, thus, it is pertinent to examine the act in some detail. Whilst this act conferred draconian powers on the government, few disagreed with the necessity for this type of law as a basis for combating terrorism or outbreaks of serious epidemic disease, national preparation for war, and other forms of catastrophe. Whilst there was agreement about the necessity for this type of legislation many believed that the powers were too wide-ranging. These powers could be used by an unscrupulous government to curtail civil liberties in situations outside those with which the act was originally designed to deal. In repealing the act the aim was to replace it with legislation that could only be applied in certain precisely defined situations. The new International Terrorism (Emergency Powers) Act 1987, as the name suggests, is aimed primarily at combating terrorist acts. However, it will be argued that the new act contains significant areas of weakness and fails to effectively replace the Public Safety Conservation Act 1932.

Given the apparent importance of the subject it could be expected that the issues involved in ACP would be given some coverage by New Zealand authors. However, far too often books gloss over these issues when dealing with events in which the government decides to supplement its forces through the use of the military. Books such as Bassett's Confrontation '51, Roth's Trade Unions in New Zealand and Newnham's By Batons and Barbed Wire (2) mention ACP. However, these books simply treat ACP as one arm of government policy and no attempt is made to explore the military side of the operation. This is understandable as the primary focus of

these books is on the political/industrial dispute and not the military's part in the government response.

More surprising than the civilian lack of study of ACP operations is the fact that the ACP professionals (the military) do not appear to have conducted any type of post-operational analysis designed to pull the threads together and so improve performance and add to the collective knowledge of the profession.

There is, therefore, a considerable weakness in the study of military operations within New Zealand. Even if the importance of the issues involved was ignored this lack of study alone would make an examination of the New Zealand experience of ACP extremely rewarding.

Aims of the Study

This study will explore a number of issues relating to ACP operations. These issues include: the relationship between the military, the government and its associated agencies; legal and procedural mechanisms; public relations and the justification of the operation; and the military reaction to ACP operations. From this analysis five hypotheses will be argued.

First, visible control of the military by civilian government is the most important factor in an ACP operation. This visible control is demonstrable proof that the military are carrying out the wishes of the government rather than initiating policy on their own account. This is a reaffirmation of traditional civil-military relations.

Second, the existing legal machinery is such that the military could become involved in ACP contrary to government policy. Between the recently repealed Public Safety Conservation Act 1932, the International Terrorism (Emergency Powers) Act 1987 and the lesser acts such as the Crimes Act 1961 lies a range of uncertain and potentially politically dangerous responsibilities. For example, the Crimes Act 1961 places an obligation upon the armed forces to provide ACP at the request of a police constable.

The legal requirement to provide this assistance may run contrary to government policy and this places military commanders in an unenviable position. The main discussion of the legal issues is reserved for the final chapter.

Third, the government's decision to use ACP is determined by the need to achieve political success rather than the need to utilise the resources and capabilities that the armed forces possess. The government, by commencing an ACP operation, hopes to demonstrate that it is in control and uses this supposed toughness to destroy domestic opponents' credibility and support whilst enhancing its own. Therefore, the means by which governments justify military intervention are worthy of study because the public justification often does not reflect the political motivation.

Fourth, the public response to an ACP operation is dependent on the incident and not the principles involved in ACP. This lack of an underlying philosophical basis to the response explains the rapid shift in public opinion between the total support for Operation Pluto in March 1981 and the widespread antagonism displayed to the military assistance provided to the police during the 1981 Springbok Tour.

Lastly, the armed forces show a great reluctance to become involved in any ACP operation that could result in conflict with the public. Any conflict with the public would endanger the existing fabric of civil-military relations and reduce the standing of the armed forces in the eyes of both domestic and international observers.

In undertaking this study a number of approaches were possible. One option could be a purely historical approach which attempted to produce a history of ACP operations in New Zealand. The method I have chosen is to focus on several ACP operations from a military perspective and draw from them the points and lessons that are significant. Therefore, the operations provide the raw material which is considered and amplified in a concluding

commentary. This approach allows themes to emerge and raises the key issues that are considered in the commentary.

The operations chosen as case studies are; the 1951 Waterfront Dispute (MACM), the Cook Strait Airlifts (Operation Pluto, MACM) and the 1981 Springbok Tour (MACP). Prior to commencing these case studies, a preliminary examination will be made of previous New Zealand ACP operations, the existing literature and, lastly, the law. It is these three factors that provide the framework for the ACP planner and practitioner alike. Without an understanding of this guiding framework it is difficult to appreciate the dimensions of the political, legal and constitutional dilemmas that ACP operations pose for soldiers, politicians and society.

The reader will have noticed that the three incidents chosen for study are comparatively modern. The general reasons for concentrating the study on post-1945 ACP operations can be summed up as follows: the availability of complete records, the willingness of participants to grant interviews, ready access to transcripts of television and radio reports and the relevance of each situation to contemporary conditions.

The 1951 Waterfront Dispute was chosen as the first case study because of its prominence in New Zealand history, its length, the use of the contentious Public Safety Conservation Act 1932, the issue of payment to soldiers and the controversial questions surrounding the use of soldiers in industry- was it strike breaking or the provision of essential services? The difference has always been blurred. However, 1951 quite clearly had elements of strike breaking involved in it.

Operation Pluto was selected because it spans the period before and after the introduction of the Defence Act 1971. This law changed the method of introducing the armed forces into an industrial situation. Thus, Pluto constitutes an ideal means of comparing the "before" and "after" situation. Pluto is also important because of the union reaction. It

would be expected that the travelling public would support the operation while the unions would oppose it. As will be discussed later the unions were more than happy to see the armed forces involved in the Cook Strait Ferry disputes. This response casts light upon the union definition of strike breaking. It is this definition that worries all involved in ACP operations. Therefore, a study of Pluto gives some surprising insights into the union reaction to military involvement in industries in what could be construed as a strike breaking capacity.

The Springbok Tour earned its place for one simple reason- it is the most controversial and lengthy MACP operation ever undertaken in New Zealand. The fact that there was never a conflict between soldiers and civilians appears remarkable. However, when the intricacies of planning are considered this lack of conflict is a testimony to the competence of the military and police planners. Furthermore, the planning undertaken by the Ministry of Defence and the development of military involvement displayed far more sensitivity to the issues of civil-military relations than many people would expect.

As the following chapter will show, ACP operations are not rare in New Zealand. What is rare is any analysis of them. ACP operations remain one of the military's responsibilities. The conduct of these operations requires considerable planning and sensitivity. If New Zealand is to continue to conduct successful ACP operations and understand the social risks involved, then the study of them has tremendous relevance.

ENDNOTES

1. New Zealand Government, Defence of New Zealand, Review of Defence Policy 1987 (Wellington 1987) p29
2. M E Bassett, Confrontation '51-The 1951 Waterfront Dispute (Wellington 1971)
H Roth, Trade Unions in New Zealand (Wellington 1973)
T Newnham, By Batons and Barbed Wire (Auckland 1981)

BACKGROUND

It is expected that readers will have little prior knowledge of ACP. Accordingly, the intention of this chapter is to provide sufficient background information for the reader to be able to follow the argument of the ensuing four chapters.

This chapter is broken into three sections; the history of ACP in New Zealand, a cursory review of the variety of literature available and the legal aspects of ACP operations. Should the reader wish to investigate any particular subject in more detail the bibliography of this thesis lists the major works by subject area.

The History of ACP in New Zealand

It would be wrong to imagine that ACP operations are rare or limited only to recent times, and it is worth examining briefly the history of military involvement in New Zealand social and industrial issues before proceeding to the special cases. (In keeping with the theme of this work civil defence or MACC type operations will be ignored.)

New Zealand's first experience with ACP came in 1913 during the waterfront strike. Although not truly an ACP operation because regular soldiers were not involved, the military provided rations and quarters for the police irregulars, some of whom were recruited from the military reserve forces (1).

In February 1920 60 New Zealand troops were deployed to Fiji to assist in controlling the unrest that was a side-effect of a labourers' strike. Although the troops never came into contact with the strikers their presence was sufficient to emphasise the determination of the Fijian authorities not to give in to the strikers (2).

New Zealand's next experience with ACP came in an almost forgotten incident in Western Samoa in 1929. Following World War One Western Samoa became a mandated New Zealand territory. In December 1929 a riot erupted

in Apia following a demonstration by the Mau movement which sought self-rule. In the riot one policeman and eight members of the Mau movement were killed. Armed New Zealand sailors from HMS Dunedin were used in the hunt for members of the Mau following the riot (3).

The depths of the depression gave rise to one of New Zealand's more infamous civil disturbances- the 1932 Queen Street riots in Auckland. To quell the rioters the outnumbered police used armed sailors from HMS Philomel, and about 200 soldiers from the Hamilton area were sent North to reinforce the police. In the event the reinforcements were not needed (4). The events of this April evening in 1932 gave rise to the Public Safety Conservation Act 1932.

During the war years of 1939 to 1945 the armed forces worked in many industries to supplement existing civilian capacity. In 1944 they were used to defeat a strike by dairy factory workers in the Waikato area (5).

In the years since 1945 New Zealand has seen a range of ACP activities. In addition to the three chosen for closer attention in this study other ACP operations have included the following.

In 1971 service personnel assisted during a dispute at the Oakley Psychiatric Hospital, and in 1975 they replaced Christchurch firefighters during an industrial stoppage. Neither incident was particularly lengthy nor saw any conflict between the strikers and members of the armed forces.

It was in response to Maori land issues that the armed forces undertook the most controversial ACP operation since 1951. In 1978 military vehicles were used to transport police to Bastion Point and army engineers were used to pull down buildings erected by the protestors. It was this incident that first aroused deep public concern about ACP operations, and the experiences of 1981 added to this.

The most recent ACP operation was a re-run of the 1932 Queen Street riots. In 1984 rioting broke out in Queen Street and a party of sailors

who were on leave assisted the police in quelling the riot. This situation was unusual in that the assistance of the sailors was obtained by junior police officers under the terms of the Crimes Act 1961 and the Police Act 1958, rather than the more normal means of liaison between departments at government level.

Review of the Literature

There are three types of work that deal with ACP operations- those whose primary concern is civil-military relations, those focusing on the use of the military in society (ACP), and those dealing with a particular incident in which an ACP operation was conducted. Each type of work is strongly influenced by prevailing national or international happenings and, as such, reflects the concerns of the time. Books dealing with overseas incidents which led to ACP operations will not be discussed because the significant aspects of these undertakings are usually incorporated into works whose sole focus is ACP operations. In addition, only those books which pertain to points relevant to this work will be commented upon.

In discussing the literature associated with ACP operations it is intended that the New Zealand literature be examined first. New Zealand authors have not contributed to the first two types of work. Whether because of a lack of motivation, a lack of a sense of need, or a lack of specialist knowledge New Zealand writers have been reluctant to tackle the areas of civil-military relations and ACP operations. An examination of the third type of work is scarcely more rewarding. There is little material available on New Zealand incidents involving ACP operations. This is surprising given the prevalence of this type of operation in New Zealand. The low level of historical activity in this field could be due to the "lack of legitimacy" that the study of military affairs holds here, or it could stem from the proximity of the events and, thus, the lack of

available official records.

The main publications which deal with specific New Zealand incidents are Bassett's thesis "The 1951 Waterfront Dispute" (6), his subsequent book Confrontation '51-the 1951 Waterfront Dispute, Scott's 151 Days, Chapple's 1981 The Tour and Newnham's By Batons and Barbed Wire. None of these goes beyond stating that the armed forces were used and casting judgement upon their use.

Bassett, in the main, limits himself to giving dates and work rates for the service personnel involved in the 1951 Dispute. No in-depth analysis of the involvement of the armed forces in the dispute is made. Bassett does, however, discuss the workings of the Emergency Supplies Committees (7) and the issue of payment for service personnel (8).

Scott's account of the 1951 Dispute is highly partisan and is a "stirring history of the struggles of watersiders...in their greatest freedom fight"(9). As befits a strongly politicised history Scott does not examine the decision to use the armed forces or any other issues related to their use. Instead, Scott focuses on their role as buttresses of the ruling class. For Scott, the soldiers, sailors and airmen obeyed orders because of their ignorance of the class struggle. Scott describes "sullen faced soldiers forced to push heavy-laden coal trucks" (10) as if this provides evidence of service dissatisfaction and implied support for the strikers. Scott's work does not advance the study of the New Zealand experience of ACP.

There are a number of general works which touch on the 1951 Waterfront Dispute. For example, W B Sutch wrote two books, The Quest for Security in New Zealand 1840-1966 (11) and Poverty and Progress in New Zealand- A Re-assessment (12), which mention these events. However, both of these books are really social histories, and the role of the military is not examined beyond a statement confirming their presence and activities.

Additionally, there are numerous books dealing with trade union history which follow the same pattern as Sutch- a statement of military involvement without further investigation. Roth's Trade Unions in New Zealand (12) is a good example of this style of work.

Newnham's By Batons and Barbed Wire (14) is an account of the Springbok Tour of 1981 from the protestors' viewpoint. This work, which is really a photographic essay, is in a similar vein to that of Scott. Again it is partisan and simply treats the use of the armed forces as another facet of the government response.

Chapple's 1981 The Tour (15) lacks Newnham's photographic approach but is written with a similar viewpoint and is equally partisan. Like all other New Zealand works the role of the military is not explored.

The New Zealand literature consists of incident-oriented publications aimed at giving the big picture (even if it is partisan) rather than examining the ACP aspect of government policy. Thus, the work done by New Zealand writers does not advance our study of ACP operations. If we are to gain any real insights into the role of the military in ACP operations our attention must turn to the overseas writers.

The New Zealand public, politicians, military and media commentators have had their perceptions of ACP shaped largely by non-New Zealand writers and events. There are two distinct streams of literature making up this opinion shaping process: first, those works dealing with civil-military relations- that is, how the military interact with society, and second, the works that deal exclusively with ACP operations. By far the more numerous are the books written in the 1950's and '60's which deal with civil-military relations and the factors that keep the military subservient to their political masters. The works produced at this time reflect on ACP only in so much as it affects the civil-military relations argument being developed by the author.

The works dealing with civil-military relations were clear products of their era. The 1950's and pre-Vietnam 1960's were times of toleration of the military ethic. Added to this, significant numbers of World War Two veterans were in positions of both academic and political power and they sought to reassert their military values through the advent of the military-industrial complex, growing military budgets, the development of the Cold War and the popularising of the traditional military ethic of professionalism. The key authors at this time are Huntington and Finer, and they epitomise the two streams of thought that are developed by all subsequent writers on civil-military relations. Huntington and Finer are central to any understanding of the civil-military relations debate and, even though their theories are not formally taught to New Zealand officers, their ideas govern the behaviour of the New Zealand armed forces in their dealings with the government.

Huntington, in The Soldier and the State (16), argues that the military subordinate themselves to civilian politicians by a conscious choice based on political neutrality, professionalism and isolation from society (17). Huntington's definition of professionalism consists of three factors—expertness, responsibility and corporate loyalty (17).

Huntington believes that the more professionalised an army, the less interest it shows in civilian affairs. The army should be "politically sterile and neutral....A highly professional officer corps stands ready to carry out the wishes of any civilian group which secures legitimate authority within the state" (17). Unfortunately, what are popularly regarded as the most professional armies in the world (the German and Japanese armies) have destroyed that theory, as their respective officer corps have lengthy traditions of both professionalism and political involvement.

In developing his argument Huntington legitimises disobedience of civilian

governments. He believes that capitalist liberal society and the military are incompatible (17) and that the military is by nature conservative because of its recruitment, socialisation and professional requirements. Accordingly, "only an environment which is sympathetically conservative" (17) will permit the military to function effectively. This line of reasoning implies that the military may be inclined to intervene in national politics, whether by disobedience of orders or overt action, for the sake of their professionalism.

Samuel Finer, in The Man on Horseback (18) dismisses professionalism as the key element in military obedience. Finer wrote The Man On Horseback in 1962 as a rebuttal of Huntington's work and to develop his own propositions. Central among these is the hypothesis that "if the armed forces are not to intervene, they must believe in an explicit principle—the principle of civil supremacy"(19). In this instance belief in civil supremacy implies not just a reluctance to intervene in politics but also a willingness to obey orders. It is at this point that the differences between Huntington's and Finer's notions of professionalism become clear. Finer found Huntington's views too narrow and restrictive and he wrote,

The argument then becomes "essentialist". If soldiers are seen to act in ways inconsistent with these concepts of "professionalism" and the "military mind" , so much the worse for soldiers; they are not completely "professional", not purely "military".(20)

The remainder of Finer's arguments about the strengths of the military, the motive for intervention and the mood for intervention flow from what happens when belief in civilian authority is not present. However, these consequences do not impinge on the nature of this study.

The majority of writers and the evidence based on the practices of the Western democracies support Finer's argument. Thus, by the end of the 1960's Huntington's arguments were largely discredited, with the high ground being firmly in the control of the advocates of civilian power.

In the late 1960's, 1970's and the 1980's the debate shifted from the place and role of the military in society to the use of the military in society. The reasons for this change can be seen in the international climate, the growth of terrorism, the increasing prevalence of violent demonstrations, the escalation of conflict in Northern Ireland and the tremendous industrial unrest in the United Kingdom. These forces all produced calls for the armed forces to be involved in these situations. Once the armed forces became involved numerous works analysing their use and the implications of their use appeared. As a consequence of these actions, the concept of civilian control was both reaffirmed and in other cases questioned. These changes sharpened the focus of analysts and the particular rather than the general became the object of study. Not surprisingly the discussion divided along political lines with Marxists totally opposed to ACP and the remainder of writers finding occasions when its use could be supported.

Born out of conflict, often in the face of the armed forces, Marxism and its analysts are very sure about the nature of ACP. They probe and test the notions of state power but always come to the same conclusions; ACP operations provide the ultimate proof that capitalist societies intend to maintain the system through coercion, and ACP operations are philosophically impossible in a socialist society because there can be no class conflict in a classless society. Even contemporary New Zealand has produced writers with similar views. The Wellington Labour Regional Council stated in 1985 that military involvement in supposedly non-military affairs such as industrial action and the Springbok Tour was both disquieting and sinister (21).

Opposition to the use of the military to deal with the breakdown in law and order is based on the idea that the military are directly responsible to government. The police, on the other hand, are not because they serve

law and order. Obviously as long as the law reflects society's values this does not present a problem. Thus, the majority of left wing writers favour the use of the police to combat unrest. Additionally, strikes, revolutions and terrorism are seen as having little to do with law and order. They are, instead, manifestations of the class struggle (22). Therefore, to link these happenings to law and order confuses the issue and invites military involvement (23).

Many examples of this thinking can be seen in the 1960's with the publication of works by Cohn Bendit, Guevara, Marcuse and Debray. These books found inspiration in the revolutionary movements of the 1950's and 1960's and the student unrest, especially in France, of the late 1960's. A good example of this style can be seen in Cohn Bendit's work. Despite the fact that his work is littered with political slogans Cohn Bendit managed to discern some of the fundamental issues of ACP. Cohn Bendit was particularly aware that the state used violence to protect itself and he wrote- "The state is above the law because it makes the law, and will not hesitate to use all its powers to defend itself" (24). However, he was also keenly aware of the industrial power that workers held in a technological society- "Moreover, while...the Army can be used to drive the workers out of the factory, they cannot replace them at the bench or the office" (25).

Whereas Marxist analysts deplore the very idea of ACP operations, the majority of non-Marxist writers are less sure. To these authors there are occasions when ACP operations are permissible and, obviously, when they are not. There is no single unifying element which confers respectability on ACP operations for each situation must be judged on its merits. However all the authors are aware that ACP operations are not popular in Western democracies and this conditions their approach to the subject. Major General H Bredin stated, "The hard fact is that internal security

measures...are not popular with democratic governments....This is the Achilles heel of democracy" (26). Because of this lack of certainty about what is permissible and what is not approaches to the subject vary considerably. Some writers advocate tough, almost totalitarian measures where civil liberties are temporarily curtailed, while others are less sure about confrontation and advocate a more passive role for the armed forces.

Six crucial ideas emerge from the non-Marxist literature and they all play a part in defining the form that an ACP operation will take. As will be shown in both this chapter and the following ones not all these ideas have figured in the New Zealand ACP debate.

One idea that has been prominent in both New Zealand and overseas thinking and actually became a reality in recent New Zealand history is that of the "third force". A "third force" is one midway between the police and the army and is often referred to as a para-military police force. These have proved popular both in the past and in the present, and examples include the Royal Canadian Mounted Police, the French CRS (riot police) and the New Zealand Civil Emergency Organisation which was formed at the time of the 1951 Waterfront Dispute.

Many writers believe that there is a huge gulf that the government is obliged to cross when it begins MACP operations. The gulf has on one side of it, the police, (minimum force) and, on the other, the army (maximum force). Jeffrey, for example, characterises this as the prospect of the government being "caught between the Scylla of too little force and the Charybdis of too much" (27). Two solutions to this dilemma exist- either the use of troops as police or the development of a "third force". Jeffrey endorses the creation of a "third force" as he believes that it would be cheap, flexible and supported by the army because it would be paid and administered by civilians. Clutterbuck, a retired Major General, is opposed to the formation of a "third force"-

Nor is there any case for forming a special riot force like the CRS in France. Such forces generate hostility and this soon becomes mutual (28).

Even though his motivation is very different, Cohn Bendit paradoxically supports Clutterbuck's argument. To Cohn Bendit the CRS are detested by the population because of their uniform, reputation and tactics- "All this helps cement the solidarity between demonstrators, strikers and even occasional witnesses of police brutality" (29).

The question of whether military intervention in industrial disputes constitutes strike breaking is central to any discussion of MACM. The majority view is that this is often the case. MacFarlane in Violence and the State, provides an example as he illustrates the transition in the publicly perceived role of the armed forces that occurs during an industrial dispute-

The forces of the state appear to the striker in the guise of strike breakers, not as neutral preservers of the peace (30).

The New Zealand experience, as will be discussed in Operation Pluto, provides an alternative interpretation. Military intervention is not always seen by the unions as constituting strike breaking- particularly when it involves essential industries.

Another issue is whether the police or the military should be used to assist in industrial conflicts. The prevailing view is typified by Marshall (31) who prefers to see the military being used in industrial disputes rather than the police. For Marshall strike breaking action by the police would compromise existing respect for them in their role of preserving the peace. Marshall believes that because the police are impartial and the servants of the law rather than the government, this independence of political instruction is worth preserving. The armed forces, on the other hand, are undoubtedly the employees of the Crown and subject to the orders of ministers. Thus, they have no reputation for

impartiality to ruin and their use in industrial disputes is less objectionable. The New Zealand experience tends to bear this out as the police have never been used to work in strike affected industries.

The fourth issue, which has yet to strike home to the New Zealand public and politicians, is that the ability of the armed forces to intervene in industrial disputes is decreasing as industry becomes more complex. British writers have recognised this trend and the work of Jeffrey and Hennessy epitomises this analysis. Jeffrey and Hennessy (32) argue that while a government has a duty to ensure the well being of its citizens, the development of strike breaking plans via military intervention poses the risk of governments deciding to use these plans without fully considering the implications. Chief amongst these is the fact that the increasing complexity of society means that soldiers can do little more than supply unskilled labour. Several supporting examples are quoted, among them the results of a 1960's British survey to find out how many soldiers could drive a railway engine in the event of a rail strike. The final tally showed that less than 20 soldiers in the entire British Army could drive a railway locomotive (33). To the majority of British writers it is clear that if the armed forces are to play a part in industrial disputes then significant numbers of skilled or managerial staff must remain "on the job".

The main lesson that can be drawn from the literature analysing MACP operations is that the conduct of these operations poses a considerable threat to civil-military relations. The army, in contrast to the police, is the embodiment of the ultimate sanction of force to protect the government from external and internal enemies. This is the reality of MACP and the view held by Sir Robert Mark (34), a prominent British policeman. Where the military are involved in a conflict in support of the police popular support for the military may be lessened- particularly if undue

military force is used. The opinion of one analyst, Midlane, sums up the MACP experience- "The fundamental lesson of the public order experience is that, if at all possible, the military should not be involved" (35). The reason for this is that the legitimacy of both the armed forces and the government is at stake if the armed forces are used too frequently or in conditions which do not warrant the use of such force. Jeffrey puts it succinctly- "Tyrants may rule by the sword alone; democrats cannot" (36).

It is in the area of civilian control and military responsibility that the most heated debate occurs. In a democracy it is generally accepted that the civil power has final authority over the military. When the military is called in to actively support the government the responsibility and, more importantly, the initiative shifts from civilians to soldiers. Between the extremes of martial law and simple military assistance there are a number of stages during which the precise distinction of civil and military power is not clear. Jeffrey argues that it is customary for the army to accept the guidance of the government in deciding its actions. Jeffrey is supported by Greer writing in Public Law (37). Greer states that the doctrine of ministerial responsibility has removed the military's right to decide its manner of operation. This principle presupposes an attitude on the part of the army that it is simply an instrument of civil administration. It also implies an acceptance of government by consensus which depends upon a relatively high level of trust existing between governing politicians, permanent executives of state (including the army) and the citizens.

Jeffrey and Greer are challenged strongly by de Smith (38) and Eveleigh (39). Both argue that civilian authority has no right to direct the military use of force as, short of an act of Parliament specifying it, there is no constitutional way that the military can be put under the orders of the police or of any civil authority with an absolute duty to obey those

orders. As will be shown later the New Zealand experience tends to support the doctrine of ministerial responsibility.

This very brief study of ACP literature reveals a number of points which will be discussed in the case studies. These points are-

-The underlying premise of all ACP operations is that the military will obey the dictates of civilian government. This is borne out by the writings of Huntington and Finer and the debate over military responsibility and civilian control.

-ACP operations cannot be seen as existing in isolation from political culture and conflict. Before one can understand the form that an ACP operation takes it is important to understand why the government believes that the operation is necessary. This may involve questions of political expediency.

-The issue of the "third force", whether it is a volunteer organisation or a permanently constituted para-military police force, is not yet dead.

-The definition of what constitutes strike breaking helps shape union reaction to MACM operations and affects government justification of the operations.

-The issue of political impartiality decides whether an ACP operation will be dominated by the police or the armed forces.

-The ability of the military to intervene in disputes in technical industries is rapidly diminishing.

-The conduct of MACP operations raises serious questions about the legitimacy of both the government and the armed forces.

The Law

If civil-military relations and previous operations provide the theoretical framework for ACP operations, then it is the law that provides the mechanism which enables military involvement to occur. There are five

acts within the confines of which ACP must operate currently. These acts are; the Police Act 1958, the Crimes Act 1961, the Civil Defence Act 1962, the Defence Act 1971 and the International Terrorism (Emergency Powers) Act 1987. Additionally, no discussion of the legal aspects of ACP would be complete without an examination of the recently repealed Public Safety Conservation Act 1932 (PSCA). The PSCA will provide the start point for the survey of the law as this act has been the thread that has run through ACP operations until its repeal in 1987.

Of these five acts it is not intended to study the Civil Defence Act 1962 as it does not materially affect MACM or MACP. This act is designed to allow MACC in time of natural disaster. Whilst a disaster may lead to an MACP situation (patrols to prevent looting etc) this type of aid is not usually provided under the Civil Defence Act 1962. The more accepted procedure is for the aid to be provided under the auspices of the Defence Act 1971 or, in former times, under the PSCA.

This section will address a number of issues. First, it will consider the power and application of each act. Second, it will be shown that it is possible to conduct an ACP operation, under present laws, that could be at variance to government policy- in short, the requirements of the law could prevail over government wishes. Last, the repeal of the PSCA and its replacement by the International Terrorism (Emergency Powers) Act will be considered.

The Public Safety Conservation Act 1932

The PSCA was the most powerful law in New Zealand until its repeal in 1987. Palmer, in Unbridled Power?, called it "potentially the most dangerous and repressive piece of legislation on the New Zealand statute books"(40). The origin of the act is to be found in 1932 following an Auckland riot where it appeared that the only way to bring the riot under control was to utilise the military. A July 1987 NZ Listener article

described the genesis of the act-

Nineteen thirty two was not a good year for New Zealand. Events had showed us to be at the whim of an incomprehensible world. The word "depression" seared the consciousness of a generation. People were hungry. The jobless rioted in Queen St. The Government responded with the Public Safety Conservation Act. (41)

The PSCA was introduced to Parliament because the Prime Minister (G W Forbes) believed that the Crimes Act and the Police Offences Act were not sufficient. The PSCA empowered the Governor General to declare a state of emergency if it appeared to him that action had been taken or was threatened that could deprive the community of the essentials of life by interfering with the supply and distribution of food, water, light or fuel or with the means of transportation (42). Widespread violence or lawlessness could be included in such action. Once the proclamation was in force the Governor General, by Order in Council, could make regulations requiring the armed forces to perform duties not otherwise regarded as service duties to secure the necessities of life and the maintenance of public order and safety.

Since its inception the PSCA has been used twice, in 1939 and 1951. In 1939 it was used to put the country on a war footing by requisitioning war materials. It was also used to introduce emergency regulations. In 1951 the PSCA was invoked to deal with the Waterfront Dispute. The use of the act has also been threatened twice, during the 1976 electrical workers' dispute and the December 1982 Marsden Point Oil Refinery dispute.

It is in relation to the 1951 Waterfront Dispute that the PSCA is most reviled. Palmer described 1951 as "an episode which can hardly be classed as one of the finer moments for the rule of law in New Zealand" (43). A number of regulations were passed under the provisions of the PSCA. Amongst them was Regulation 10 of the Waterfront Strike Regulations which authorised the Chief of Staff of each service to order temporary employment of members of the services in any kind of work specified in the order. The

regulation also stated that such orders were lawful commands within the meaning of each service disciplinary act. Without this provision any order to work on the wharves would not have been a lawful command because a command must relate to a military duty and waterfront work did not qualify as this. Other regulations passed under the PSCA provided that the funds of unions involved in a strike could be seized, that police officers could enter private property without a warrant, and that picketing became an offence.

The PSCA gave the government extremely wide ranging and extensive powers. The definitions within the act were so elastic that the government could proclaim an emergency whenever it chose and those acting in the execution of the act or regulations were granted immunity from liability. The only moderating influence on the PSCA was an amendment introduced in 1960. The amendment made it necessary to call Parliament together within seven days of the proclamation of emergency and, in addition, required that all regulations be reconfirmed every 14 days by resolution. This put the PSCA under the visible control of the parliamentary process and allowed regulations to be challenged in court.

The Police Act 1958 and the Crimes Act 1961

The Police Act 1958 makes no special mention of the New Zealand armed forces but, by implication, these can become involved in police activities. Under section 53 (s.53) of the Police Act 1958 any member of the police, when acting in the lawful execution of his duty, may call upon any male person of 18 years or older to assist him in the apprehension of any person, when reasonable necessity exists for calling for that assistance. This is simply a statutory embodiment of the common law duty of citizens to render assistance to the police. Members of the armed forces, in their capacity as citizens, can be called upon to assist the police under this provision.

The Crimes Act 1961 continues the common law theme as ss.34 to 41 mirror the provisions of the Police Act 1958. With regards to riots, ss.42 to 47 and 86 to 90 of the Crimes Act 1961 provide for the use of members of the New Zealand armed forces in the suppression of riots. Before force can be used to quell a riot, the riot act must be read and an hour allowed to elapse (if practicable). The law provides that every person is justified in using force to suppress a riot provided that the force is not disproportionate to the perceived danger. Additional legal protection is given to members of the New Zealand forces by s.47 of the Crimes Act 1961 which provides that servicemen are justified in obeying any command for the suppression of a riot provided it is not manifestly unlawful. It is a question of law whether a particular command is manifestly unlawful or not.

A military commander receiving a request for assistance under the provisions of either the Police Act 1958 or the Crimes Act 1961 is bound to help unless it is considered that military intervention is obviously unnecessary. Although not tested in law, one might assume that the same types of constraints apply to the issue of such requests as to lawful commands. That is, a commander would be justified in refusing to comply with a request which was manifestly unlawful, impossible or beyond the authority of the person giving it. Conversely, if the military are not asked to intervene the commander will be justified in doing so under the terms of s.42 of the Crimes Act 1961 if it is clear that intervention is needed to prevent disorder or the commission of offences. In practice the application of these acts seems subject to considerable flexibility. Following the 1987 Bay of Plenty earthquakes a policeman at Te Teko tried to invoke the provisions of the Crimes Act 1961 to get soldiers from a unit exercising in the area to provide anti-looting patrols (44). As the request had not come through the local Civil Defence controller it was turned down. No subsequent action was taken against the Ministry of

Defence.

These acts make it possible for the police to initiate an ACP operation that may run counter to the government's wishes. For the government to interfere with the conduct of the law in this area would neither be moral nor legal.

The Defence Act 1971

Prior to 1971 there was no statutory provision for the use of the armed forces in an industrial dispute unless a state of emergency was declared under the PSCA. The introduction of the Defence Act 1971 allowed the Governor General to raise forces to provide services required by government. The Minister of Defence was empowered, in turn, to authorise the armed forces to perform any public service. Thus, the use of the forces as labour during industrial disputes has been made legally possible, without the use of the PSCA, by the enactment of the Defence Act 1971. The specific mechanisms are contained within s.4 and s.79 of the Defence Act 1971. Additionally, s.29 of the act allows the Minister of Defence to delegate, in writing, any of his powers to another person. There is no evidence that this has occurred.

The Defence Act 1971 has been used on a number of occasions. For example, assistance under the provisions of s.79 was provided during the 1975 Christchurch firefighters' strike, the Bastion Point dispute, the Erebus air crash and the 1981 Springbok Tour.

The Repeal of the Public Safety Conservation Act 1932

The present Labour Government has felt for some time that the requirement to maintain the PSCA on the statute books is past. However, the PSCA, despite its unpleasant French Revolutionary title, does have uses, in fact very significant uses. Palmer argued that-

It is a fact, which may be unpalatable to some people that there are occasions when the public good requires the use of repressive powers. Who could argue in New Zealand that

an outbreak of foot and mouth disease would not warrant taking drastic steps? (45)

Having recognised the essential nature of the PSCA, Palmer realised that rather than repeal and dispose of the act he should, instead, bring it up to date. The catalyst for the "modernisation" process was the Rainbow Warrior bombing of July 1985. The bombing of the Rainbow Warrior made the Government realise that it had no legal means to combat terrorism as the 1930's PSCA was incapable of dealing with premeditated acts of violence perpetrated by foreign states. What was needed was an act which was specifically designed to deal with terrorist incidents and would allow the state to bring its full resources to bear upon the terrorists. The result is the International Terrorism (Emergency Powers) Act 1987. International terrorism is defined as a terrorist act aimed at furthering a political aim outside New Zealand (46). However, as will be discussed later, it does not take a great deal of imagination to see this act being applied in a domestic situation.

The new act provides comprehensive powers (46) for dealing with international terrorism. It allows the police to evacuate forcibly, break into and destroy property, restrict the movement of the public, requisition vehicles and materials and tap telephones. These powers are given to the police and those who assist the police, such as the military. The only exception is that the military may not tap telephones. The Prime Minister has the power to censor both the press and the electronic media.

However, the International Terrorism (Emergency Powers) Act 1987 lacks the power to deal with the other issues that Palmer saw the PSCA dealing with- epidemic disease and like occurrences. Additionally, the new act does not have the power to put the country on a war footing as the PSCA did. Despite Palmer's earlier arguments, the International Terrorism (Emergency Powers) Act 1987 fails to meet the range of situations in which he saw repressive powers being justified. One is left wondering whether

another act is planned to deal with these omissions.

This section completes our survey of the framework of ACP. Armed with a knowledge of its history in New Zealand and an understanding of current literature, civil-military relations and the law it is opportune to focus on the first case study- the 1951 Waterfront Dispute.

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THE 1951 WATERFRONT DISPUTE

The Holland Government, which after years of failure by the Fraser Government to deal with the industrial situation, gave the militants a reasonable length of rope and then proceeded to drop the trap door when the time had come for firmer measures.(1) R D Muldoon

The 1951 Waterfront Dispute is the best known of all New Zealand industrial disputes and the longest ACP operation in New Zealand history. This section, like the following two case studies, does not attempt to provide a detailed analysis of the events in question. Rather, the events provide the framework for the investigation of ACP operations. Nevertheless before this can be attempted some understanding of the sequence and background to the events is necessary.

The basis of the dispute lay in the governing National Party's need for a victory in the face of rising public concern about inflation and the desires of the Federation of Labour's rival, the Trade Union Congress, to destroy the compulsory conciliation and arbitration system. The key union in the TUC was the New Zealand Waterside Workers' Union led by Jock Barnes. This union sought to gain the right to conduct direct employer/employee wage bargaining in pursuit of their wage claim. The Government was opposed to this as it would lead to further inflationary pressures on the economy. In an escalating series of pay demand crises the Government's resolve to deal firmly with the NZWWU grew.

The situation came to a head in February 1951 when the NZWWU imposed an overtime ban and the employers responded by making work available subject to the acceptance of overtime. The employers had changed the conditions of work- the effect was that the workers saw themselves as being locked out. In response to the stoppage the Government declared a state of emergency under the provisions of the PSCA on 21 February 1951. On 26 February emergency regulations were gazetted under the provisos of the PSCA and the

following day the armed forces began working on the wharves. By the conclusion of the dispute some 3500 service personnel (2) would be working in a wide range of industries including coastal shipping, mining, transport and cool storage. At the height of the strike the peak manning figures for the services were as follows: navy, 930 out of a total strength of 2682 personnel; army, 1170 out of 3256 personnel (excluding the troops in Korea); and airforce, 1425 out of 3174 personnel (3). It should be noted that the airforce commitment was the largest of the three services.

The service effort was confined to the wharves at first, but was soon extended when freezing workers refused to handle any produce unloaded by servicemen, coal miners went out in sympathy with the watersiders, and seamen walked off certain ships as service personnel began working them. Ratings from HMNZS Taupo and HMNZS Lachlan mined coal on the West Coast of the South Island. In the cases of both coastal vessels and mines the RNZN had only to provide the labour, since Merchant Marine officers and senior mine officials remained on duty. This point is of some significance as it casts light on one of the major problems involving the use of the forces in industrial disputes- the requirement to have skilled personnel available. This factor will be commented on in the concluding chapter.

The service effort, at the outset, was notable for the way in which the services attacked their new role with great gusto and achieved record work rates. The overall work rate throughout New Zealand was between 15% and 100% better than that of the pre-February 1951 WWU (see Annex A). However, this remarkable figure is partly explained by the shorter day worked by service labour (generally an eight hour day as opposed to an eleven hour day) and the uniform nature of cargo (4). In all servicemen handled 778193 tons of cargo during the dispute (5).

When the possibility of service action was first raised in September 1950, it seemed likely that the armed forces might be called upon to

provide assistance to the police in maintaining law and order. The army was able to provide several platoons carrying rifles but without ammunition or fixed bayonets (one wonders at the value of this) and during the 1951 dispute several parties of soldiers were held unobtrusively in readiness to provide assistance if required. Although there were some acts of violence and intimidation in Wellington and Auckland, the police were not overtaxed and these units were not required. As another possible means of supplementing its forces the Government established the Civil Emergency Organisation (CEO). The CEO represents a New Zealand "third force" and was entirely civilian in character. The role of the CEO was to assist in the maintenance of law and order and to provide protection to those who were involved in emergency duties. More than 8000 enlisted on the first day and by the end of June 28921 had enrolled throughout the country (6). However, the CEO was never used although it was claimed that its existence "deterred many acts of violence" (7).

The Government's desire to end the dispute was assisted in no small way by the FOL's desire to see the TUC smashed and by the Labour Party's reluctance to support one side or the other. The end results of the dispute were to re-establish the FOL as the governing body for all labour organisations, to offer the prospect of a prolonged stay in government to the National Party, and to highlight the continuing difficulty that the Labour Party has in managing its relationships with its fellow organisation, the trade union movement.

Civilian Control and the Law

Civilian control of the military was demonstrably present throughout the operation. Not only were the forces controlled through a civilian-dominated organisation, but they were also paid for their work as if they were a normal civilian contractor.

Despite involvement in the 1944 Waikato dairy factory dispute, the

services lacked guidelines for MACM operations. As a result the initial system of command and control had to be improvised. Throughout the dispute control was vested in the civil authorities. Emergency Supplies Committees (ESC) were set up at all ports where the armed forces were involved. Chaired by the mayor of the port town, with representation from the services, these committees were responsible for maintaining the supply of essential foodstuffs and services to the community (8). The services effectively acted as a contracted labour force unloading goods in accord with ESC decisions.

To coordinate efforts at the national level the Government established a Cabinet Committee, consisting of the Ministers of Labour, Works and Marine, and Defence to direct the various bodies assisting in the Dispute. This committee had its first meeting with the Auckland and Wellington ESC's on 1 March (9). The efforts of the services were controlled in detail by the Overseas Shipping Priority Committee and the Coastal Shipping Priority Committee. Both these organisations were chaired by the General Manager of the Waterfront Industry Commission who represented the Government (10). The services had their own representation on the Overseas Shipping Priority Committee (11). This committee determined the priorities for working overseas vessels throughout New Zealand with the aim of preventing wastage of perishable goods and of ensuring the regular and efficient shipment of foodstuffs to the United Kingdom.

The Coastal Shipping Priority Committee (12), upon which the Naval Department was represented, had the responsibility for providing sufficient coastal shipping to move supplies of foodstuffs, coal and other essential commodities between the North and the South Island. It fixed itineraries for coastal vessels, allocated naval crews for the manning of coastal vessels and directed the ESC allocation of shipping space for any cargo required.

The order of priority for the service handling of shipping was:

coastal vessels carrying essential commodities for the community; overseas refrigerated vessels loading for the United Kingdom; and general cargo vessels provided there was sufficient labour (13). This last priority gives a good indication that service action went well beyond providing the community with essential requirements. New cargo handling priorities were set each week.

The army was the best equipped to provide the command structure for service assistance in the dispute. In Auckland (14), overall command of the three services was vested in the Northern Military Districts (NMD). An officer of the NMD chaired a working committee established under the Auckland ESC. This working committee was responsible for organising and controlling service labour on the Auckland waterfront. Headquarters NMD established a combined headquarters to coordinate the work on the waterfront. Command of the forces actually engaged was delegated to an officer of one of the services involved. This organisational structure functioned extremely efficiently. Each service had an officer, responsible to the overall wharf commander, commanding his own service's personnel on the wharf. Additionally, each ship had an officer to coordinate loading and unloading of the vessel. Work units corresponded to the army's platoon organisation- that is one officer and approximately 30 soldiers. A similar form of ad hoc organisation was used at practically all the other ports when they, too, began using service labour.

In areas of potential conflict the civilian presence could also be found. The provisions of the PSCA did not give members of the armed forces the powers of police and the Government remained anxious to prevent an image developing of the armed forces being dominant over the normal rule of law. Accordingly, the physical security of the wharves, mines, trains and other facilities was provided by the police rather than the armed forces.

Following the formation of the new WWU military vehicles were used to transport union members to work. This exposed the drivers to the risk of physical assault by the strikers. An army report noted-

Owing to the feeling between the old and the new Unionists, a house to house delivery is made which entails some very difficult driving. In each vehicle a police constable is present to see to the protection of passengers. On odd occasions a patrol car may be present. (15)

Thus, rather than risk a confrontation between the armed forces and the strikers, the Government chose to ensure that the police were readily available at all sites of potential conflict.

The issue of payment made it very obvious that the armed forces were under civilian control. Payment implies a master/servant relationship and, for this reason, payment was not inconsistent with civilian direction of the armed forces' energies. The first indication that the armed forces were to be paid for their part in the dispute came in a press statement from the Minister of Defence in March 1951. The Minister stated that "the government desired that some return should be made to the services in consideration of the sterling work being performed" (16).

The charges of waterside work were elaborately costed to ensure that money could be recovered from employers. Treasury was responsible for the recovery of these costs (17) and this money was then paid to the armed forces. The Waterfront Industry Commission (18) prepared the claims on the shipping companies and the harbour boards based on a rate per ton or on an hourly basis with an extra charge being made for overtime work and meal allowances. Transport charges were recovered either by weight at civilian rates or, in the case of the Lyttleton to Christchurch freight haulages, costs were charged at the rail freight rate. Where soldiers were working on the railways or in the mines their services were paid for at the appropriate departmental rate.

The extra charges such as special transport, travel warrants, laundry,

medical attention, hire of buildings, rations and soldiers pay were not charged against employers but were noted so that the Government could have an accurate measure of the cost of the dispute.

Accident compensation (168 soldiers were injured (19)) was paid by the shipping companies; either in the form of so called 'protection clubs' if the company belonged, or if not, the company paid the Government the worker's compensation premium and the Government met the cost as if it was a civilian that was injured (19).

As the armed forces bore the cost of supplying the various industrial services from their own budgets it is easy to understand why the Government should have wished to recover these costs. Without cost recovery it would have been impossible to reimburse the services. However, the armed forces received money above and beyond their operating costs. In short, they were rewarded.

There was no precedent for payment of the armed forces nor was there any logical reason for payment, beyond cost recovery, to be made. However, as Lieutenant General Sir Leonard Thornton, the commander of Linton Camp at the time, remarked with considerable understatement, "there was a slightly warm feeling in the breast of government' (20). It can be assumed that the Government's motivation for paying the armed forces lay in a desire to reward them for their diligence and enthusiasm. The result was that by April the army was earning £10000 (21) per week and the other services were earning similar mounts of money. The question was, what to do with the money remaining after the costs had been recovered?

The Chief of General Staff, Brigadier Gentry, wrote; "The amount likely to be earned appears to be growing to such a size that it may become embarrassing if not split in many ways and in amounts that are reasonable" (22). Gentry was not in favour of extra pay for the troops but there had been a precedent during World War Two when troops were paid for

harvesting. Gentry acknowledged that most officers and soldiers believed that a bonus should be paid as compensation for extra wear and tear on clothes, separation from home and family, the type of work being distinctly "non-military" and "dirt" money.

By 26 June 1951 (23) the guidelines for the gratuity had been established: 5 shillings per day for personnel involved in emergency duties-

waterfront work,
loading, transporting or unloading goods,
New Zealand Railways work,
work in wool stores and freezing works,
extraction, loading and trucking of coal,
administration duties related to the dispute,
all members of working parties away from service accommodation and
all personnel employed as crew on coastal vessels.

Since the dispute had affected all the New Zealand armed forces either directly or indirectly a second gratuity was issued; 2 shillings per day was payable to those based in New Zealand but not directly involved in the dispute and those on operations in Korea and Malaya. The rationale behind this decision lay in the fact that units resident in New Zealand had to continue to function with large numbers of their personnel away on waterfront duties. As a consequence the personnel remaining in the units had to work extended hours or were posted to other units to ensure that they continued to function. Troops on operations received a gratuity because they were on active service- it would have been impolitic for troops in combat not to receive some sort of gratuity when their fellows in New Zealand received additional money for doing tasks which carried considerably less risk.

The payment of gratuities disposed of some of the money earned, but significant quantities still remained. In April 1952 Army General Staff requested that all formations produce a plan for the expenditure of the waterfront money, the Army's share of which was estimated to be £85000

(24). Any plan for expenditure had to be approved by the Government.

Many plans for expenditure were produced, some realistic, some not. Eventually the money was parcelled out to the various commands and formations that assisted in the dispute. The division of money was made in proportion to the strength that each unit had involved in the dispute. The money was spent according to the wishes of the units involved on various types of camp facilities. Examples of expenditure included the provision of bowling greens, tennis courts, soldiers' clubs and instruments for camp orchestras (25).

In 1962 it was decided to freeze the remaining money and produce an expenditure plan that benefited the army as a whole and not just individual units. After consideration £11500 was invested in a trust fund called the Army Central Wharf Fund and the remainder was used to purchase motels for the use of army personnel (26).

The issue of payment (as a reward as opposed to cost recovery) has not been discussed in any ACP literature and the New Zealand experience of 1951 appears unique. However, 1951 did not set a precedent for future New Zealand MACM operations as the armed forces have not subsequently received payments that exceeded costs for carrying out industrial tasks. There is little doubt that the armed forces were happy to receive the money initially but once it became apparent that the dispute would be lengthy and a commensurate amount of money earned concern mounted as to what to do with it. The notion of paying the armed forces for "services rendered" had more negative than positive effects. These negative effects included the fact that the armed forces were not organised nor disposed to manage large amounts of free capital and, more importantly, there was the risk of an image developing that the armed forces were available for hire to the highest bidder. The major benefit, as shown in 1951, was that payment reinforced the reality of civilian control but this may have compromised the

armed forces standing as an apolitical body. On balance, there is little reason for any future government to support the concept of payment for industrial duties.

Government Justification

The decision to use the military was conditioned by domestic political considerations. The President of the National Party stated in July 1951 that-

New Zealand led the Empire in the rejection of the Socialists in 1949, recognising them as a menace to stability and orderly progress. It now remained to revise objectives and, with new drive, reject from the precincts of Parliament Communists and all allied or associated with them. (27)

The broad thrust of this statement covered the Labour Party, the TUC, troublesome unions and even the potentially useful FOL. The Government's response to the waterfront dispute seemed to be aimed, above all else, at ridding New Zealand of all socialist opposition. In the process, too, attention could be diverted from New Zealand's pressing economic problems. Whether or not this was a premeditated ploy cannot be substantiated. What is certain is that the crisis was "at the right place, at the right time". The benefits of the situation must have been obvious. Thus, a double victory was possible. It is against this background that the decision to involve the military must be viewed.

In 1950 the National Government faced political difficulties and increasing inflation. This created a requirement for a distraction, a "winnable" conflict which would prove National's capabilities. Luck, in the shape of the WWU, provided it. The Prime Minister, Holland, was an enthusiastic supporter of United States foreign policy. Not only was he rabidly anti-communist, but he was also convinced that strikes were part of the Cold War. The evaluation of the situation by the United States' Embassy was that Holland wanted to "give the country a bit of discipline" (28). Statements by Government Ministers confirm the anti-communist tenor

of the Holland Government. At the first hint of trouble on the waterfront, the Minister of Labour questioned "can we tolerate law breaking by an organisation dominated by Communist international instructions, or do we stand firm in our belief in genuine differences of opinion under our democratic way of life?" (29). At the conclusion of the dispute Holland proclaimed, "we have taken the Reds on" (30) and a fellow government member, F Gotz, stated that the objective of the communist party was "to seize on the slightest cases of dissatisfaction among workers in order to organise strikes..." (31).

The Government was eager to be seen to be "bashing" communists and Holland issued the following warning to people who stood in the way of the country readying its defences-

Any individual or group of individuals who stood in the way of...the country's preparations for defence to ensure peace...by limiting the handling of goods...was a traitor to the country and should be treated accordingly. (32)

Holland believed that militancy must be extinguished forever and this meant breaking the strike and subjecting labour to arbitration enforced by law.

The United States' Embassy in its April 1951 despatch discounted the notion of communist manipulation of the WWU. Following the March FOL conference the Embassy reported that "...the few known communists among the delegates present supported the settlement formula of the moderates" (33). The Embassy believed that the communists were largely opposed to the strike action because they feared for the survival of the WWU if the strike continued. The Embassy assessed that the communists wanted to ensure that the WWU survived because they wished to maintain their influence in the existing union rather than being forced to build up control in a new union (33). It was this that explained communist support for the settlement formula.

To achieve the extinction of union militancy the Government used the

military. Under the guise of fighting a communist plot and using the argument that any departure from the strict enforcement of compulsory arbitration would mean the death of democracy, the Government sided with the employers. The military were employed to maintain affected services, and the unions were starved out, thus forcing them to submit to arbitration. Additionally, control of the labour movement was returned to the hands of the FOL, and the Government, taking advantage from the general distraction from New Zealand's economic difficulties, dissolved Parliament and secured an increased majority in the ensuing election.

The use of the military in the 1951 Waterfront Dispute parallels the views expressed by the Marxist ACP writers. In 1951 the armed forces were used to support the ruling elite and the state was quite clearly seen to be both above the law and making laws that would ensure its survival. The fears of all writers, that is the use of the military as strike breakers rather than the providers of essential services, were realised in 1951. In subsequent incidents the distinction between the provision of essential services and strike breaking has remained clear. Additionally, the military have not been used so obviously as a tool of political expediency and have been able to maintain their reputation for being above politics. Thus, it is possible to argue that New Zealand's experience of ACP as a political tool really begins in 1951 and subsequent incidents have been tempered by the experience of this dispute. This argument helps explain Defence reluctance to become involved in similar incidents.

Effect on the Services

The efforts made by the forces throughout the dispute were not without serious consequences for the three services. The RNZN's planned training programme for all ships and shore establishments was severely disrupted. In March, the Government decided that HMNZS Taupo and HMNZS Bellona, which were exercising with the RAN were to be recalled (34). Also, the

survey ship HMNZS Lachlan was forced to suspend all surveying duties. The crews from these vessels were immediately involved in various industrial duties.

The army also suffered from the search for workers. The compulsory military training scheme, under which 4100 servicemen had been conscripted, was curtailed on 13 March (35). This scheme was designed to give New Zealand the ability to place a divisional formation in the field in the mid-1950's. Thus, the Waterfront Dispute threatened to restrict New Zealand's ability to meet the commitments to Commonwealth defence which had been entered into in 1949-'50.

The RNZAF was not involved in Korea and, without a commitment to combat, the RNZAF's role in the Waterfront Dispute was disproportionately greater than the other two services'. The RNZAF was forced to suspend the majority of its flying and technical training. The nett effect of airforce involvement in the dispute was that 20% of the RNZAF's planned flying commitment for the 1951-1952 financial year was lost (36). For those in training establishments continuity of instruction was destroyed and training time was lost and this forced a considerable period of revision before training could be resumed in earnest following the end of the dispute. The RNZAF's key unit, No 75 Squadron, found that its readiness to conduct operations was slashed as a result of the effects of service involvement in the dispute (37). Other squadrons were unable to cope with even the most ordinary of tasks such as rationing personnel, repairing vehicles and maintaining aircraft and runways. This prompted the Air Secretary to remind members of his staff that the dispute affected all RNZAF matters-

...the employment of RNZAF personnel to assist civil authorities in the present state of national emergency has become very embarrassing to Station Commanders endeavouring to maintain essential station services. Air Department staffs are to take this fact into consideration in their contacts with stations and ensure

that only urgent orders are issued. (38)

This statement makes it clear that even the most normal airforce activities suffered. Within New Zealand only the airforce compulsory military training scheme, apprentice training and essential communications facilities operated uninterrupted (39). Additionally, normal activities such as annual leave were affected. All annual leave between February and May was deferred and had to be taken following the dispute (39). This caused further disruption.

In July 1951 Holland stated in Parliament that the armed forces "saved their country in a time of "cold war"....They never questioned what they were asked to do, but regarded it as their plain duty and did it " (40). Despite Holland's confident assertion there were a number of incidents which contradicted the image of a happy and contented military body. The use of the services in the dispute did more than simply diminish their operational capacity- morale also suffered. A report from Linton Camp in August noted,

When this detachment first commenced work on the wharf, the personnel concerned were under the impression that it was only for a few weeks and consequently were over enthusiastic in creating new records for handling cargo, and did so. However, as time went on and the prospects of the strike finishing were obscure, this enthusiasm waned... (41)

As the strike dragged on service enthusiasm for their new found role steadily declined. This was particularly noticeable amongst members of the RNZAF as airforce personnel became increasingly irritated with facets of their involvement. At Picton airmen were upset at favours being shown to deregistered wharf workers. An RNZAF Base Woodbourne signal complained-

...deregistered waterside workers union at Picton being permitted to work cars and mail on Tamahine whilst airmen are expected to work all other cargoes at that port. (42)

There was at least one incident that went beyond the bounds of legitimate protest. This occurred when some airmen were asked to unload race horses from an inter-island ferry. They argued that the holding of race meetings

in a time of national emergency was not essential to the life of the community. To prevent further trouble the horses were unloaded by other personnel (43). This type of protest by members of the military appears unique amongst the literature of ACP. However, this should not be construed to mean that disciplinary problems are a peculiarly New Zealand phenomenon. Rather, it is a consequence of the focus of the majority of works analysing ACP. These works concentrate on the "big picture" and do not concern themselves with the details of the military operations. This lack of interest in the minutiae of MACM indicates that most writers see the military as an unthinking tool that does as it is told and has no morale problems. This approach ignores the human side of military operations and decreases the relevance and practicality of some of the work.

Given their greater involvement it would be expected that the RNZAF would attempt to make a great play on the role they played in the dispute at the expense of the other services. This expectation is borne out by the documentary evidence. As an example, in a tri-service report in early June to the Prime Minister, the RNZAF claimed that for their part,

There have been no cases of indiscipline amongst service men as a result of employment on emergency duties. On the contrary, scores of airmen engaged in essential duties in stations, and retained as key personnel, have personally requested, and been granted an opportunity, to serve on the wharves for at least a period. (44)

Pencilled across this, written presumably with the RNZAF's refusal to handle race horses in mind, is a comment by the Army's Director of Army Education and Welfare Services-

The added section is almost uncamouflaged air propaganda. I am afraid we are just unable to trust Air to do a job of this type unless we can discuss the final draft before it leaves the services. (44)

This sort of rivalry is to be expected. The RNZAF had no part to play in the Korean war and it could be expected that it would seek as large a slice

of glory as possible from the other great military endeavour of 1951- the waterfront dispute.

Aside from the inter- and intra-service tensions that the dispute produced there were also tensions with society. Soldiers have never been good at accepting what they see as the inefficiency and disorganisation of the civilian world. Once employed on the waterfront examples of inefficiency came to light. Following the dispute a Commission of Inquiry into the waterfront industry was established and all units involved in the dispute were required to report on their experiences and recommend improvements that should be made to the waterfront industry. As an example, the Headquarters Central Military District report stated,

It appeared that on the waterfront generally there was a distinct lack of organisation, very poor supervision of Harbour Board shed employees and the absence of conscientious foremen who had drive and organising ability. (45)

This tone was echoed by all other involved units.

It was not only inefficiency that irritated, the armed forces were also irritated by the delay in resolving the dispute. By May the Deputy Chief of Air Staff was aware of a sense of mounting frustration amongst airmen at the prolonged absence from normal activities (46). Additionally, the delays in re-establishing a viable union in Wellington concerned the armed forces' representatives on the ESC and in the middle of June they put their views before their respective departments (46). The feeling was that the armed forces were being used as a political weapon and that insufficient pressure was being brought to bear upon the local authorities to bring about an early resumption of normal work. These two incidents are really aberrations. It is too much to expect that the armed forces should protest over their use as a political tool particularly since this is the first major New Zealand experience of ACP. After all, both Finer's and Huntington's models of civil-military relations place great emphasis on

unquestioning obedience of civil authority. Huntington's notion of the armed forces being able to happily coexist with a conservative government is certainly supported by the lack of protest from the armed forces. One wonders whether more protests would have been voiced if the government had been socialist and the strikers the representatives of conservative interests.

That the armed services felt uncomfortable with civilian society for all the inefficiencies that it encouraged or left unaltered is not surprising. What is surprising is that the armed forces remained largely untouched by Government propaganda postulating a link between the WWU strike and the war in Korea. According to Thornton, and there is no documentary evidence to contradict him, there was no significant linkage in the minds of servicemen between the wharf strike and the war in Korea (47). The opposite would have been expected- especially since soldiers tend to be conservative and thus in sympathy with the political aims of a conservative government.

Thornton offers another interpretation of the military mood. He believes that servicemen felt that the "wharfies had had it coming for a long time" (47). This feeling of antagonism was not restricted to watersiders- it also extended to farmers and miners. These were the people who had benefited while 2 New Zealand Division was overseas during World War Two. They had avoided military service by remaining in what were classified as essential services.

On the face of it there would appear to be little concrete support for Thornton's second argument. However, when the following facts are considered the argument begins to achieve some plausibility. More than 25000 Grade One men (fit for overseas service) were retained in essential services during the war years (48). These services were farming, mining, wharf work and selected industrial occupations. The presence of these

25000 men was a source of great irritation to New Zealand soldiers being returned to operations in Italy following the 1943 furlough and its associated mutiny. Considerable resentment was felt towards miners and wharf workers who had struck during the war to get more pay (48). A soldier in combat received 4s 6d/day whereas a wharf worker received 3s 2d/hour (48). In the minds of soldiers in combat, hardly a fair deal. Thus, policemen, farmers, miners and wharf workers had all avoided one facet of New Zealand egalitarianism- equality of sacrifice.

All this considered, there could indeed be more than a grain of truth in Thornton's second suggestion. However, the satisfaction of seeing these groups suffer, if it existed, would have been confined only to World War Two veterans who would most likely be Senior Non Commissioned Officers or officers. There would, therefore, have been little friction at the "work face" but there may well have been some at the ESC or police divisional level. This is explained by the fact that a private soldier in World War Two would be unlikely to be a private soldier in 1951- promotion would have removed the soldier from an environment where he interacted with police constables or labourer equivalents. Instead, the soldier, presumably with prejudices intact, would be working at the managerial level. These prejudices, if they existed, would be unlikely to be transferred to new recruits as the issue ended with the war and did not resurface until the Waterfront Dispute some six years later.

There is no documentary evidence to suggest that servicemen felt other than as Thornton described. This lack of evidence should not be interpreted as support for Thornton's argument. Rather, the lack of evidence reflects one of the realities of military life- as service personnel are not supposed to have political views no effort is made to record them.

Overall, the armed forces proved capable of filling the gap created by

the industrial stoppage on the waterfront and in several other fields. However they were severely taxed in doing so and could not have maintained essential services without outside assistance had a general strike ensued. 1951 sounded a clear warning to those that would listen- the armed forces were not capable of providing anything more than a stop-gap solution to industrial stoppages, and, in providing that solution, serious but not irreversible damage had been done to the operational readiness of the armed forces. A considerable amount of training was required before the forces were at their pre-dispute level of preparedness and that is to be expected after an absence of six months from normal military activities. It is, however, important to realise that there is no evidence to suggest that the efforts of the New Zealand forces in Korea were affected by the consequences of the dispute.

It is interesting to note that no literature passes comment on the adverse effects on military training caused by ACP operations. This should not be taken to mean that ACP operations have no effect on training. Instead, it is indicative of the fact that ACP analysts tend to come from societies with large armed forces- hence the percentage of military personnel involved in MACM duties is less and, thus, the damage done to training levels is less. For example, the 1977 British firefighters' strike saw 20000 service personnel deployed in the largest MACM operation of recent times (49). However, this only amounted to 6% of Britain's total armed force of 320000 personnel. Given this explanation it is understandable that ACP literature makes no mention of the effect of ACP operations on training standards. The lesson to take from all this is obvious- the smaller the armed forces, the greater the effect ACP operations have on operational readiness.

The Public Response

The public response to the involvement of the armed forces in the

dispute was conditioned by the Government's use of the media. During the 1950's there was no financially stable left-wing newspaper and the press was largely conservative and hostile to the strike action. Bassett wrote in his thesis,

The dispute revealed that a smoothly working partnership seemed to exist between the National Party and the press, a partnership which managed to control very effectively the dissemination of all opposing points of view. (50)

This unity with the Government reinforced the view that the strikers were communists, wreckers, pilferers and inefficient, slow workers.

The papers also suggested that any stoppages dealt a serious blow to the defence effort, especially in the prevailing international political situation. Because the strike could be portrayed as serving the purposes of world communism the papers began to suggest that the Government should act firmly. One remedy was to work the wharves with non-union labour, perhaps the armed forces because-

The movement of food to Britain is of the utmost strategic importance, and the Government, while it is anxious to support legitimate unionism, will show no mercy to those who use New Zealand trade unionism to sabotage and imperil the security of this country and the freedom loving world. (51)

Once service labour began working in the areas affected by the dispute, the newspapers began to extol the virtues of the military. The result was a huge groundswell of support for the armed forces. Aside from praise in the country's newspapers, the services also received countless letters of commendation and offers of free tickets to balls, race meetings and theatre performances. Numerous private organisations extended offers of hospitality to members of the armed forces. One example amongst many was the Wellington Trotting Club's invitation to servicemen to attend the Autumn Meeting free of charge (52). Additionally, shipping companies and the councils of port cities could not contain their enthusiasm for the virtues displayed by the armed forces. The Mayor of Napier's letter to the Chief of General Staff is typical of many such letters,

Not only has their conduct been exemplary but the manner in which they have devoted themselves to their work, loading and unloading ships in record time, indicated the very fine spirit which has prevailed. (53)

There were also signs that the public response was not totally supportive. If support was unanimous, why was it necessary to restrict free expression with the emergency regulations? These regulations explain why there were no opinions expressed in the newspapers that opposed military involvement. It should also be remembered that the dispute spread beyond the waterfront because workers in other industries refused to work alongside service personnel. Despite this hostility by workers there is no evidence of any other action being taken against the armed forces. Overall, those opposing military involvement were a minority and were effectively silenced by the Government's emergency regulations.

Throughout the dispute, the Government found no difficulty in selling the message of military involvement in the dispute to the public- especially to those members of the public who profited by the military's actions. There was almost total support for the Government's actions against the strikers, and this support was transferred to the armed forces. This response is in line with the interpretation provided by the ACP literature. This proves little though because governments will not undertake ACP operations without significant public support- to do otherwise is to risk the operation failing or ceasing to be the government.

1951 is the first case study- others are needed before the lessons can be anything more than generalities. However, some key factors have already emerged. Civil control of the military is the key to successful ACP operations and 1951 is no exception. There was never any doubt throughout the dispute of exactly who was in command- the Government. As long as the

forces could be seen to be acting at the behest of Government, union antagonism and public suspicion were reduced. Additionally, public confidence in the Government's actions was strengthened because they were presented with a picture of a loyal, professional, uncomplaining and efficient body acting in the nation's interests. Payment further reinforced the principle of civilian control- whilst the armed forces were in receipt of money from employers they were obviously being controlled by civilians, and more particularly, by the Government. As long as the principle of civilian control was visibly maintained the New Zealand democracy was seen to be functioning correctly and charges of "police state" could be dismissed.

Looking back over the events of 1951 it is hardly surprising that the existence of the PSCA is viewed with suspicion. In addition to the wide powers given to the police, the act made waterfront work a military duty but could not place soldiers under the command of civilians. Whilst control of the work was exercised through a civilian dominated organisation, command remained an exclusively military responsibility. The PSCA proved its effectiveness in 1951. Whilst the Defence Act 1971 provides the government with broadly similar powers to the PSCA, the ability of the Defence Act 1971 to deal with large scale industrial unrest remains unproven. Only time will tell whether the Defence Act 1971 is capable of replacing the PSCA in the event of widespread industrial disruption.

The justification of the operation was made simple by the split of the TUC from the FOL, the Cold War and a world-wide fear of communism. By focusing on a phoney communist threat the Government was able to achieve its aim of smashing the troublesome WWU. By identifying the threat as communist manipulation and not an industrial dispute the Government created a climate where forcefulness was welcomed, even called for, and the decision

to involve the services can be seen as the culmination of a political battle rather than a desire to use service labour.

The formation of the Civil Emergency Organisation displays a curious facet of Government thinking. Even though the CEO was never used its very existence poses a number of questions. Was this body formed, as claimed by the Government, to assist in the maintenance of law and order (54)? Or was it formed to give the Government an additional source of labour if the dispute should spread and be beyond the capabilities of the armed forces? Neither prospect seems to hold promise for the successful use of the CEO. The success rate of "third forces" in de-escalating conflicts is not high. In fact, these organisations can, through their actions, deepen existing divisions in society. The experience of the Black and Tans in Ireland is a case in point. On the other hand, the use of the CEO as a labour organisation would create more problems than it would solve. The withdrawal of 28000 workers from their normal jobs and their introduction into strike-hit occupations would have catastrophic social and economic effects. Overall, the usefulness of this organisation is questionable. Cohn Bendit's (55) and Clutterbuck's (56) comments on "third forces" reflect the real risks of using this sort of force. Thus, it is likely that the employment of the CEO was viewed by the Government as a last resort to be deployed wherever and whenever it was needed in the event of the dispute getting out of hand.

Not surprisingly the armed forces' reaction was an excitement at a new role which slowly faded as it became apparent that the dispute would be a long haul. Examples of indiscipline were rare but could have become a problem had the dispute continued through the winter months with the attendant problems of cold and darkness. Of more of a surprise are the comments of Thornton that the forces did not link the dispute with the ability to supply and reinforce the troops in Korea and that they were

happy to work on the wharves because it involved them in a dispute that hurt those who did not pull their weight during the war, that is the wharf workers, miners and farmers. As previously stated this feeling, if it existed, would have been confined to Senior Non Commissioned Officers and officers. Whilst no other sources corroborate (or repudiate) Thornton's remarks this should not be grounds for dismissing them as baseless. As the Commandant of Linton Camp during the dispute Thornton was well placed to gauge soldiers' feelings and his considerable military service gives his views a degree of credibility.

1951 alone is not sufficient to demonstrate that the public decides its acceptance or non-acceptance of ACP based on the issue involved rather than the principle of ACP. 1951 did show how the media are able to form public opinion- the absence of competing viewpoints, ensured by emergency regulations, made this easier and public support and even calls for military involvement existed long before the decision had been made. Once the decision had been made, the newspapers ensured that majority public support for the Government, and, by implication, the armed forces continued. Given the prevailing public mood there probably would even have been support for the use of the forces in riot control.

The results of the entire dispute were obvious. The Government had secured re-election, destroyed militant trade unionism and "under the guise of fighting a "communist plot" ...the Government...had forced the militant unions to submit disputes to arbitration rather than rely on direct action" (57). In short, success was attained by firmness through MACM.

ANNEX ACOMPARATIVE RATES OF WORK ON GROSS GANG HOURS (58)

VESSELS	PORT	OLD UNION	NEW UNION	SERVICEMEN
OVERSEAS	AUCKLAND	6.53	9.95	10.57
VESSELS	WELLINGTON	7.84	8.72	8.95
DISCHARGING	LYTTLETON	6.60	8.18	8.55
	DUNEDIN	7.20	10.40	10.37
UNION SS CO	AUCKLAND	6.23	9.45	13.02
GENERAL CARGO	WELLINGTON	5.20	8.37	9.33
LOADED AND	LYTTLETON	5.67	9.30	8.97
UNLOADED	DUNEDIN	6.22	9.42	10.27
COASTAL SHIPS	AUCKLAND	-	-	-
GENERAL CARGO	WELLINGTON	5.63	8.53	11.96
LOADED AND	LYTTLETON	6.12	9.01	9.51
UNLOADED	DUNEDIN	6.48	10.45	11.53

RATES OF WORK: TONS SHIFTED PER GROSS GANG HOUR

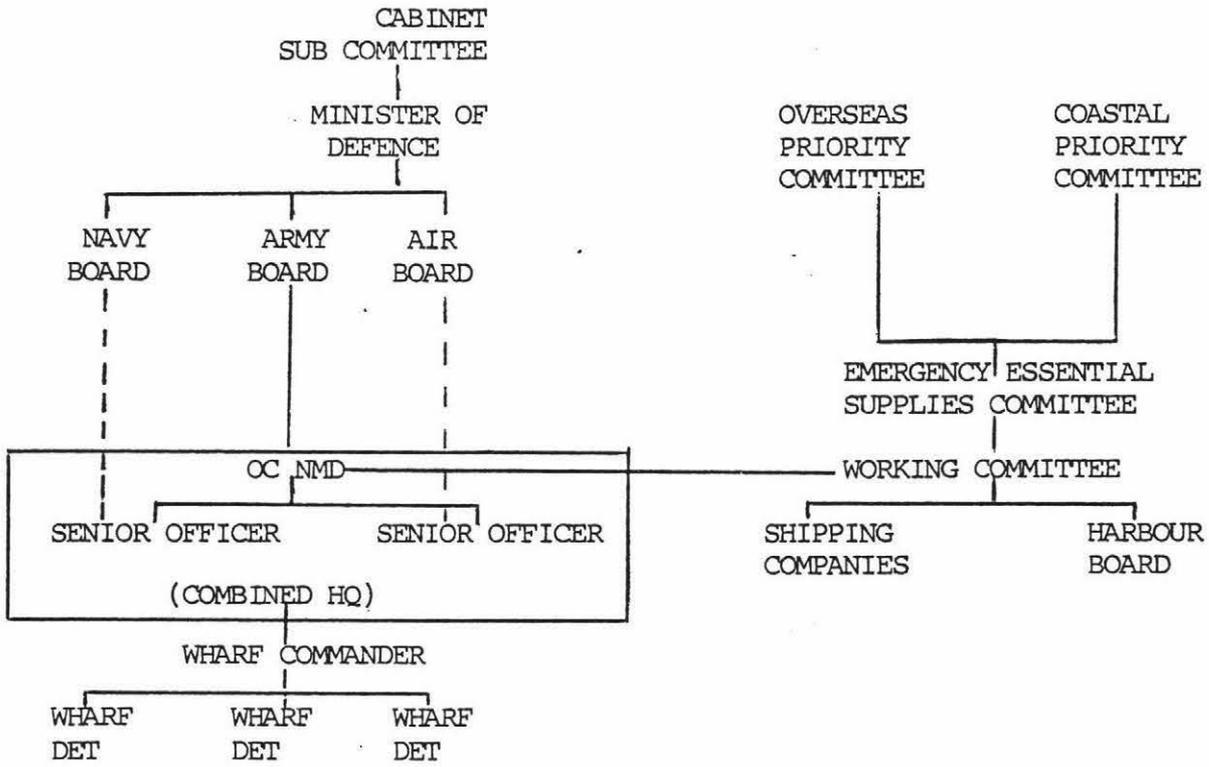
BASED ON: SERVICE PERSONNEL DURING THE DISPUTE, DE-REGISTERED UNIONISTS
YEAR ENDED 31 MARCH 1951, AND NEW PORT UNIONISTS.

It will be noted that the service work rate at Lyttleton is lower than the other ports. The Waterfront Industries Commission explained this by claiming that it was due to the fact that more meat was loaded at Lyttleton than any other port. Meat was supposedly harder to handle (59).

CHRONOLOGY OF THE WATERFRONT DISPUTE

- 9 Feb 1951-WWU stop work
- 22 Feb 1951-proclamation of emergency
- 26 Feb 1951-WWU refused to return to work
- 27 Feb 1951-armed forces began working on the wharves
- 28 Feb 1951-WWU deregistered
- 26 Jul 1951-proclamation of emergency revoked

WATERFRONT DISPUTE: ORGANISATIONAL CHART (60)



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60. 55/4/15, ROH, "The Armed Forces and the Waterfront Strike 1951" p15

OPERATION PLUTO

Operation Pluto is the name given to the RNZAF airlift which replaces the Cook Strait ferries during an industrial dispute and, as such, is an example of MACM. Apart from the airlift across Cook Strait, Operation Pluto has also been used once to alleviate a strike that affected trans-Tasman air travellers. There have been seven Cook Strait Plutos since 1969 and the trans-Tasman Pluto of 1981. Motivation for the stoppages has been two-fold, straight forward industrial disputes and opposition to nuclear ship visits. Some idea of the scale of the undertaking can be gained from the following figures. In 1971 (Pluto 2) six RNZAF aircraft made 308 flights across the Strait carrying 1448 passengers and 737 vehicles (1). In 1979 during Pluto 3 and Pluto 4 355 flights were made with 3391 passengers and 761 vehicles being carried (2).

In November 1969, in response to a Seamens' Union stoppage that affected the Cook Strait ferries, the Secretary of Transport initiated planning for what became Pluto 1. In a letter to the Minister of Transport he stated,

I understand that a large backlog of freight is awaiting transport across Cook Strait and that both air and sea carriers are fully extended. Consequently you wish to use the RNZAF freighting capacity to augment available capacity. This proposal is clearly in the public interest. (3)

The rationale behind the use of the RNZAF was quite clearly stated as the "public interest". This remains the rationale.

All Operation Plutos have been conducted (details are shown at Annex A) under the direction of a National Government. Plutos 1, 2, 4 and 5 were conducted in response to industrial disputes which meant that the Cook Strait ferries ceased to sail. Plutos 3, 6 and 8 were brought about because of industrial protests over the presence in Wellington Harbour of warships suspected of being armed with nuclear weapons. The odd one out was Pluto 7

which was mounted to alleviate the effects of a dispute involving trans-Tasman air services. The Government response to each stoppage was the same. Following the decision to intervene the RNZAF and the army both deployed parties to Wellington and Woodbourne to establish freight and passenger handling facilities. The army was responsible for freight handling at both terminals, the RNZAF provided the transport resources and the NZR continued its normal ticketing service. The RNZAF aircraft that have been used are the C130 Hercules, the B140 Bristol Freighter and the Andover. The maximum number of passengers carried on the largest aircraft, the C130 Hercules, is about 60.

Rather than analyse each Pluto as a separate entity, I propose to treat all as a single incident, except where marked differences are worthy of investigation. This unified approach has the advantage of allowing the central themes to become readily apparent. Additionally, each Pluto is remarkably similar to the preceding Pluto aside from the causes. This similarity makes the value of an examination of each Pluto unrewarding.

Pluto is interesting for three reasons. Firstly, the degree of civilian control. Secondly, the frequency with which the operation has been undertaken and, thirdly, the fact that Pluto spans a period which commences before the introduction of the Defence Act 1971 and continues to this day.

The Cook Strait ferries form one of New Zealand's many "essential services". Because they are essential any unions proposing strike action which will affect the ferries are required to give 14 days notice of the intended action. This period of notice was designed to give employees and employers time in which to solve the dispute before industrial action occurred. This period also allowed the government to intervene, either to pressure the parties into solving the dispute or to alleviate the effects of the dispute. Unfortunately, none of these actions, with the exception

of the alleviation of the effects of the dispute, have ever been carried out in any dedicated manner. This inability to act responsibly during the critical 14 days has led to the high number of Operation Plutos that have been undertaken. This particular theme will be taken up again later.

Civilian Control and the Law

The issues of civilian control and the law are closely bound up in Operation Pluto. Operation Pluto has always been begun at the behest of the Government, although the necessary impetus for Pluto 1 was provided by New Zealand Railways. Following an industrial dispute in November 1969 the Acting General Manager of Railways wrote to the Minister of Railways requesting that a Hercules be made available to assist in the movement of traffic as industrial action by the Seamens' Union had prevented normal freight handling. The Acting General Manager believed that "a Hercules aircraft could be gainfully employed until 22 December" (4). Pluto 1 is the only instance in which a Department has approached the Government to initiate the operation. Following this the Government has always acted on its own initiative. This is quite understandable for two reasons. Firstly, the Government is the main source of funds to the employer directly involved. Secondly, and more importantly, it is politically expedient for the Government to act against unions.

Following the advent of the Defence Act 1971 the responsibility for introducing the armed forces into industrial disputes became that of the Minister of Defence. However, prior to this Cabinet had to approve the use of the armed forces in an industrial dispute. On 21 November 1969 Cabinet considered and approved the use of the RNZAF in the ferry dispute. The Cabinet minutes showed that-

3. The Hon J B Gordon will recommend that Cabinet
 - (a) note the situation which has developed regarding the accumulation of inter-island freight.
 - (b) authorise the Minister of Defence to arrange for the use of Hercules...under contract to NZR for as long as may be possible.

70

(c) note ...Railways will be prepared to reimburse
the Defence Department for the cost of the Operation. (5)

Thus, in 1969 the RNZAF was effectively loaned to the NZR for pecuniary reward. In essence this made the whole operation a Railways controlled airlift with the RNZAF merely acting as an aerial carrier.

With the introduction of the Defence Act 1971 the method of securing military assistance changed. The Minister was now the sole approving authority and there was no requirement for the recovery of costs. The first operation conducted after the introduction of the Defence Act 1971 was Pluto 2. On 5 November 1971 the Minister of Defence "authorised the RNZAF to operate for hire/reward as long as the seamen's strike continues" (6). This time, rather than the costs being recovered via contract, NZR settled the direct costs by payment from the Railways vote, a sum of \$21000 (7). Pluto 2 involved the RNZAF in 308 flights over a five day period (8). Obviously, a payment of this size, even by 1969 terms, could not meet the true cost of the operation. Thus, by 1976 the cost recovery was revamped in an attempt to recover more of the actual costs of the operation. On 31 August 1976 Cabinet, during Pluto 3,

agreed that motor vehicles will be charged the normal rate plus a surcharge of 66 2/3% and that passengers will pay twice the normal ferry rate; and
noted that these charges will not meet the cost of payments to the contracting air services and that the shortfall will have to be met from vote: Railways. (9)

Following the conduct of the operation, which involved 11 days flying by five aircraft (10), Railways transferred the revenue received to the Defence vote; a total of \$23705.94 (11) and reimbursed Defence the remainder of the cost of the operation.

The high fare prices did more than simply recover costs. They also provided a good indication that the provision of Pluto was aimed at achieving a political goal rather than an industrial goal. In short, the Government was seen to be doing something but this action was more cosmetic

than substantial.

On a purely functional level it can, quite correctly, be argued that as the RNZAF lacked the physical ability to replicate the ferry service raising fare prices discouraged non-essential users. This obviously reduced pressure on the RNZAF service.

More importantly, as the Government believed that the Cook Strait ferries provided an essential service it could be expected that the replacement (Pluto) should have been provided on the same terms as the original service. Raising the fare prices ensured that this was not to be. Whilst the Government could claim that the high fare price discouraged non-essential users it was equally true that it penalised those for whom the service was essential. Thus, it appears likely that the Government's definition of an essential service was political and not industrial. This explains why the Government publicly appeared to be committed to upholding the rights of the travelling public but on closer examination was simply going through the motions for political gain.

Service Reaction

The service reaction to Operation Pluto was very cautious. Pluto was a distraction and a drain on resources although it still constituted valid training for those involved. The conduct of Pluto devoured a considerable number of flying hours, for example in 1979 more than 250 hours were flown during Pluto 4 and 5 (12). The cost incurred to the RNZAF was considerable, for example Pluto 8 cost \$116310 (13) in flying hours alone. Other flying activities have suffered because of the need to mount Pluto. In 1976 the armed services were under considerable pressure to save fuel yet despite this Pluto 3 was mounted for a total of 12 days during the stoppage caused by union reaction to the visit of USS Truxton. "The Ministry of Defence Report for the Year Ended 31 March 1977" stated that "No flying displays were mounted because of the need to conserve fuel"

(14). Obviously the Government was required to balance the need to alleviate public distress and the need to conduct normal RNZAF training.

Whilst monetary compensation for the conduct of Pluto has been reasonably forthcoming, only on one occasion have the all essential flying hours been refunded (15). Without a refund of the flying hours Pluto represented a loss of training time and resources which could have been devoted elsewhere. Although the armed forces bore the real cost of Pluto there was no sign of any resentment. This lack of resentment displays loyalty to the government that follows the line advanced by Finer. There is nothing unusual about the armed forces bearing the costs of an ACP operation and this reflects the British experience.

The RNZAF attitude to Operation Pluto not only reflected the concern with lost flying hours but also the lack of real capacity to carry out the allotted task. In 1979 the RNZAF mounted Pluto 4 and 5. Pluto 4 and 5 covered the period 7- 10 February and 24- 26 February respectively. The report on Pluto 5 submitted to Defence Headquarters by RNZAF Base Auckland stated,

To introduce a note of caution amongst these credits, it should perhaps be pointed out that the RNZAF can never provide a substitute for the ferry services. At best, it can do no more than maintain an emergency link for only the highest priorities of movement, usually cars and their passengers. (16)

It was very apparent to the RNZAF that Pluto could only be mounted for a short period and that the capacity for sustained operations had never been tested. During Pluto 4 and 5 the RNZAF made 355 flights over a total of seven days (17). The official report doubted that this tempo could be maintained for more than one week and could not be reached at all in bad weather (18). The report clearly implied that the RNZAF lacked the ability to replicate the ferry services and, thus effectively carry out the Government's stated aim of reducing public inconvenience. Ultimately the

RNZAF's ability to operate for a prolonged period was as limited as its ability to carry more than passengers and motor vehicles. Fortunately, the former has never been put to the test.

Government Justification

Government justifications of Operation Pluto, given that all have occurred under National Governments, are curiously inconsistent and apparently weak. The Defence Review 1983 stated,

The Government does not call upon the Armed Services lightly nor without careful consideration of all possible alternatives. The Government will continue to make use of the Armed Services in this way, where necessary to alleviate distress and inconvenience to the public. (19)

The message was clear. Operation Pluto was to be used whenever the government required it. The point was further reiterated by Muldoon- "the Pluto operation can be used to prevent damage to the economy and massive inconvenience to the public" (20).

However, the definition of the public interest was less clear. Was the public interest the movement of foodstuffs and fuel or was it the movement of holiday makers and private cars? Subjectivity is clearly operating because, although the ferries are an "essential service" and the use of the RNZAF is designed to alleviate the effects of the stoppage, there is no evidence to show that any economically essential goods have ever been moved by Pluto. No sign of anything larger than a private car exists on any flight manifest, although this is hardly surprising when the limited carrying capacity of the RNZAF's largest aircraft, the C130 Hercules, is considered. The C130 cannot carry a vehicle significantly larger than a three tonne truck and it certainly cannot carry a railway wagon or a furniture truck or a fuel tanker. Thus, it appears that Pluto existed not so much to move economically essential goods around but more to safeguard the Government's own political fate. By being seen to be doing something the Government was seen to be governing in a responsible and decisive manner.

This suspicion is further reinforced when the implications of the high fare price are remembered. The Cook Strait ferries seem to have been regarded by the National Government as an essential service as much for political as for industrial/economic reasons.

The other aspect of inconsistency lies in why Pluto continued to be necessary. If the National Government was really concerned about the incidence of industrial disputes affecting the Cook Strait ferries it could be expected to have been involved in solving the problem during the 14 day notice period. This has not occurred. During an interview K Douglas (the Secretary of the Federation of Labour) stated that the Government would not intervene until the ferries stopped sailing. It was Douglas' view that it was the lateness of the Government response that predetermined that the military would intervene (21). Whilst the Government was prepared to alleviate the effects of the stoppage for short term political gain it appeared reluctant to act in any meaningful, responsible way to ensure that future stoppages were made as unlikely as possible.

This reluctance was particularly evident with regard to illegal strikes. Operation Pluto 3, 6 and 8 were in response to nuclear ship visits to New Zealand. The strikes that caused these operations lacked the compulsory 14 days notice of stoppage and, thus, they were illegal. However, aside from Pluto, the Government never acted against these illegal strikes or the unions responsible. This is despite calls by some of the public for action against the involved unions. The Marlborough Express wrote,

A disappointing feature of the whole exercise, however, has been the near lack of action by the Government. Other than providing an alternative and expensive car and passenger service across Cook Strait, using RNZAF aircraft and personnel, for stranded people, the Government has done virtually nothing. (22)

These opinions were fairly widespread in the South Island, possibly because it was the South Island that felt alone and isolated, rather than the North Island. The Ensign of Gore advocated government action against striking

unions-

Either the public has the free and unfettered use of its ferries or it does not and if the present law does not permit the Minister to act promptly it should be amended without delay. (23)

and was joined in its case by the Southland Times

Strikes which have a political motivation require some extra treatment from the Government and it is time this aspect was looked at again. (24)

The Minister of Labour, J Bolger, resisted this pressure. Bolger stated that the option for legal action against the union was the responsibility of the Labour Department and not the Minister (25). This represents a division of responsibility that is rather difficult to understand- particularly given the public anti-union utterances of the Muldoon Government. However, prosecution of unions posed the very real risk of escalating industrial conflict and creating mayhem and ill-feeling within the work force. Thus, Bolger's decision not to prosecute needs to be seen as a sensible desire to keep industrial conflict within manageable parameters rather than as a sign of a lack of conviction. Douglas diverges from this view. Rather than pragmatism, he attributes Bolger's reluctance to prosecute to what he sees as an unwillingness, typical of many Ministers, to make difficult decisions (26).

There is often a significant gap between what a government says it will do and what it actually does. Pluto provides a good example of this. When questioned on the issue of Pluto Muldoon stated that the "principal element in Government thinking would still be...the preservation of the security of the public and there are times when it would be unquestionably economic security....That's always been the position" (27). This statement represents the attitude expected by the public of the National Government. However, when dealing with unions in private Muldoon was always very much a pragmatist. The use of Operation Pluto has existed as part of the Government's set piece response to a ferry dispute. The Government's use

of Pluto removed the pressure on both employers and unions to hurriedly negotiate and the lack of ensuing prosecutions represented a Government desire not to raise the intensity of industrial conflict. This is not the expected action of a Government which publicly appears to be antagonistic to unions.

Public Response

In general the public response to the Government decision to commence Operation Pluto has displayed strong anti-union feeling and, by implication, support for the Government and its actions. For example, the Editor of the New Zealand Times wrote of the Seamens' Union decision to close the port in 1983,

Their decision to close the Port of Wellington during the visit of the USS Texas last week was totally illogical, politically naive....I don't see any justification for such political action by the trade union movement anyway, but to extend that action to 120 hours is ludicrous. What did the union achieve, apart from pariah status? (28)

This type of anti-union sentiment was displayed by many newspapers. The corollary of this feeling was support for the use of the armed forces. The Evening Post editorial of 15 August 1983 stated,

Fortunately the Air Force were quickly on the job and the three Hercules and two Andover aircraft relieved what could have been a nightmare for many on the move. It was, in all, a smoothly impressive operation... (29)

Earlier Pluto's received similar coverage. Pluto 2, for instance, featured on the front page of most newspapers, and during the five days it was conducted, was shown three times on the 7pm television news (30). Defence moved quickly to capitalise on this public support and a public relations campaign was conducted in conjunction with every operation. The 9 September 1976 RNZAF report on Pluto 3 reflected on the value of a properly constituted public relations initiative,

Allocation of PRO [Public Relations Officer] to Aid to the Civil Power was welcomed particularly in view of confused industrial situation, agitated public and aggressive news

media. (31)

The public relations officer, as a trained journalist, was able to ensure that press conferences were conducted, press releases issued and all media activities co-ordinated. The aims of these activities were to ensure that the RNZAF presented the best possible public image and that it was able to capitalise on the not inconsiderable public exposure. The conduct of Operation Pluto represented a magnificent opportunity to develop a high public profile and to improve the state of civil-military relations. This is an opportunity which has never gone wanting.

In the case of nuclear ship visits the public response was less clear cut than it was in cases where the dispute was caused by purely industrial concerns. However, despite the fact that a number of New Zealanders opposed ship visits by various means (including protest flotillas and demonstrations) their numbers were not sufficient to offset those who believed that the actions of the ferry unions were irresponsible. Thus, even in the case of nuclear ship visits, the balance of public response was weighted in favour of the Government's actions.

The union response to Pluto was as contradictory as the Government response. The requirement to respond in the publicly expected manner was often at variance with the true, more private union reaction. Publicly the unions opposed Operation Pluto and their response to service involvement was to accuse the Government of strike breaking. During Pluto 7, the Labour Party condemned the use of the RNZAF in the trans-Tasman airlift as inflammatory in manner and timing (32). The FOL followed this with threats of industrial action if the use of the armed forces was continued. Jim Knox, the President of the FOL, stated that the "continuation of such attempts now or in the future, will bring about industrial action" (33). As a measure of the sincerity of Knox's statement it is worth noting that no action against Operation Pluto has ever been taken.

When the stoppage concerned nuclear ship visits (Pluto 3, 6 and 8) the unions involved portrayed themselves as acting in the greater interests of the New Zealand public. For example, during Pluto 8, D Morgan, the President of the Seamens' Union, saw himself and the union acting in concert with the New Zealand people's wishes (34). Accordingly, the decision to use the RNZAF was seen by Morgan to be contrary to the wishes and best interests of the New Zealand people and more in sympathy with the global interests of the United States. On "Morning Report" (10 August 1983) Morgan was interviewed about the use of the RNZAF-

Reporter. The Government is using the RNZAF to transport people affected by the strike. What do you think of that?

Morgan. We have just learned of the intention to have an airlift across Cook Strait. We are not surprised by it. It seems to be in line with this Government who will do anything to accommodate the United States' war machine. (35)

Morgan's stance did not receive wide spread public support and did little to endear the union movement to the media. The majority of the media, in the words of Douglas, seemed to portray the dispute as being aimed at preventing-

some little old grandmother going to the West Coast for her grand-daughter's wedding. It's not the issue of the dispute. The pros and cons of the dispute are hidden behind this sort of emotionalism. (36)

The private face of union reaction was far more pragmatic. The Government's decision to use the RNZAF could not be shown to have aggravated the situation because the strike was not broken and negotiations continued throughout the conduct of Pluto. Additionally, the public supported the use of the RNZAF and the unions, lacking public support, found it difficult to make an issue out of the use of the RNZAF despite charges of "bringing in the forces" (37). These factors all influenced the private union reaction. Beneath all the public posturing the FOL did not see Pluto as strike breaking because the argument of the workers was with

the employer, and not the travelling public. Douglas believes that-

The fact that the Government decided to assist in the social impact or the public impact of that argument by providing an alternative for the duration of the dispute was probably welcomed by the workers, unions and employers and took some of the heat out of the dispute. (38)

Why this reaction? After all, this reaction is hardly consistent with the publicly expected views of the FOL. However, New Zealand industrial disputes often appear irrational to the dispassionate observer. In essential industries where it is mandatory to give 14 days notice prior to a dispute, the underlying precept is that the parties will commence negotiations immediately. However, according to Douglas,

what has happened in practice is that no one has done anything in those 14 days because...there has been for a long time, on both the union and the employer side, something of a crisis mentality in that you only actually do something when the crisis presents itself. (39)

This crisis mentality created a climate where Government intervention was welcomed by both parties. The unions did not oppose Operation Pluto because union action did not affect the employers or their profits immediately. Instead, the stoppage impinged immediately on the public's freedom of movement. This meant that an anti-union backlash was possible as the travelling public saw the unions as being directly responsible for their inconvenience. However, Pluto relieved the public discomfort, slowed the growth of anti-union sentiment and still denied the employer a profit. After all, the RNZAF was physically limited to carrying private cars and passengers rather than the lucrative freight trade. In addition, the high rates charged by the RNZAF, which went towards meeting the bill for the service, discouraged people from travelling and this further reduced any chance the Railways had of profiting from Pluto.

There has never been any question of the Government's right to intervene in this type of dispute. The Government is the main source of funds for the employer involved and the Government has a duty to protect

its citizens. Additionally, the crisis mentality that pervades New Zealand industrial relations created a climate which ensured that "the Government would look to use the military to alleviate the people pressures" (40) whilst negotiations were carried out. Given all this it is hardly surprising that the unions, employers and travelling public all welcomed Operation Pluto.

Thus, Operation Pluto does not represent a stick to beat the unions with, but, rather a tool to alleviate public distress and remove pressure from both the parties to the dispute. When this is acknowledged and understood the rationale behind both the Government's and the unions' reaction becomes clearer.

Pluto can be regarded as a "model" MACM operation as it mirrors the main trends of the ACP literature almost exactly. The exception is the union reaction which seems to contradict conventional wisdom. The only writer to explain a supportive union reaction is Midlane. Midlane suggests that the unions support the use of the armed forces in essential industries because "a central feature of the union claim is that the service they provide is essential- military intervention proves that point" (41). The concerns of analysts about emergency planning encouraging ACP operations are borne out by the number of Plutos that have been mounted. Once the Government discovered that it had the capability to alleviate the effects of the dispute it became encouraged to use the RNZAF rather than solve the dispute. In short, aside from the union reaction Pluto is not significantly different from any similar incident described by overseas commentators.

Operation Pluto, through its method of inception, the structure of payment, the sale of seats and its aims displays the concept of civilian

control. However, in this case the issue of civilian control is unimportant because Operation Pluto is not seen as contentious and the use of the military in this type of situation is seen by the majority of the public as an automatic response to protect their interests. The importance of civilian control is further lessened by the lack of conflict between the Government and the unions. The lack of conflict means that the armed forces are not seen as acting in a partisan manner. Thus, in an operation which has broad acceptance visible civilian control is not essential.

The law has evolved through the conduct of Operation Pluto. Initially the legal situation was unclear and this led to the leasing of RNZAF assets to NZR. Following the introduction of the Defence Act 1971 the situation became simpler and the armed forces could be used at the discretion of the Minister. Whilst this act may have eased the path of military involvement in industrial disputes it can also be alleged that the existence of this act has encouraged the Government to follow this course.

Justification of the operation centres around the protection of the public interest. However, the public interest was only protected in the short term. The National Government did little to prevent future industrial disputes. Additionally, while it was argued that the maintenance of the Cook Strait link was economically essential, the RNZAF substitute has never carried anything economically essential because of the limited carrying capacity of the aircraft. There was a curious inconsistency between stated Government aims and actions. The reality of the situation was that the Government recognised the utility of Operation Pluto as a means of deescalating a crisis and allowing negotiations to continue.

The public response to Pluto was a non-issue. As befits an activity that was portrayed as being in the public interest, public support was readily forthcoming. The union response, on the other hand, surprises. It

could be expected that the unions would oppose Pluto. However, as has been shown the unions welcomed Pluto as a means of reducing public antagonism and allowing both parties to negotiate a solution to the dispute. Thus, the use of Pluto represents a unity of Government and union interests, which, although never expressed publicly, results in a satisfactory outcome to the dispute.

Whilst this unstated consensus of union, public and political views seems to have existed throughout the conduct of Operation Pluto one wonders what would have happened if military involvement had been stepped up. If the armed forces had taken over the running of the ferries the reaction may well have been different. Almost certainly the unions would have regarded it as strike breaking and the Ministry of Defence would have been extremely reluctant to become involved in this type of operation. It is fair to conclude that the acceptance of military involvement was limited to a specific, well defined sphere of operation. Should the military have been required to act beyond these bounds then the reaction of all involved parties would have been very different.

The reaction of the armed forces to Pluto was cautious but there was never any question of refusal. Pluto was a drain on resources. While the money was often recovered, the flying hours rarely were. The RNZAF was also acutely aware of its inability to carry out its task for any prolonged period of time.

It should be remembered that because something is portrayed as being in the public interest, it does not necessarily follow that the preservation of the public interest is the primary goal. Overall, Pluto represented Government indulgence in something of a confidence trick. The RNZAF was never designed to be an economic life raft and it was unfair of politicians, unions and the public to expect it to operate in this manner. This is not to say that Pluto was worthless, it relieved public

inconvenience but more importantly, it reduced anti-union feeling, allowed the parties to negotiate in a relatively pressure free environment, preserved the Government's political reputation and demonstrated that the Government would act on the behalf of the third party (the public) in an industrial dispute. Overall, Pluto gave a reaonable return to all the involved groups with the exception of the party that made the Government victory possible, Defence.

ANNEX AOPERATION PLUTO

- 1969 Pluto 1 26 November-20 December. Seamens' Union stoppage over the "Wainui".
- 1971 Pluto 2 5 November-10 November. Seamen's Union strike against the Shipping and Seamen Amendment Bill.
- 1976 Pluto 3 29 August-9 September. Ferry sailings stopped by dispute over the visit of USS Truxton.
- 1979 Pluto 4 7 February-10 February. Marine and Power Engineers dispute over wages.
- 1979 Pluto 5 24 February-26 February. As for Pluto 4.
- 1980 Pluto 6 23 September-27 September. Ferry sailings stopped by dispute over the visit of USS Truxton.
- 1981 Pluto 7 February-March. Trans-Tasman airlift mounted jointly by the RNZAF and the RAAF in response to an airport strike.
- 1983 Pluto 8 10 August-15 August. Ferry sailings stopped by dispute over the visit of USS Texas.

ENDNOTES

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19. New Zealand Government, Defence Review 1983 (Wellington 1983) p41
20. Interview Sir Robert Muldoon, 24 June 1987
21. Interview Mr K Douglas, 31 July 1987
22. Marlborough Express 12 August 1983 p6

23. The Ensign 22 August 1983 p4
24. Southland Times 11 August 1983 p5
25. ZYA Evening Report 9 August 1983. Transcript held by DPR.
26. Interview Mr K Douglas, 31 July 1987
27. Interview Sir Robert Muldoon, 24 June 1987
28. New Zealand Times Editorial 14 August 1983 p6
29. Evening Post Editorial 15 August 1983 p2
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31. 20/56/29/3, Report on Pluto 3, OPHQ RNZAF 092345Z Sep 76
32. The Dominion 28 February 1981 pl
33. The Star 2 March 1981 pl3
34. ZYA Evening Report 9 August 1983. Transcript held by DPR.
35. ZYA Morning Report 10 August 1983. Transcript held by DPR.
36. Interview Mr K Douglas, 31 July 1987
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39. ibid
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41. M Midlane, "Military Aid to the Civil Authorities" in Sweetman pl22

THE 1981 SPRINGBOK TOUR

Without the barbed wire installed by the army I doubt the police would have had the men required to ensure the game went on. (1) P Keber, Commander of the Red Escort Group.

The Springbok Tour encapsulates all the features of the "worst case" ACP operation- violent confrontation, the potential for escalating levels of violence, the risk of alienating the armed forces from society, a polarised community and a prolonged conflict where the date and time of each incident was known well in advance by all parties. The majority of these factors have already been commented upon by the various analysts of ACP. It should be noted that the involvement of the military demonstrates the willingness of the government to go to the extreme in its desires to defend its position. Although the consequences of too much force are well known, Amritsar being an example, the involvement of the military at any level represents the "thin end of the wedge" and the comments of analysts about the effect on civil-military relations should be remembered.

Muldoon's views provided the basis on which the Springbok Tour was allowed to proceed-

New Zealanders remain free to travel, to invite visitors of their choice, and to make decision [sic] on sporting contacts in the various sporting bodies and without dictation from the Government. (2)

The tour, to the Government, epitomised the politically rewarding issue of individual freedom above all else. The tour began in mid-July 1981 and concluded following the Third Test in Auckland on September 12 1981. The tour lasted only eight weeks but the total bill for policing it was \$7.2 million- some \$4.3 million over the original estimate (3). After long, drawn out discussions between the Ministry of Defence and the Government it was agreed that military support for the police would be restricted to the provision of logistic support such as transport and accommodation. The cancellation of the Hamilton match changed all that. The Ministry of

Defence noted on 28 July that,

As a result of the increased police commitment to the Springbok Tour...Cabinet has decided that Defence can be called upon to provide logistic and personnel support to the Police compatible with the need to maintain public order at a level which the public expects the Government to sustain within the law. (4)

From this point on the army began providing engineers to site and erect barbed wire entanglements to assist the provision of security to the football grounds. This assistance began in Palmerston North on 29 July and ended with the final test in Auckland. At no time during the tour were service personnel engaged in policing operations, nor were they used to replace police who had been released from non-essential duties to carry out Springbok Tour tasks.

At Palmerston North the barbed wire was laid outside the grounds to restrict possible approach routes to the match. However at the matches in Wanganui, Napier, Invercargill, Christchurch, Wellington, Rotorua and Auckland, the wire was laid within the grounds. Wire was also laid on the approaches to the grounds, even when it meant laying wire through home owners' gardens. Explosive Ordnance Disposal (EOD) teams were on constant standby throughout the tour although their presence was never publicised for fear of encouraging someone to "test" the EOD teams' skill levels. In addition the army provided transport, rations and accommodation for the police in military establishments and allowed the police to conduct riot training away from publicity in various camps; most notably, Papakura. A significant amount of travel was by air and the RNZAF made 880 flights throughout the country in support of the police operation (5).

Civilian Control and the Law

As in the other cases studied, control of the armed forces remained firmly in the hands of civilian authority. However, the tour posed a problem- because the New Zealand population was effectively split evenly on the issue, the Government had to tread carefully. Once the decision to

allow the tour to be undertaken was made, the policing decisions were apparently removed from the Government. This was consistent with Government claims that the tour was a law and order issue rather than a Government attempt to destroy the protest movement and use the victory as an aid in securing re-election.

However, as events showed the divorce of operational control from the Government was not complete and there was a strong suspicion that the Government was manipulating the tour for its own ends. The Editor of the NZ Listener wrote, "There was never, of course, a law-and-order issue—only a politician crying wolf again, as a diversionary electioneering tactic" (6). This possibility had not escaped the attention of the Opposition and, in Parliament, M Bassett accused the Government of using the tour to secure re-election,

...the Springbok Tour happens to be taking place just a few months before a general election....If the tour is called off, many supporters will not vote for those Government members. That is why the Government wants the Springboks to come to New Zealand. (7)

However, whatever substance these allegations may have had did not alter the fact that civilians, and not the military, controlled the policing of the operation.

The plan for the policing of the tour was developed at the highest level of the New Zealand Government in consultation with the Police Department and the Ministry of Defence. The planning process began in September 1980 and the final "go ahead" was given in December 1980 (8) despite continuing reluctance by the Ministry of Defence to provide assistance.

In securing military assistance the Government had two options. Firstly, the use of the Defence Act 1971 and, secondly, the use of the PSCA. For a number of practical and political reasons it proved expedient to use the Defence Act 1971. The use of this act did not require

parliamentary assent and, because only the Minister of Defence's approval was required, military involvement could almost be obtained by stealth. On the other hand, the PSCA was a much more public means of securing military assistance. To use the PSCA required a declaration of emergency and, whilst it would have conferred almost limitless powers on the Government, its use would have provided a propaganda victory to the protest movement. In addition, the use of the PSCA was subject to parliamentary scrutiny. Many people could recall the use of the PSCA in 1951 and the existence of the act was viewed with suspicion by some, especially by those in the Labour Opposition.

The initial level of military involvement was low- just transport and logistic support for the police- but this changed after the Hamilton game. On 27 July the numbers of military personnel involved were doubled- the basis of this increase was a previous agreement between the Prime Minister and the Minister of Defence (8). This agreement provided additional Defence support for the police in the event of the protest levels escalating beyond those initially envisaged. When the police asked the Ministry of Defence for a UH 1H Iroquois helicopter for the rapid deployment of intervention forces Defence agreed. The use of wire was also approved at the same time "to enable Police to exercise greater control over public access to grounds" (8).

On 27 July, Duncan MacIntyre, the Acting Prime Minister, stated that the police had decided to institute "Plan D" which consisted of increased staffing levels, additional support from the Ministry of Defence and tactical changes (9). The Government had decided to give the police all the support they required.

Commissioner Walton was firmly opposed to any direct army involvement because the maintenance of law and order was a police problem and not a military one (10). Additionally, military involvement had the potential to

raise the level of conflict rather than reduce it as military support for the police represented the ultimate sanction of force and this could prompt greatly enhanced resistance. Walton's decision not use the military meant that police tactics had to change and become assertive rather than reactive to the demonstrators. Peaceful protest, as at Hamilton, humiliated the police. Peaceful protest required arrests- for every demonstrator arrested two to three policemen were removed from the frontline. The alternative- assertive, combative policing- removed the need for arrests. The new confrontational style of policing returned the initiative to the police and would ensure that the tour would not be called off in the face of determined opposition.

It is a reasonable assumption to make that in planning the policing of the tour the worst case would have been considered. The worst case was obviously anarchy and overt military involvement. However, whether or not planning for the worst case was taken any further is impossible to ascertain. Given the Ministry of Defence's reluctance to be involved in the tour it is likely that overt military involvement was not seriously proposed. What is certain is that four plans, A to D, were established to cope with escalating violence. None of these plans involved the military in any confrontational role (11). This is supported by Muldoon who, in an interview with the writer, stated that the military were not offered to the police and that Walton never sought their involvement (12). However, Muldoon did note that the police were given the responsibility for the tour and they approached the Government when they wanted assistance (12). One possible implication is that had the police asked for additional military support, then the Government would have complied.

The level of assistance actually requested in this case consisted of wiring and the use of helicopters. The overall control of these assets remained firmly in the hands of the police. The only decision that was

made by the military was the amount and siting of the barbed wire (13). The detailed planning of the military assistance was undertaken in the three New Zealand military regions. One Task Force covered the top half of the North Island down approximately to Taupo, Two Task Force encompassed the remainder of the North Island and Three Task Force contained the entire South Island. The planning process saw the regional plan being developed by joint consultation between the police and the army. Once completed, the plan was referred to Wellington for clearance by Defence Headquarters (13). One week before the match was due to be played a joint police/army team visited the ground to look at security and to make an appreciation of likely security problems (13).

The overall security plan for the venue was the responsibility of the police. The army had to conform to the police plan, although the police would generally respond to advice from the army on issues that they were qualified to advise on. This usually revolved around the siting and construction of barbed wire obstacles (13). Whenever wire was being erected police were always present to provide security to the soldiers involved- especially when wire was being erected outside the grounds.

Throughout the tour civilian control of the military was visibly maintained and accepted by the majority of New Zealanders. However, some members of the protest movement believed that the army trained the police. Newnham claimed that "Army veterans from Vietnam trained them [the Red and the Blue squads] in Papakura, Waiouru, Linton and Burnham military camps" (14). Newnham's motivation for making this claim is fairly obvious- if true it could be alleged that New Zealand was becoming a "police state". There is no evidence to substantiate Newnham's claim. However, there is no doubt that the police did conduct their own training in military camps, for example a considerable amount of training was carried out in Papakura (15).

There was also a suspicion that members of the armed forces reinforced

the personnel of the escort groups. Following a question in Parliament in September, the Minister of Police, B Couch, stated,

No defence or territorial personnel who were not already members of the police have been deployed in this role. One member of the red escort group serves with the territorials. (16)

The presence of one policeman, who was also a territorial soldier, in the red escort group was hardly grounds for suspecting wholesale military involvement. After all, hundreds of police personnel also served in the territorials so it was hardly surprising to find one in the red escort group. If anything, it was surprising that there was only one.

By far the most serious allegations are those contained in Chapple's 1981 The Tour. Chapple claims, without evidence, that four companies of soldiers (each company consisting of 120 soldiers) were provided at each match site as a backup for the police (17)-

The troops were kept from view in army barracks or in tent camps outside the city centres, but they waited there on alert, with webbing and long batons, helmets, shields and tear-gas grenade guns. They were trained in riot control. (18)

There is no documentary evidence to support this statement. Additionally, the author discounts Chapple's claim for another more subjective reason. In an army as small as New Zealand's, the training and movement of 480 soldiers around the country cannot be kept a secret. The author has not, throughout his service, heard a single rumour or more substantial report that supports Chapple's assertion.

Aside from these views the issue of civilian control did not appear as the military were always and obviously acting at the behest of the Government under the direct control of the police. If the military had taken control of the operation or had become involved in combative policing then this issue would then have assumed tremendous importance.

Government Justification

The Government's decision to employ the armed forces was closely linked

to their decision to allow the tour to proceed. The Government was in a position from which it could not easily withdraw. The Government's public commitment to allow the tour to proceed had to be fulfilled, thus all the resources of the state had to be marshalled to ensure that the Government was able to keep its promise. Additionally, once it became apparent that the tour would be opposed and that opposition would entail breaches of the law the Government found itself in a position where almost any means could be justified in combating the law-breakers.

This justification was made difficult by the almost 50/50 split of the New Zealand population over the tour issue. Those opposing the tour naturally opposed Government actions to police it. This opposition covered the entire political spectrum from communists who advocated class war to those who abhorred violence but equally abhorred the tour.

The Government's justification for the involvement of the armed forces lay in the law and order arena. In an interview Muldoon stated

The principal element in Government thinking would still be...the preservation of the security of the public.... We take the same view of the armed forces as we do of the police, that although their roles are somewhat different they are both there finally to protect the public. (19)

To further justify the use of the armed forces the Government chose to focus on the right of New Zealanders to go where they chose, and when they chose without interference. To achieve this the Deputy Prime Minister, D MacIntyre, stated that the Government would "give the police all the support they require" and people were warned that if they broke the law they could "expect to be clobbered" (20). This clearly implied that additional military support was available. At the same time that the Government embarked on its law and order campaign the police tactics became more violent. This was a clear sign that the police were becoming hard-pressed to deal with the protests.

Some doubted the sincerity of the Government's law and order drive.

The NZ Listener, for example, believed that the tour was being used by the Government to increase its support in rural areas and to reinforce public acceptance of its policies. The NZ Listener wrote in the Editorial of 15 August 1981,

The tour, the government now tells us, is no longer about apartheid but instead has become a question of law and order. The Prime Minister himself concedes that the Government may have to go to the polls on the law and order ticket. (21)

The Government was aided in its law and order campaign by the cancellation of the Hamilton match, allegations partially substantiated by SIS reports of communist manipulation of HART, and by a conservative backlash that saw an opportunity to strike back at liberalising forces in New Zealand. Muldoon accused the demonstrators of hypocrisy as they pursued the same tactics that they denounced Muldoon for using-

These are the left-wing activists who purport to believe that New Zealand, under the Muldoon Government, is heading for some sort of dictatorship. Their own totalitarian views, and their violent attempts to disrupt the political process, publicly proclaim the hypocrisy that underlies their rantings. (22)

The release of the SIS report alleging communist manipulation of the anti-apartheid movement was designed to further aid Government attempts to portray the protestors as subversives and thus justify hard-line policing. The Minister of Police, B Couch, claimed that HART and CARE were financed by the FOL, the Labour Party and the Socialist Unity Party (23). This was followed by the release of the list of the 15 "radicals" who were influential in the protest movement. The majority of the people on the list were allegedly members of the Workers' Communist League. The list was part of an SIS report that pointed to the involvement of communist and other radicals in the anti-tour movement and Muldoon claimed that the list supported his view that "the fact that these people were in the centre of it is very bad..." (24). The SIS identified two groups within the radical 15, the WCL members and a non-communist group which included J Minto and

the Maori activists such as D Awatere and R Evans. The SIS report claimed that,

The radicals have begun to operate independently within protests organised by MOST [Mobilisation to Stop the Tour]passive protest had failed and that "terrorism" was now necessary. She [Evans] advocated the use of iron bars and acid sprays at demonstrations. (24)

Armed with ammunition like this, the Government's attack on the protestors should not have failed. The appeal to the middle ground of New Zealand against a perceived communist threat had echoes in the 1951 Waterfront Dispute. However, it is likely that the release of the SIS information was counter-productive and actually enhanced support for the anti-tour movement (25).

In the face of communists and radical Maoris the need for firm policing was apparent to the Government and its supporters. Muldoon, in Parliament, stated that the protestors were members of "the violent left....which is determined to descend to violence....The protest....can be handled, and it will be handled" (26). This statement begged the question of how the protests would be controlled. Shortly after the Hamilton game J McLay had outlined the Government policy on handling the "violent left"-

The Government has decided specifically that the facilities of the armed forces will be made available to the police.... There can be no doubt that what we saw in Hamilton last Saturday was part of a concerted challenge to the rule of law in our society. (27)

Therefore, in the face of what some saw as "mob intimidation Cuban style" (28) the Government found the question of limited military involvement easy to sell.

It is likely that if military involvement had been stepped up public opinion would have swung against the Government. The Government's justification for the use of the military trod a very thin line between having the tour go ahead at all costs and upholding law and order. This situation reflects the experiences shown in the literature. The use of too

much force had the potential to question the legitimacy of the Government and its actions and would, in turn, have weakened the fabric of civil-military relations.

Ultimately, the Government was effectively able to win majority public support for its stand. The influential urban newspapers, for example the Evening Post, New Zealand Herald and the Otago Daily Times (29), and the electronic media deplored apartheid but supported Government and police attempts to preserve law and order. This support could be reasonably assumed to imply support for the use of the armed forces. However, this support was most likely conditional upon the armed forces' role being restricted to non-combative support for the police. In addition, the 1981 election, like the 1951 election, proved that there was enough public support for National's policy to return them to the Treasury benches, albeit with a reduced majority.

Public Reaction

The public reaction to military involvement was very coloured by the overall reaction to the issue of the tour. If one supported the tour then, by implication, one generally supported Government attempts (including the use of the military) to ensure it continued- obviously the reverse of this statement was also true. One measure of public opinion can be found in the editorials of the major newspapers. These were, in general, anti-tour but also anti-violence (29). The debate over the tour was also reflected in letters to the editor in all the nation's newspapers. The Evening Post even devoted a special section to pro and anti-tour letters. Equal space was given to both viewpoints as editors did their best to avoid accusations of partisanship.

The tone of debate fluctuated between allegations of "mob rule" and "police state". Letters to the Editor chosen from the NZ Listener provide one illustration of the general debate that raged in the newspaper columns,

We should be grateful to the Rugby Union for inviting the Springboks to New Zealand, for it has brought out into the open a cancer that has existed in our midst for a long time. Spearheaded by HART and Care and other Marxist elements from our churches, universities, trade unions etc...our country could be brought to a state of near anarchy. (30)

and,

The Springbok Tour protestors have a terrorist mentality and anarchic designs. (31)

For every letter that saw communist agitators inciting violence in New Zealand and, by implication, supporting military intervention to preserve the rule of law, there was another that claimed that police tactics marked New Zealand's entry to totalitarianism. For this latter category military intervention was yet another piece of evidence that proved that New Zealand was moving towards dictatorship.

A recent two page advertisement in the Listener depicted the Army "at home" performing a variety of community services in times of crisis. I hope future advertisements will show the gross misuse of the Army to erect barbed wire barricades around football fields. (32)

Aside from letter writing some more tangible action was taken by protestors against military involvement in the tour. The entrance to Fort Dorset in Wellington had slogans painted across it and the Headquarters of Two Task force in Palmerston North was unsuccessfully firebombed (33).

The media coverage given to the use of the army to wire rugby grounds tended to reinforce the image of a potential police state. Barbed wire was laid through the gardens of private homes to prevent protestors gaining access to playing fields through private property. The Evening Post of August 29 1981 carried a photograph of a barbed wire entanglement laid through private property prior to the game at Athletic Park- on the inner side of the wire was a sign proclaiming "minefield"-

A member of the team putting up the barbed wire invited the "Post" to go and see if there were any mines planted on the lawn. The offer was not taken up. (34)

Public suspicion of armed forces involvement in police activities created a public relations problem for the Government and the Ministry of Defence. Preserving the image of the armed forces has never been a government responsibility, and thus the onus fell on Defence Public Relations (DPR). DPR is a unit designed to boost and sustain the image of the armed forces and to deal with media enquiries relating to issues affecting the armed forces. Unfortunately DPR found itself fighting a losing battle during the Springbok Tour. When the time was right for an assertive public relations style, DPR found itself excluded from the initial planning of the operation (35).

Exclusion from the initial planning process meant that DPR's staff knew little about the conduct of the operation. This made a quick response to an incident impossible as the staff of DPR had to research the operation, contact those involved, find out what was supposed to happen and what did happen before issuing a press release. Effectively public relations was limited to a reactive role (35). This prevented the armed forces mounting a public relations campaign portraying their actions in the best possible light. The Athletic Park minefield incident gives a clear indication of how little importance was given to public relations. If public relations had been regarded as important, unit commanders would have ensured that such damaging incidents did not occur. Thus, a lack of information and a low estimation of the power of the press ensured that the armed forces achieved little in the way of positive public relations.

Overall control of public relations was a police responsibility. An operational instruction from early July allocated the responsibility for public relations,

Requests for public relations information or enquiries from the media are a matter for the police and should be referred to them. (36)

It cannot be denied that the police were correct in having overall control

of public relations, as it was, after all, a police operation. However, a strong case could be made for a more assertive public relations style, especially following the debacle of Bastion Point (37) where the armed forces had been seen by the public as being the "cutting edge" of the police operation to evict Maori land protestors in 1978 (the resultant publicity did not favour the armed forces). However, this was not to be and the public image of Defence involvement was not developed. This type of action would have been particularly useful when barbed wire was being erected on private property. After all, as Lieutenant Colonel McComish (the officer responsible for liaison with the police in the Two Task Force Region) put it- "when you wire someone into their house...they get a bit upset about it when they can't go out and pick up the milk bottles" (38). Given the circumstances and the widespread opposition, it is doubtful whether anything more positive than damage control would have been achieved by DPR. However, that is still an important achievement- particularly when the very groups that were involved in the protests were those members of the educated public upon whom the armed forces rely for support. Members of this group were offended by the involvement of the armed forces in the tour and it can be alleged that military involvement in the Springbok Tour has contributed to the ebbing of support for the armed forces. Assertive public relations may have been able to prevent this.

Military Response

Throughout the operation the military were wary of becoming involved in any conflict with the public. This reluctance had its origins in an earlier MACP operation in 1978. At Bastion Point the military had assisted the police but it appeared to many observers that the roles were reversed with the police supporting the military. This operation resulted in considerable adverse publicity. Major Wicksteed recalled the operation-

We provided logistic support- 30 or 40 trucks to transport the police. Because they were army trucks it looked as if it was an army operation. The engineers pulled down the structures [the protestors' buildings] and many people perceived it as the army being the aggressor (39).

The spectre of the public reaction to Bastion Point hung over the planning of the tour operation. The first proposal for the military to assist the police is to be found in a letter (24 September 1980) to the Minister of Defence from the Minister of Police (40). The reply, one month later, showed that the Minister of Defence was reluctant to give a commitment as he feared that the operation would have serious consequences for civil-military relations. The Bastion Point experience was referred to specifically. Even though the public reaction to Bastion Point had been very negative, it seemed likely to the planners that the Springbok Tour would produce a worse reaction. The whole issue of the tour looked likely to raise serious questions about the role of the military in the community. Moreover, the tour would not simply be a New Zealand domestic problem but would have wide international ramifications and publicity which would in turn reflect on the standing of the New Zealand armed forces. It appeared to the Minister (40) that the use of the military in the tour would destroy the traditional separation between military and civilian affairs. Above all else, any military involvement (if there was to be any) must preclude any chance of confrontation between the public and members of the armed forces.

Additionally, the Minister of Defence was concerned about the effect that the legal constraints would have on the operation (40). Previous ACP operations given as examples were Mount Erebus and Bastion Point. However, the Minister was concerned that neither involved the continuing commitment envisaged for the Springbok Tour nor the degree of explicit involvement in police deployments which would be required such as the use of military vehicles and aircraft (40). Whilst the Defence Act 1971 had been used on

these occasions there appeared to be some doubt as to whether it was applicable in the case of the tour. Section 79 of the Defence Act 1971 was designed primarily to deal with industrial situations. Whilst this is not stated s.79 (1) strongly implies that this is the case as it refers to "public service" and not specific assistance to the police. In a case of public disorder s.79 (2) prevents the Minister using the armed forces in a situation where a proclamation of emergency could be issued under the PSCA. There is little doubt that such a proclamation could have been lawfully issued prior to or during the Springbok Tour. However, as previously explained this was politically unacceptable. Therefore, in the event, the Defence Act 1971 was used.

The issue of cost appeared early in the tour planning process- in December 1980 Treasury estimated that the cost of policing the tour would be between \$1.5 million and \$2.7 million (40). This cost was considered by Cabinet, who must have found it reasonable, because on 15 December 1980 (40) Cabinet approved the use of the armed forces to support the police. However, following the decision the Ministry of Defence still wished that further consideration be given to the implications of Defence support (40).

The Ministry of Defence continued throughout the tour to minimise Defence involvement and sought to prevent any chance of confrontation with the public. As late as 27 July 1981 the Ministry of Defence wrote to the Minister of Defence stating that barbed wire would be erected by military personnel but would be done discreetly and away from the public eye (40). Thus, from September 1980 to July 1981 the Ministry of Defence waged a campaign against the desires of the Government; firstly, not to become involved in the tour and secondly, once instructed to assist the police, to keep that assistance as discreet as possible.

Early in July the police had approached the Ministry of Defence to gain access to an RNZAF helicopter to allow a rapid reaction group to

deploy. Defence was unwilling to comply with the request as it conjured up the picture of direct military involvement in police operations (40). Concern was also raised at the requirement to provide security to the helicopter and its base. It was recommended that the police hire civilian helicopters rather than military ones because of the cost, security implications and the likely effect on civil-military relations (40). In addition, policy precluded the hire of Defence property when commercial sources were readily available. Following the Hamilton match these arguments became irrelevant- when the police asked again for a helicopter on 27 July, their request was agreed to.

The Government's attitude to the possibility of conflict was pragmatic. Muldoon felt that a confrontation between the military and the public was unlikely but if the situation had deteriorated to such an extent that military involvement was necessary then the considerations of civil-military relations would have been irrelevant compared to the prevailing lawlessness. In an interview he stated that,

The Commissioner of Police...told me throughout that he could handle it....we would only have asked the military to be involved as a last resort when the police said they couldn't handle it. (41)

If a "last resort" situation had developed the negative effect that a public clash would have had on civil-military relations would, according to Muldoon, "have been taken into consideration" (41). Obviously, however, the interests of the military would not have been allowed to take precedence over what the Government saw as the interests of the nation.

The military took their own steps to reduce the risk of confrontation. These involved a continual police presence whenever soldiers were involved in a task that could be observed by the public (42). Despite this precaution confrontations between soldiers and protestors did occur- although these never developed beyond verbal abuse. At McAlister Park in Wellington police removed protestors who were abusing soldiers engaged in

wiring (42). Another, more significant precaution, was the removal of all soldiers from the area prior to the commencement of the game (43). This was done for two very important reasons. Firstly, it prevented any chance of accidental conflict between soldiers and civilians. Secondly, it prevented the eventuality of a hard pressed police officer invoking the provisions of the Police Act 1958 and the Crimes Act 1961 to gain military reinforcements. This would have placed the senior military officer in an awkward and unpleasant situation.

The experiences of 1981 do not seem to have had any lasting effect on the military. It did not produce any situations in which military training was found to be inadequate and the friction between the Government and Defence did not lead to any recriminations. The fact that Defence did as it was bid, after making its protests, displays the reality of Finer's model of civilian control. What is likely is that the experiences of 1981, like those of 1978, will remain buried in the military's consciousness until the next occasion when an MACP operation is required. At that point history will be re-examined and, depending on the operation, a replay of the debates between Defence and the Government may occur. From this we may infer that the military think very little about MACP operations, preferring to devote their thoughts to mainstream military activities. MACP is seen as an aberration and it is only considered when it is necessary. This is certainly in keeping with Defence's attitude to other forms of emergency planning and this masterly inactivity caters for public and political sensitivities regarding this type of planning.

Public suspicion demanded that civilian control be visible throughout the period of military involvement in the Springbok Tour. It was most important that the policing of the tour was seen to be a police operation

and not a military one. Aside from unfounded allegations that the military trained or supplemented the police riot squads the majority of the public accepted that the armed forces were involved at the request of the Government and were in a supporting role under the direct control of the police. This support was provided under the Defence Act 1971- to have attempted to use the PSCA would have required a declaration of emergency and would have been politically embarrassing.

The public justification of the operation was simple- the preservation of law and order. A less obvious motivating factor lay in the National Government's desire to secure re-election by pandering to the desires of the more conservative electorates. The links, apparently established by the SIS investigation, between the various groups of radicals and the anti-tour movement helped recreate some of the atmosphere of 1951. Given this and the law and order issue the Government found it relatively easy to justify military involvement in the policing of the tour.

Any public reaction to the involvement of the armed forces reflected the division of opinion over the conduct of the tour itself. The Springbok Tour was the first occasion in recent New Zealand history when a significant body of public opinion swung against the armed forces. To combat this swing an active public relations offensive was required. This was not forthcoming and the image of the armed forces suffered accordingly.

The military response to the Government request for assistance was wary- far more wary than people might expect. The Ministry of Defence showed a great deal of sensitivity to the issues of civil-military relations and fought long and hard to keep military involvement in the tour to a minimum. Ultimately this campaign was unsuccessful. However, once involved the Ministry of Defence ensured that the possibilities of any conflict were reduced and, in the event, there were none of any significance. This is not to suggest that the Ministry of Defence was

prepared to abrogate its statutory duty to provide MACP and there is no doubt that the military was ready to meet its responsibilities. To suggest otherwise is to imply that Finer's model of civilian control does not fit the New Zealand experience and we have already seen that this is not the case.

The Springbok Tour of 1981 advances the models and analyses which other ACP writers have developed because it presents a picture of the tussle that goes on between Defence and the Government when an ACP operation is proposed. Previous analysts have spent little time discussing the views of the armed services either because they regard the services as an unquestioning arm of government or because there is little evidence of service opinion available. The New Zealand experience shows that the services are aware of the importance of civil-military relations and that they are prepared to take steps to safeguard their interests although not to the point of disobedience of government directives because this would compromise the basic tenet of civil-military relations- that is, Finer's principle of obedience of civilian authority.

The Springbok Tour, more than any previous operation, awakened New Zealanders to the true nature of ACP. The armed forces exist to serve the legally constituted government and until the government or its policies change they carry out the government's wishes in a professional, uncomplaining manner. Professionalism is the best and only defence that the armed forces can have when conducting ACP operations. Public antipathy can be reduced if the armed forces are seen to be conducting the operation professionally and in response to clearly and publicly defined government policy. This, to a large extent, requires a responsible, assertive public relations approach and that was lacking in 1981. The Springbok Tour saw civil control, the law, government justification of politically rewarding (or sensitive) operations, public response and military reluctance to

become involved in confrontation all playing a part in the planning and conduct of the ACP operation. Because of this the tour incident provides a very clear illustration of the concerns and considerations that operate when conducting an ACP operation in a society that is deeply split over the issue involved.

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30. NZ Listener 29 August 1981 p10
31. NZ Listener 22 August 1981 p11
32. NZ Listener 19 September 1981 p10
33. Interview Lieutenant Colonel T J McComish RNZAC, 27 July 1987
34. Evening Post 29 August 1981 p4
35. Interview Major M Wicksteed RNZA (retired), 26 June 1987
36. Public relations section from operational instruction for the Springbok Tour dated 15 July 1981. Information supplied by the Ministry of Defence.
37. "I don't think we've learned anything about public relations from Bastion Point". Interview Major M Wicksteed RNZA (retired), 26 June 1987
38. The police arranged the clearances necessary for the army to erect barbed wire on private property. Interview Lieutenant Colonel T J McComish RNZAC, 27 July 1987
39. Interview Major M Wicksteed RNZA (retired), 26 June 1987
40. Information supplied by the Ministry of Defence
41. Interview Sir Robert Muldoon, 24 June 1987
42. Interview Lieutenant Colonel T J McComish RNZAC, 27 July 1987
43. Information supplied by the Ministry of Defence

COMMENTARY

In drawing these case studies together it is apparent that there is an underlying unity. This unity is provided by five factors. These factors are the primacy of civilian control, the legal mechanism used to initiate the operations, a need on the part of the government to weigh up political factors, public response and a military reluctance to become involved. This chapter will pull these strands together and, in doing so, will show how they are a consistent feature of ACP operations. Finally, in concluding, the options available to future ACP operation planners will be discussed.

Civilian Control

Civilian control is a key feature of all New Zealand ACP operations. This is quite simply because the military are carrying out government policy in a manner laid down by the government. The whole question of civilian control is bound up with notions about the primacy of the legally elected government. Thus, civil-military relations and civilian control are inextricably linked. This returns us to the debate between Huntington and Finer. However, as has been shown, Huntington's theories do not provide a realistic basis for the conduct of ACP operations. His basic premise is that the military owe loyalty only to a government that acts in overall concert with conservative interests. This would rule out obedience to socialist or Labour governments.

Within the New Zealand armed forces the views of the more moderate Finer are supported. Obviously there are exceptions and it is true to state that the loyalty of some members of the Ministry of Defence has been found wanting since the election of the Labour Government in 1984. This lack of loyalty has manifested itself in a series of leaks to the press and what, at times, amounted to a running battle between the previous Minister of Defence, F D O'Flynn, and the Ministry of Defence. This battle

climaxed in a press release by O'Flynn that accused some members of the military of disloyalty (1). However, the leaks have continued with the most recent leak being that of a draft chapter of the 1987 Defence Review which contradicted the Review's optimistic portrayal of New Zealand's self-defence capability. These leaks are not solely the results of disagreements between Defence and the Minister over strategic issues. It is fair to say that there was also a strong clash of personalities between some of the leading figures involved (2).

Despite these disagreements Finer's model of civilian control continues to prevail. The role of the Ministry of Defence is to advise the government on matters of defence policy and, in this case, policy pertaining to ACP operations. Once the decision has been made by government, Defence is obliged to carry out the stated policy. This is the ultimate test of Finer's model of civilian control. The alternative, as stated by Major General Mace, is "that if you can't do what the Government tells you to do, then you must resign" (3).

The reality and importance of civilian control is widely recognised in New Zealand today. Even those who would be expected to hold widely differing views on political issues recognise the necessity of military subservience to civilian power. The Secretary of the Federation of Labour, K Douglas, stated that "the role of the military must always be to sustain the ruling class of society, that's just a political fact" (4). The Secretary of Defence expressed it in less political fashion: "military officers...support the government of the day- there is no justification for the withholding of support..."(5).

Whilst all observers agree about the reality of civilian control, its importance varies from incident to incident. Civilian control was far more important during a controversial operation such as the 1981 Springbok Tour than it was during Operation Pluto. In controversial operations visible

civilian control is welcomed by the military as a means of deflecting anti-military sentiment. More importantly, the government needs visible civilian control to satisfy its political requirements. As the majority of ACP operations are undertaken with political goals in mind, visible civilian control ensures that the government reaps its political reward and avoids charges of "police state". This was very apparent during the 1951 Waterfront Dispute and the 1981 Springbok Tour. Even though it was less obvious during Operation Pluto the need for visible civilian control was still present. In all these cases visible civilian control ensured that the government was seen to be governing. Without this control political rewards were not possible.

Civilian control over military actions during ACP operations can be achieved in two ways. Firstly, by establishing a non-government organisation such as existed during the 1951 Waterfront Dispute which represents the interests of the employer or the consumer. The second option is to establish a government sub-committee which can control the operation, an example being the Standing Committee on Terrorism which Muldoon envisaged acting as an ad hoc committee to deal with civil or industrial emergencies (6).

The law has an important part to play in establishing civilian control. It is important to realise that unless emergency regulations are passed there is no lawful way in which the military can be put under the direct control of a civilian or a civilian organisation. Even if such regulations are passed, once service personnel are involved they normally remain within the service chain of command and responsibility.

All three case studies display the importance of civilian control. However, 1951 provides the clearest illustration of the political requirement for civilian control being balanced against the military and legal requirements of command. Emergency regulations made waterfront work

a legitimate military occupation and placed the military under the control of the primary consumers, the waterfront employers, to carry out this work. Once the decision of what to unload had been made, the method and detail of the task was left to the military to execute. However, in the eyes of the public the military were quite clearly seen to be operating in response to Government and Emergency Supplies Committee wishes, that is civilian wishes. The emergency regulations made this control possible and ensured that the Government received the credit it sought for its stand.

The Law

The law provides an equal amount of confusion and guidance to both ACP planners and practitioners. With present New Zealand laws there are a number of possible levels of ACP operation- everything from a proclamation of emergency involving the entire armed forces to the involvement of a single soldier. The situation is further confused by the manner in which an operation may be begun. At the low end of the scale an ACP operation may be initiated by a police constable choosing to invoke the provisions of the Crimes Act 1961 or the Police Act 1958 to meet an immediate requirement. The aid provided could encompass a whole range of levels of military involvement. At its simplest level military involvement could consist of a group of service personnel, without equipment, who supplement police manpower resources. An example of this is the involvement of off-duty sailors in the Queen Street riots of 1984. The other extreme of military assistance is the use of a formed body, completely equipped, which operates as a separate military unit. This is the sort of military involvement that the police sought at Te Teko following the Bay of Plenty earthquake in 1987. The consequence of this type of ACP operation is that Defence or central government may not discover the existence of the operation until it has begun, or, as in the case of Queen Street, until it is completed. The authority to commence this operation lies essentially with the police

officer on the spot. The problem with this situation is that the armed forces are placed in a difficult position; to defer or refuse a police request for ACP could lead to prosecution or, at the very least, unpleasant interdepartmental wranglings. If the request is accepted the military commander could well be in an equally invidious position- the action of the armed forces in response to the police request may well run contrary to government wishes.

Obviously the Crimes Act 1961 and the Police Act 1958 place the armed forces in a potentially unwinnable situation. However, there appears to be no realistic alternative. The law must prevail and if, in the act of upholding the law, the police require military reinforcements then access to those reinforcements must be granted. The real issue is how that assistance is obtained. A law which requires constant referral to government is as fraught with danger as one that requires none. Too much reliance on central authority poses the question of what happens when central authority is isolated- as can so easily happen in times of unrest or natural disaster. The current provisions of the Crimes Act 1961 and the Police Act 1958 are effective as there are times when prompt action is required and the only way to secure aid is by direct liaison with the military authorities- counter-terrorist, civil disorder and disaster relief being the prime examples.

Full understanding and intelligent sensitivity seem to be the keys to the application of these two acts. Without this there are the real risks of the police and the military failing to respect the wishes of the government or failing to obey the rule of law. An example of considered action is the removal of all Defence personnel from rugby fields prior to the commencement of games during the 1981 Springbok Tour. This prevented any chance of a police officer under pressure seeking to secure armed forces assistance by invoking the provisions of the Crimes Act 1961 or the Police

Act 1958.

At the opposite end of the legal scale is the Defence Act 1971. This act allows the Minister to institute ACP operations to meet requirements perceived by government. The act is used to plan operations rather than meet immediate requirements- hence its use in the 1981 Springbok Tour. The Defence Act 1971 provides the only practical mechanism for involving the military in both MACP and MACM situations. The most important innovation brought about by this act is that it has made the provision of MACM far simpler. Under the previous law MACM could only be provided by Cabinet decree or by invoking the PSCA- in both cases, difficult and potentially inflammatory mechanisms. The Defence Act 1971 gives the Minister the power to use the military for any task he sees fit. He is also able to delegate his powers to anyone he chooses. This flexibility has given greater strength to the government in its attempts to ensure the orderly functioning of the country's industries.

Of all the legal issues involved, it is the repeal of the PSCA that most concerns those involved in ACP. There is general agreement that legislation such as the PSCA is required to deal with emergencies of all natures ranging from serious epidemics to outbreaks of civil disorder. The replacement of this legislation has raised serious questions.

The first question is posed by the link between s.79 of the Defence Act 1971 and the PSCA. Prior to the repeal of the PSCA s.79 provided in its three sections-

79. Provision of public services by Armed Forces-

(1) If the Minister considers it is in the public interest to do so, he may authorise any part of the Armed Forces to perform any public service capable of being performed by the Armed Forces either in New Zealand or elsewhere, subject to such terms and conditions (including payment) as he may specify.

(2) The Minister shall not authorise any part of the Armed Forces to perform any public service in New Zealand pursuant to subsection (1) of this section in circumstances such that a Proclamation of Emergency could be lawfully

issued under the Public Safety Conservation Act 1932, unless such a Proclamation is for the time being in force.

(3) Any authority given under subsection (1) of this section may authorise any ships, aircraft, vehicles, or equipment of the Armed Forces to be operated in connection with the performance of any such public service.

The reader will have noticed the reference to the PSCA in s.79 (2) and the check that it provides. Simple repeal of the PSCA has ensured the disappearance of subs (2) and leaves s.79 which poses the "possibility of the unbridled use of military power by the Executive" (7). This is not the intended goal of the repeal of the PSCA.

Section 79 (2) is the safety clause and was not contained in the original s.79. Dr M Finlay introduced it to ensure that the proper constitutional course required by the PSCA was followed and to allow the use of military force to be challenged. In the absence of a New Zealand constitution Finlay's amendment put s.79 under the control of the courts and Parliament. Therefore, the removal of the clause through the repeal of the PSCA poses constitutional problems.

With the PSCA now repealed s.79 (1) of the Defence Act 1971 provides the government with the legal means to use the military in any capacity without restriction. When s.79 is coupled with the new International Terrorism (Emergency Powers) Act 1987 the powers available to the government become enormous.

The International Terrorism (Emergency Powers) Act 1987 fails to deal with one of the more important but less contentious issues that the PSCA dealt with. The PSCA did more than simply allow ACP operations to be conducted. It readied the country for war by allowing war materials to be requisitioned and emergency regulations to be introduced. The International Terrorism (Emergency Powers) Act 1987 does not meet any of these requirements (8). Without these provisions it is very difficult for New Zealand to be put on a "war footing". Therefore, the new act fails to adequately replace the provisions of the PSCA regarding the outbreak of

war.

At first glance the new act appears to deal successfully with terrorism as it enables the state to train all its resources upon a terrorist incident. The powers available to the government and the police are greatly enhanced and these include the power to censor the media and tap telephones, the restriction of public movement and the ability to evacuate and destroy private property. The military are precluded from censoring the media and intercepting telephone calls.

This impressive array of powers appears capable of meeting the challenge of terrorism. However, closer inspection reveals substantial inadequacies. The new law is specifically designed to deal with acts of terrorism which are undertaken to support a foreign political goal. The definitions involved in the act are somewhat elastic; the definitions of a terrorist and actions in support of a foreign power are not sufficiently clear. The act also makes no distinction between religiously motivated and politically motivated terrorism. This distinction may not appear important or even possible to make but this particular loophole may make the act inoperative when faced with a situation involving religious extremists as it could be argued that religious extremists do not seek a political goal. It is, therefore, doubtful whether the act will deal with all terrorist incidents.

It will be recalled that Palmer believed that the PSCA was unnecessarily restrictive and too wide ranging in its powers. By repealing the PSCA Palmer hoped to develop an act which had a specific goal (combating terrorism) and which could not be used against internal dissent. This is not the case as an energetic interpretation of the new act would allow it to be used against the government's domestic opponents, be they political or industrial. If a repeat of the 1981 Springbok Tour ever occurred the government could legitimately claim that the actions of

the anti-apartheid movement had a foreign political goal, that is the ultimate overthrow of the South African Government. The logical extension of this argument is the use of the provisions of the act against the protestors. This line of argument can also be used in industrial disputes. As an example, trade sanctions against Chile obviously have a foreign political goal- the removal of the Pinochet Government. Palmer, as the architect of the act, has failed to satisfy his own and his party's desires to replace the PSCA with an act which can only operate in the tightly defined circumstances of a terrorist incident. The new act is far more powerful than the PSCA and its lack of focus means that rather than being solely applicable to terrorism it can be directed against legitimate political and industrial dissent.

Public reaction to the new act has been limited. Whilst the act was before a select committee only eight public submissions were made- most of these dealt with the issues of censorship that the act raised (9). However, reaction from Opposition politicians concentrated on the mechanics of the new act. Muldoon believed that the act was too faulty and complex- "that's what happens when you take a sweeping act which can be used in accordance with the requirements of a particular situation....The problem will always be the definition [of terrorism] (10).

The International Terrorism (Emergency Powers) Act 1987 in conjunction with s.79 of the Defence Act 1971 allows the use of the military, with greatly enhanced powers, in domestic situations. This was not the intended goal of the new act and this power has come about because of the repeal of the PSCA and the associated incomplete repeal of s.79 of the Defence Act 1971. The appropriate action would have been to repeal s.79 in its entirety and then redraft the section to ensure that MACM was still possible. It is, therefore, very apparent that some revision of the new act is necessary before it effectively replaces the PSCA. Without this revision the new act

does not meet the stated requirement of combating international terrorism and yet it gives the government almost limitless powers to deal with internal dissent. These inadequacies show the difficulty of drafting legislation that meets all eventualities and yet safeguards individual freedom.

Justification

Justification of ACP operations is relatively simple for the government. On each occasion the government has created a climate that has focused on a symptomatic issue, rather than the original issue. This can be readily seen in tales of communist subversion, disrupted holiday makers and the risks posed to law and order by protest movements. The issue is submerged under these emotionally charged side issues and, thus, forcefulness is encouraged and ultimately delivered in the form of military intervention.

Endorsement of government action was achieved through a willing, largely unquestioning press which purported to represent public opinion but was really evincing government sentiments. This has always been clear but never more obvious than in 1951 where the absence of a competing viewpoint gave the Government a public relations monopoly. With this type of support from the instruments of public opinion it is hardly surprising that in calling in the services the Government appeared to be responding to public opinion.

During the 1981 Springbok Tour the Government did not receive total support from the press. To counter the dissenting view that the tour should not go ahead the Government changed the nature of the debate. The apartheid debate was supplanted by a concern for law and order and this legitimised the use of the armed forces in assisting the police. No longer was it a case of the anti-apartheid movement protesting at the presence of the Springboks; following the Hamilton match it became the

protestors versus the police and the rule of law. Portrayed in this light it was hardly surprising that there was little significant resistance to the use of the armed forces. The Government reaped the benefits of its tough stand in the November 1981 election when forcefulness was applauded largely by the National Party's rural supporters and the Government was returned to power.

The weakness of using ACP to score political points becomes apparent when the military are frequently involved in industrial and social conflicts. Governments which thrive on and cultivate reputations for a tough, firm response to conflict tend to feel that the use of the armed forces reinforces the image, hence, they use the armed forces at politically opportune moments. The problem with the frequent use (eight Plutos in 14 years) of the the armed forces, and, by implication, emergency planning, is that it tends to supersede more normal dispute solving techniques. There are two risks with this approach. Firstly, it may encourage a confrontational mentality from the outset of the dispute. Secondly, where plans exist to provide essential services through the use of the armed forces there is a risk that in the heat of the crisis the government may decide to use them without fully considering the consequences. This type of response may exacerbate disputes, blinds governments to the real cause of the unrest and distracts them from taking action to prevent further disputes. Pluto has not followed this course because of the unstated consensus of union, employer and government views. However, this does not mean that the risks of military intervention are not present and should the Pluto consensus break down then these risks must be borne in mind. Perhaps a more rewarding and less costly option for governments to consider is an enforced code of conduct for workers and employers in essential industries.

The use of emergency planning capabilities allows governments to

conduct politically expedient actions, such as Operation Pluto, and reap the rewards under the guise of safeguarding the public interest.

However, as has been pointed out, this type of operation loses sight of what emergency planning is for; protection of citizens, not a cynical gratification of a government's desire to secure good publicity. Given that this is the reality, the government's justification of its actions often appears shallow and unconvincing.

Public Response

The manner in which the public respond to an ACP operation reflects the general level of support for the government's handling of the situation that necessitated the operation. This means that the public response is largely predetermined prior to the operation commencing. Accordingly, the armed forces inherit either the scorn or the glory poured on the government. Obviously there are some, albeit a minority, to whom the involvement of the forces internally is anathema, whatever the circumstances. Amongst those who seek the end of the capitalist system any use of the armed forces in the maintenance of law and order or in the provision of essential services is immediately interpreted as further evidence of the government's intention to maintain the system through fear and coercion. However, to the vast majority of people the issue is not so clear cut, and the response depends on the operation. The best example of this semi-intellectual, semi-emotional response process is to be found in 1981. 1981 saw two major ACP operations take place. The first was the March trans-Tasman airlift conducted jointly by the RNZAF and the RAAF. The second was the July to September Springbok Tour.

Apart from spasmodic and inactive union opposition there was widespread public support for the airlift. The issue of strike breaking was considered of less importance than the reduction of public inconvenience. Additionally, anti-union feeling was, and remains, latent in many New

Zealanders' emotions. This was manifested in support for the National Government's hardline stand against troublesome unions. It is this latter factor which explains why the questions surrounding the merits of strike breaking remain unexplored in New Zealand. More importantly, the Government's actions were endorsed by a wide range of newspapers and this effectively discouraged any debate on the issues of strike breaking and the provision of essential services. Therefore, it is hardly surprising that the use of the forces to move travellers in this and similar disputes was not opposed.

When compared to the March airlift the Springbok Tour, although conducted only four months later, produced a completely disparate and disunited set of public responses. The widely differing views were caused in part by the intense polarisation of a society split down the middle. Support for the tour implied (although not necessarily) support for all Government attempts to police it. The ethical issues involved in policing the tour also aroused people. The tour itself became submerged in claim and counterclaim of "anarchy" and "police state". As time passed the media began to reflect a concern with law and order rather than the issue of the tour. The cancelled Hamilton match was seen as a victory for mob rule and the media began to create the climate the Government wanted, a climate which supported Government moves to uphold law and order.

In an atmosphere such as this, where there was growing suspicion about Government motivation, it is very easy to understand public disquiet about the use of the armed forces to assist the police. The Springbok Tour, partly because of transparent Government motives and partly because of the widespread support for the protest movement, saw popular opposition to the use of the military. This opposition must not be confused with opposition to ACP, rather it is a manifestation of general opposition to government policy. It is this acceptance or dismissal of government policy, rather

than a change in public morality, that explains the shift in public opinion regarding ACP operations from March to July 1981.

Surprisingly unions are not exceptions to the rule regarding public response to ACP operations. The union response is also decided by the operation and not the principle of ACP. The differing natures of union response are most marked in comparisons between 1951 and Operation Pluto. The executive of the Federation of Labour (FOL) believes that there is a significant difference between the provision of essential services and strike breaking (11). Despite this difference the FOL recognises and accepts that there are occasions when the two can merge together, particularly in the areas of transport and foodstuffs (11). The degree to which these two factors merge and the union response is determined by the nature of the situation. 1951 was an obvious case where the decision to use the military was largely political and not industrial. The military were used under the guise of maintaining essential services, however most of the work done was not truly essential. One needs only to think of the priorities of handling shipping- all shipping was handled whether it carried coal or race horses. This gives a very good indication that the use of the military went beyond the provision of essential services. As the Government's objectives were political, that is the destruction of the WWU and the securing of re-election, the use of the military was seen as a political provocation and this, in turn, produced union picketing.

Operation Pluto has never seen union picketing. This was because there was a consensus of union, government and employer opinion over the conduct of Pluto. This consensus was restricted to the approval of limited military involvement in a limited sphere of operation. Should military involvement have gone beyond the unstated accepted sphere of operation the consensus would have broken down and union opposition would have become apparent. Pluto took the pressure out of an industrial situation and

allowed the parties to negotiate whilst public inconvenience (which was often manifested as the reinforcement of anti-union feeling) was kept to a minimum. Additionally, the Government never used Pluto as a tool to aid the destruction of any union. Rather, the Government took pains, privately, to keep tension low during ferry disputes. Furthermore, Pluto did not entail the services doing all the work of the involved unions. This would have been incompatible with the Government's political objectives and the capacity to do this was simply not present. In the final analysis all the parties emerged with some small victory- the union strike remained unbroken, the public could travel and the railways did not face a huge backlog of passengers and private cars to move at the conclusion of the dispute.

The armed forces have a role to play too in shaping the public response to ACP. This is achieved by Defence Public Relations which is an organisation that exists to relate in purely factual terms exactly what the armed forces do. It is not the role of DPR to say whether or not the armed forces approve of the task they are carrying out because the armed forces are expected to publicly support government policy. After all, in the words of former Army Public Relations Officer, Major Wicksteed, "the army is tasked by the government to do something...it does it. That's our lot in life" (12). Once the decision has been made by the government to carry out a particular operation a united front must be presented by the government and its agencies, thus, there is no room for service opinion. This applies equally to an industrial situation where the determination of essential services may be open to criticism or to civil unrest where the validity of protest is beyond doubt. In both types of situation it is the armed forces's role to provide a service at the behest of government. Therefore, DPR's responsibilities are restricted to the facts relating to this service and any responsibility for questioning and balanced journalism

remains that of the press. This is not to suggest that DPR has no role in ACP operations; it does, as professionalism must always be emphasised. A professional, apolitical operation will not blunt criticism but at least it inspires a sense of admiration and confidence in the public mind. Apolitical professionalism does more to enhance the armed forces' image as a responsible arm of government than public questioning of government motives.

It is worth digressing to consider the results of a poll commissioned by the Corner Committee to discover the way in which New Zealanders felt about defence issues. Although no questions were posed about the acceptability of the use of the armed forces in industrial disputes, the use of the armed forces to support the police was queried. 80% of those questioned felt that the armed forces should assist the police in the maintenance of law and order (13). However, as we have seen this level of support would increase or decrease depending on the prevailing situation. It is likely that had this question been posed during the 1981 Springbok Tour that the figure would have been lower.

The level of public support for the armed forces affects the way the public feel about ACP operations and, obviously, the reverse is also true. This begs the question of how much support the armed forces have in the community. No survey has ever been undertaken specifically to measure this although the Corner Committee's survey comes closest to the ideal. As the Corner Committee's survey does not measure approval of the armed forces it is impossible to give anything more than a subjective evaluation. Nevertheless two key measures of implied support for the armed forces can be found in the answers to questions relating to compulsory military training and unarmed neutrality. 72% of New Zealanders support compulsory military training (13). Only 4% (13) support unarmed neutrality, which suggests that 96% must support the continued existence of the armed forces.

Both of these results are hardly conclusive.

Another indication of the level of public support for the armed forces can be found in the answers to a poll sponsored by the NZ Listener (May 1986). Readers were asked to suggest ways of raising revenue and to propose areas where government expenditure could be cut. The aim of this was to produce a new government spending plan. Of the \$100 to be raised or saved (\$100 was the sample figure), \$17.80 of it (the largest sum) was to come from defence cuts. The next source of income was \$16.00 gained from a tobacco tax. 509 persons answered the poll and 63% of the respondents were less than 40 years of age (14).

Despite the fact that the poll was not random and that the respondents selected themselves, the willingness to cut defence spending is meaningful. That the majority of respondents chose this course shows that a significant proportion of the educated public (it is not unreasonable to assume that the respondents fall into this category) do not believe that defence expenditure is a worthwhile activity. As with the Corner Committee poll these results are hardly conclusive and any judgement as to whether or not the military are liked must be subjective. Currently, in the author's opinion, the level of approval of the armed forces is lower now than in previous decades. This has been brought about by the public squabbling between members of the armed forces (both retired and serving) and the Government, and the rise of anti-military sentiments which have been reinforced by the role of the armed forces during the Bastion Point dispute and the Springbok Tour.

The public reaction to ACP does not depend on the success or failure of DPR's initiatives, nor does it depend on a set of immutable principles held deep within the public psyche. Rather, the basis of the reaction is far more simplistic, an acceptance or dismissal of the cause being opposed by the armed forces. Whilst there is always room for damage control ACP is

ultimately about images. The level of public support for the armed forces is predetermined by the issue prior to the operation commencing and it is this, rather than the morality of ACP, that explains the continually changing public response.

Military Reaction

The New Zealand military have always been very reluctant to become involved in ACP operations for a number of reasons. These include the lowering of operational capacities as energies are diverted elsewhere and the risk of alienating significant bodies of the New Zealand public on whom the military rely for support. The effect on morale must also be considered as, in the final analysis, few members of the armed forces would find any pleasure in confronting their fellow citizens either across a picket line or behind a barricade. ACP operations, taken to their extreme, strain the loyalty of soldiers. Whilst the ultimate forms of ACP operation have not occurred in New Zealand, every low level incident represents the "thin end of the wedge" and the armed forces are wary of this involvement.

Military disquiet about ACP operations varies from incident to incident. Operation Pluto was a case where Defence reluctance was not great. As has been previously pointed out Operation Pluto does not only represent support for the employer involved- it also partially upholds the interests of the public. This makes the use of the armed forces more palatable to those involved and reduces the risk of conflict. The 1981 Springbok Tour was very different- the armed forces were entering an arena where conflict had and was taking place. Defence reluctance to become involved in this situation is understandable- the risks of conflict between soldiers and the public were high and, even greater, were the risks of alienating public support. Ultimately Defence became involved because it was ordered to (the primacy of civilian control) but this involvement only came after lengthy discussions that revolved around the need to make a

clear distinction between having the military support the police and having the military at the combative face of policing operations. Whilst Defence was prepared to be involved at the former level, support was not forthcoming for the use of the armed forces in a combative role. This position was acceptable to Government and the distinction was always maintained.

Equally abhorred by Defence is emergency planning. At the outset of this work the absence of post-operational reports was noted. From post-operational reports come the lessons for the next ACP operation, in essence, emergency planning. Emergency planning involves sensitive issues. The government has never given any direction that this sort of study be undertaken and, according to Major General Mace, "this is not the kind of pre-planning that Defence is inclined to pick up- for understandable reasons" (15).

At first glance Major General Mace's "understandable reasons" would appear to revolve around civil-military relations. The military initiation of emergency planning has all the hallmarks of a state where the balance of power has shifted from the civilian government to the military. This type of action is hardly likely to win widespread public support. Aside from the sensitivities of civil-military relations there are less obvious but more pragmatic reasons why Defence is not keen to enter this area. There is a sub-conscious desire on the part of Defence not to become too closely involved in ACP operations in case they become the norm. Preliminary studies to measure existing capabilities for the provision of assistance in industrial disputes or attempts to set up the framework of an emergency planning organisation are potentially risky activities as they imply a state of military readiness. Any state of readiness to undertake ACP operations could be mistaken by the government to be eagerness. This may encourage the government to be less than cautious in its desire to

undertake ACP operations. This, would, in turn, be harmful to the interests of Defence both operationally and in terms of civil-military relations. It is, therefore, in Defence's interests to offer support for ACP on an ad hoc basis as this encourages the government to think more carefully about the decision to use the armed forces. It also enables Defence to direct its energies into operational areas and displays a sensitivity to the concerns of the civil community. This action preserves the interests and the image of the armed forces.

The Future

What of the future? Are ACP operations likely to become more or less prevalent? The incidence of MACP operations depends on the prevailing political climate and it is, obviously, impossible to predict this. However, given the current low level of political anxiety and agitation in New Zealand it appears likely that the Secretary of Defence's belief that "there is no place for the military in a confrontational role" (16) will remain true for the foreseeable future.

One means of managing internal conflict, should it ever arise, is the use of the "third force". The "third force" has never been significant in New Zealand ACP operations and seems unlikely to become so. The question has only been raised once- in 1951 when a 28000 strong Civilian Emergency Organisation was raised. The CEO was never used but New Zealand came perilously close to a situation where an undisciplined force could have been used to impose the Government's will on strikers. The risk of real social conflict and further industrial disruption was posed by the withdrawal of the persons making up this body from their normal jobs and the polarisation of society that would inevitably follow the introduction of the CEO into the conflict. Despite the apparent attractiveness of the "third force" the disadvantages far out-weigh the advantages and there is, therefore, no good reason for governments to contemplate the creation of

this type of organisation.

MACM presents a problem with a less obvious solution. The industrial New Zealand of today is very different to that of 1951. In 1951 workers sold their labour, today they sell skills- in many cases skills which do not have a counterpart in the armed forces. Additionally, specialised machinery is often required to achieve some tasks and this machinery may be "blacked" by union action. Given this situation the armed forces are presently unlikely to cross picket lines to gain access to this machinery. Even if they did, it is doubtful whether the skills required to operate the machinery would be present among members of the armed forces. This lack of skill and access to the appropriate machinery may have important ramifications. As an example, in 1978 Cabinet authorised the use of the armed forces to remove railway containers containing meat from the wharves to prevent it deteriorating during a dispute. To remove the containers a specialised crane was required. The container cranes in situ were "blacked" and the armed forces were not directed by Government to cross the picket lines to use the cranes. Given these restrictions it was apparent that the removal of the containers would necessitate the forcible removal of the holding clamps from the railway wagons, thus ruining the wagons (16). The dispute was solved before this action was undertaken. As a further example one only needs to consider Muldoon's threat in 1976 during the electrical workers' strike to invoke the PSCA and utilise the armed forces. What could the armed forces have done? If the British only had 100 Royal Engineers (17) capable of running a power station, how many exist in New Zealand? The answer is most likely, "none".

Even something as superficially simple as a fire fighters' strike poses an almost insurmountable problem for Defence. With only limited fire fighting capabilities and equipment of its own, Defence involvement in fire fighting during a strike effectively amounts to nothing more than soldiers

pouring water on fires. Even if the decision to cross picket lines is made and civilian fire fighting appliances are appropriated there are very few service personnel who are competent to use them. The only other possible solution is a partial strike where certain key members of the industry opt to remain on duty to provide guidance to the forces. This was the case in the threatened 1987 fire fighters' strike. This appears to be the only way in which it is now possible for Defence to assist in technical industries. This requirement had been foreshadowed in 1951 by the decision of senior merchant marine officers to remain on duty during the shipping dispute and so provide the guidance necessary to the navy personnel who were unfamiliar with the characteristics of the ships.

The increasingly technological nature of society makes Defence involvement in industrial disputes, except of the most essential and technically simple nature, less and less likely. This means that the gap between government threats and the potential for action is widening, thus leaving the balance of power in union hands. Whilst partial strikes will ensure that critical management personnel are available and able to guide service personnel this will, in no way, act as a complete replacement for the service. It is only in the field of transport that armed forces involvement is still possible without civilian assistance. These changes place an even greater responsibility upon all parties to act reasonably in industrial matters.

Without prior consideration being given to the inability of the armed forces to maintain essential services in the face of industrial disruption there is the very real risk that, at the moment of need, "the kind of checks and balances that preserve our liberties, could be tilted permanently in favour of one side or the other, changing the political and constitutional landscape of the country beyond recognition " (18).

ENDNOTES

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2. P Jennings, "The ANZUS Split and the New Zealand Armed Forces: Costs and Consequences", (Department of Politics, Australian Defence Force Academy, 1987) p38
3. Interview Major General J A Mace, 3 August 1987
4. Interview Mr K Douglas, 31 July 1987
5. Interview Mr D B G McLean, 3 August 1987
6. Interview Sir Robert Muldoon, 24 June 1987
7. E D Deane, "Public Safety Conservation Act 1932: Repeal and the Armed Forces" in New Zealand Law Journal August 1985 p268
8. Interview Mr D B G McLean, 3 August 1987
9. NZ Listener July 11, 1987 p21
10. Interview Sir Robert Muldoon, 24 June 1987
11. Interview Mr K Douglas, 31 July 1987
12. Interview Major M Wicksteed, 26 June 1987
13. National Research Bureau, Annex to the Report of the Defence Committee of Enquiry. Public Opinion Poll on Defence and Security: What New Zealanders Want (Wellington 1987) pp88, 90-92
14. B Easton, "Economy" NZ Listener 10 May 1986 p75
15. Interview Major General J A Mace, 3 August 1987
16. Interview Mr D B G McLean, 3 August 1987
17. Jeffrey and Hennessy p247
18. P Hennessy, "Whitehall Contingency Planning for Industrial Disputes" in Rowe and Whelan p109

BIOGRAPHICAL DETAILS OF ORAL SOURCES

Mr K Douglas- Douglas is a long-time trade unionist, with a background in the Drivers' Union, who rose to the position of Secretary of the Federation of Labour. He is presently the President of the New Zealand Council of Trade Unions.

Major General J A Mace- Mace served as the Army's Chief of General Staff from 1985 to 1987. He is presently serving as the Chief of Defence Staff.

Lieutenant Colonel T J McComish- McComish is a serving officer in the New Zealand Army. During the 1981 Springbok Tour he was involved in planning military support for police operations in the lower half of the North Island.

Mr D B G McLean- McLean is presently the Secretary of Defence and he has held the position since 1979.

Sir Robert Muldoon- Muldoon's political career began in the 1960's when he was first elected to Parliament as a member of the National Party. Muldoon was Prime Minister of New Zealand from 1975 until 1984 and he is presently serving as the Member of Parliament for Tamaki.

Lieutenant General Sir Leonard Thornton- Thornton is a retired army officer whose career began during World War Two and ended in 1971 when he retired as the Chief of Defence Staff. During the 1951 Waterfront Dispute Thornton was the Commandant of Linton Camp.

Major M Wicksteed (retired)- Wicksteed served as the Army Public Relations Officer from 1980 to 1987.

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