A Study in Contradictions: Human Rights and British Counterinsurgency in Aden, 1962-64

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The immediate aftermath of the United States’ invasion of Iraq on March 19, 2003 appeared to deliver a quick, “surgical” victory. But by July U.S. forces had encountered what the commander of U.S. Central Command, General John Abizaid, described as a “classical guerrilla-type campaign.”[i] A similar situation soon emerged in Afghanistan as the Taliban and Al Qaeda regrouped in their Pakistani sanctuaries. As a result, thoughtful military practitioners and defense analysts in the United States began groping for new conceptual answers to the unexpected wartime challenges posed by insurgency. In their search for solutions to these problems, military and defense analysts turned not to “new” ideas, but to older ones—the existing narratives of counterinsurgency (COIN) campaigns waged by European imperial powers during decolonization.

The study of European—and particularly British—imperial experiences with insurgency produced two contending schools of thought on the legacy of counterinsurgency. The first faction embraced the notion that Britain found a way to wage counterinsurgency without violating liberal democratic values. This relatively benign view of British counterinsurgency contrasted the seemingly “liberal COIN” approach of British campaigns with French, Portuguese, and Belgian “dirty wars” in Algeria, Indochina, Angola, and the Congo.[ii] This liberal COIN model proved especially appealing to American policymakers and defense officials. British historical experiences with and approaches to counterinsurgency grew increasingly influential among military and policy circles, even playing a significant role in developing the central ideas of the 2006 U.S. Army and Marine Corps counterinsurgency field manual.[iii] But as the defense establishment conceptualized counterinsurgency based on an idealized image of British success, scholars began to revisit the history of these campaigns. Their results produced a very different interpretation of events.

Scholars from the second school of thought have sought to overturn the first. Revisionist scholars posited that British counterinsurgency practices frequently involved repression and brutal violence. One particular study analyzed ten counterinsurgency campaigns, characterizing the “British way” as reliant on repressive legislation, forced relocation of civilians, food rationing, and open-ended rules of engagement in which British soldiers could shoot anyone violating curfew who failed to stop when hailed. In the revisionist narrative, British practices have appeared far removed from the supposed ideals of minimizing violence and upholding the rule of law—the British were “nasty, not nice.”[iv]

But the British counterinsurgency experience was more complex than a simple reduction of British
methods to “nasty” or “nice.” This paper argues that British approaches to counterinsurgency during decolonization attempted to meet liberal democratic standards in some ways while simultaneously violating those standards in other ways. One example of this contradictory dynamic occurred in Aden from 1962-64. During this period, British officials worked to establish human rights provisions in the Aden constitution while fighting an insurgency in the Radfan with little discrimination between civilians and combatants.

**Human Rights and the Aden Constitution**

Since 1839, Britain had ruled Aden as a Crown Colony. The area was a large natural harbor situated at the juncture of the Red Sea and Indian Ocean. Its strategic location contributed to its value first as a coaling station for British shipping and later as a key node in the British imperial defense network. Outside of Aden Colony, the rulers of several sultanates, emirates, and sheikhdoms received protectorate status from Britain. Britain dominated the protected states through “informal” empire, where local elites ruled on a daily basis but British political agents served as their advisers. Treaty arrangements between Britain and the protected states established British authority to provide “mandatory advice” in which local rulers were required to obey “recommendations” from British political officers on all policy matters except religious issues. Colonial officials organized the protected states surrounding Aden into an East Aden Protectorate and a West Aden Protectorate. In February 1959, British officials and local elites created the Federation of South Arabia, combining six West Aden Protectorate states. In 1961, the federated states entered talks with the British over merging Aden with the Federation and moving toward eventual independence. The process of gradual political reform and slow ceding of sovereignty to the Federation was known as constitutional advancement.

The process of constitutional advance accelerated across the British Empire after 1945, but an important change occurred in the 1950s. The Colonial Office began advocating the use of domestic constitutional provisions—bills of rights—to ensure that individual rights would be protected in colonies after they gained independence. Colonial officials believed that such measures met the intent of Britain’s commitment to protecting human rights, as the European Convention on Human Rights, which Britain signed in 1951, was extended to the colonies in 1953. In November 1961, Lord Perth, the Minister responsible for colonial affairs in Africa and Aden, insisted on including human rights provisions in the constitutions for all territories under his purview. The following September, the release of a Colonial Constitutional Note on “Human Rights Provisions in Colonial Constitutions” formally established the creation of bills of rights as Colonial Office policy applicable to all colonies. The Note stipulated that when designing local constitutions, Colonial officials should follow the Nigerian bill of rights model. Nigeria’s bill of rights was based on the European Convention on Human Rights. It established all individuals as free and equal before the law; banned slavery, torture, and various forms of discrimination; protected the right of individuals to move around the country without restriction; and included rights to a fair trial and presumption of innocence until proven guilty. The Nigerian bill of rights also ensured freedom of association, religion, expression, and the independence of the judiciary.

Aden and the South Arabian Federation, meanwhile, were in the midst of a new phase of constitutional advancement seeking to merge Aden Colony with the Federation. Officials in the Colonial Office’s Central African and Aden Department conveyed Lord Perth’s expectations to the then-Governor of Aden, Sir Charles Johnston, during his visit to London in March 1962. Johnston wrote later that the constitutional process had continued as planned and that two British legal experts would review the draft Aden Constitution, ensuring that it meets British requirements, including “a provision safeguarding human rights, having regard particularly to our obligation to ensure the protection of the important minorities existing in Aden Colony.”
To Johnston, Britain’s primary interest in promoting human rights was “to ensure protection of minorities.” Such provisions, however, were unpopular with Aden Ministers. Johnston argued that he could convince Adeni leadership to accept minority protections as long as he did not alienate them by advocating a wider range of protected rights. He recommended racial and religious non-discrimination rather than individual civil liberties along the lines of the European Convention on Human Rights. The Colonial Office, however, pushed him to convince Aden ministers to accept “full Human Rights provisions.” In their view, failure to include a human rights code in the new Aden Constitution would mean that “we shall have missed the last chance of doing so.”[x]

Johnston succeeded. The new constitution would include a Code of Human Rights protecting the “life, liberty, security of the person” while also granting the freedom of religion, expression, assembly, association, freedom from “deprivation of property without compensation,” and “freedom of movement,” meaning that all persons retained “the right to move freely throughout, to reside in any part of, to enter and to be immune from expulsion from, the territory.” The new provisions banned torture and “inhuman or degrading punishment” as well as prohibiting discrimination against persons based on race, place of origin, or political opinions. Nearly every right, however, came with the caveat that laws enacted “in the interests of defence, public safety, public order, public morality, or public health” would take precedence over rights protections. Such stipulations established an almost limitless loophole for the curtailment of rights through the use of Emergency powers.[xi]

With the 1962 Aden Constitution, British officials had advanced the noble ideal of ensuring individual rights protections. They were making progress along the path of South Arabian constitutional reform and eventual independence. They could feel proud for promoting Britain’s liberal democratic values. The new constitution came into effect on January 18, 1963, creating a hybrid government in which the Aden Colony became a constituent state of the Federation, changing its title to Aden State but otherwise retaining the trappings of a colony, including British sovereignty. The British Governor was now called a High Commissioner and served as head of state. In the Protectorates forming the Federation of South Arabia, the High Commissioner was officially an adviser, but the “mandatory advice” arrangements remained in place.[xii] In less than a year, a grenade attack at the Aden airport targeted the new High Commissioner, Kennedy Trevaskis. He emerged with a slight wound to the hand, but the attack resulted in a declaration of emergency suspending the new constitution’s human rights provisions.

“Proscription” Tactics in the Radfan

The Radfan was a mountainous area approximately 60 kilometers north of Aden city. Arab tribes living in the region, influenced by Arab nationalist sentiment from Yemen and disillusioned with life under the Emirate of Dhala, revolted in January 1964.[xiii] An assault by South Arabia’s Federal Regular Army (FRA) led to a temporary pause, but hostilities resumed in March, as Radfan tribesmen launched several raids on British and FRA convoys by laying booby traps and planting land mines on the Aden-Dhala road, damaging several vehicles and causing casualties to both British and FRA forces.[xiv] In response, British and Federation authorities decided to launch a punitive operation. During the campaign, British officials showed little regard for the human rights concerns that they had insisted upon in constitutional discussions.

Trevaskis and his military commanders intended to use every tool at their disposal to punish the Radfani rebels. The Political Directive issued to British forces at the start of the campaign outlined Trevaskis’s expectations: “the effectiveness of punitive action depends “on the firmness with which it is conducted.” British troops, therefore, “must take punitive measures that hurt the rebels, thus leaving behind the memories that will not quickly fade.” The idea was “to make life so unpleasant for the tribes that their morale is broken and they submit.”[xv] To do so, British troops employed the tactic of “ground
proscription,” in which they designated certain areas as off limits, or “proscribed.” All inhabitants, regardless of their status as civilians or combatants, were required to leave, turning virtually the entire population of a proscribed area into refugees.

Proscription tactics placed severe burdens on the Radfani population. The military’s rules of engagement stipulated that in proscribed areas “all movement of any kind in the open (i.e. human or animal) should be treated as hostile and engaged,” although with the caveat that “clearly, however, deliberate casualties to women and children should be avoided.” Even after tribes abandoned their villages, houses and infrastructure were subjected to the ravages of war. British soldiers were ordered to “confiscate property, burn fodder, destroy grain, grain stores, and livestock.” For those villagers who stayed home and fought back, the consequences were more severe. British rules of engagement allowed commanders to use aerial and artillery bombardment “to the maximum extent necessary” when villages refused to surrender. In such circumstances, “casualties to women and children must be accepted.”

In addition to employing ground forces to enforce proscribed areas, Trevaskis hoped to use air proscription. Air proscription was the 1960s manifestation of a concept popularized during the 1920s—“air policing” or “air control” that British forces used to maintain order in the Middle East after the First World War. It involved attacking villagers’ property as well as people who defied orders to evacuate proscribed areas.

He wrote to Colonial Secretary Duncan Sandys that punishment by air was “the only form of action” that had historically been able “to produce results” against Arab revolts. In a letter to Lieutenant General Sir Charles Harington, the Commander-in-Chief, Middle East (CINC MIDEAST), Trevaskis described standard procedures, such as attacking livestock because livestock represented capital wealth, strafing proscribed villages to ensure that they remained uninhabited and firing on agricultural fields to deter farmers from continuing to work their fields. Trevaskis insisted that “ground forces cannot deal effectively with rebels.” Other actions such as “the taking of hostages, banning tribesmen from markets, dismissing members of rebel tribes from the security forces” were useful for pressuring rebel tribes, but were not enough to end the rebellion. Only aircraft, with their ability to cover vast expanses of territory, strike quickly—without significant risk of being shot down—and strike with devastating effect, could prove the difference in quelling recalcitrant rebels.

British officials in London, however, worried about the effects of air proscription tactics on international public opinion. Colonial Secretary Duncan Sandys instructed Trevaskis not to proceed with the Radfan operation or air proscription until gaining his approval. Likewise, after consulting with Sandys, the Chief of the Defence Staff notified Harington, who had overall responsibility for Aden military operations, that “air strikes against the Radfan were politically unacceptable at present.” The U.K Permanent Representative at the U.N. warned that airstrikes amounted to “playing into the hands of our enemies” by providing them with propaganda material. Trevaskis also recognized the likelihood of international condemnation, but supported air proscription anyway due to its perceived effectiveness. Ultimately, officials in London refused permission for air proscription bombing. They did, however, arrive at a compromise position allowing the use of close air support to assist ground troops. The final instructions specified that “air action will be kept to the minimum necessary to the operation and will not repeat not include the use of bombs.”

Trevaskis yielded and the campaign began without the approval of air proscription. British troops began the operation on April 30 with several night assaults to occupy key terrain features and isolate the Radfan from safe havens in Yemen. British patrols grew frustrated with their enemy’s ability to initiate contact and quickly melt away, but the British also faced challenges unrelated to the enemy. The harsh terrain proved difficult for the British logistical system. Front-line troops consumed ammunition, food,
and water as fast as the supplies could be brought forward. Helicopters and animal transport by pack mule or camel proved essential to sustaining British troops in the field, but frustration with logistics and the enemy continued as the campaign ground on. After only three days, British commanders had already begun to suggest that they were embroiled in what was rapidly becoming a protracted operation. [xxvi]

Deciding that the campaign was progressing too slowly, Trevaskis again requested authorization for air proscription. In a lengthy personal memorandum to Sandys, Trevaskis condemned “half-measures” and “half-hearted action,” reiterating his conviction that success demanded resorting to “stern repressive measures undertaken thoroughly and with determination.” [xxvii] On May 2 Trevaskis cabled the Colonial Office in London, calling the situation “every bit as menacing as I have believed.” [xxviii] Adding to Trevaskis’s arguments, Lieutenant General Harington cabled the Ministry of Defence also requesting authority to use proscription bombing. [xxix] Throughout the first week of May, Trevaskis kept up the pressure by conveying a sense of desperation that air proscription was the only way to effectively subdue the revolt and prevent additional conflicts erupting across the Federation. Ground proscription, up to this point in the campaign, had been “slow and restricted” while also imposing “a terrible strain on our troops.” Trevaskis despaired that “quite frankly we cannot afford to go on like this much longer” because time was of the essence. Failing to quickly subdue the Radfan would lead to “three more Radfans” in neighboring areas that would easily overwhelm Britain’s limited military capabilities. [xxx] Besides, Trevaskis argued, British forces had already used aircraft in a close air support role to assist ground forces, which was bound to generate “all kinds of vicious criticism” such that air proscription would not “make a halfpenny worth’s difference internationally.” [xxxi]

Trevaskis’s lobbying worked. Fearing that the campaign might fail and the rebellion could spread, ministers in London approved air proscription in principle on May 8. Duncan Sandys, however, remained anxious over a possible international backlash and decided to visit Aden immediately to discuss the implementation of air proscription with Trevaskis in person. [xxxii] Upon his arrival Sandys met with Trevaskis at the British High Commission. Whatever Trevaskis told him, it worked. Sandys immediately cabled the Prime Minister and Defence Secretary that “air proscription is absolutely unavoidable, and that the sooner we start it, the better.” [xxxiii] But he did ensure that British forces would at least inform villagers in advance of an attack by air-dropping warning leaflets so that they could evacuate. [xxxiv] If villagers did not comply with the leaflet instructions, the next step involved attacking “livestock or men outside the villages” before bombing the village itself. [xxxv]

Liberal euphemisms aside, air proscription meant that the Radfan population felt the full force of colonial coercion as British forces bombed villages, slaughtered livestock, and destroyed crops. For the RAF, the approval of air proscription meant that “villages may be attacked with cannon and grenades” and allowed pilots to engage cattle, goats, crops, and people loitering in proscribed areas. [xxxvi] Livestock and crops were sources of wealth and sustenance for Radfani tribes. Attacks against these targets amounted to economic warfare waged against entire communities with little attempt to distinguish between civilian and combatant. It was a scorched earth campaign waged from the air. In one attack, a single Shackleton bomber expended 600 20mm cannon rounds and dropped 60 aerial grenades. The pilot reported firing his cannon at a herd of goats and a wadi, while dropping six aerial grenades on another goat herd, eleven on “cattle,” eight on “people”—without specifying civilian or combatant—four on “people in Wadi,” six more on “people and four camels,” and an additional fourteen on “people under trees.” In another instance, a flight of two Hunter Mk 9 fighter-bombers fired 370 30mm cannon rounds, reporting “cows attacked.” [xxxvii] Later, two Hunter Mk 9s fired 1,040 cannon shells while strafing “houses and crops.” [xxxviii] In over 600 sorties over Radfan, the RAF expended 2,500 rockets and fired 200,000 cannon rounds. [xxxix]
With the added advantage of air proscription and reinforcements in the form of another infantry battalion, the Radfan campaign entered a more intense second phase in late May. With the advantages of airpower, artillery and additional helicopter transportation, British troops captured all of their territorial objectives by late July as Radfan tribes retreated over the border into Yemen. Having kicked the tribes out of their homes, British forces occupied the Radfan and continued enforcing proscription through air and ground patrolling. These measures effectively sealed access to the Radfan, preventing combatants and civilians alike from returning to their homes until after they agreed peace terms with British and Federal authorities. With the planting season coming to an end, Colonial officials knew that denying access to the region would pressure rebel leaders to make peace so that their tribes could return “to their land before it is too late to grow a crop this year.” The British were prepared to wait as long as necessary. Unable to tend their herds or crops, tribesmen faced the agonizing choice of surrender or starvation. British officials noted that the campaign had rendered 8,000 people homeless in the Radfan area. In the words of one lance-corporal, the devastation was “a bloody shame.”

Punitive tactics had indeed proved their effectiveness, but air and ground proscription also generated a humanitarian crisis that Arab propaganda quickly exploited. Radio broadcasts on Cairo’s “Voice of the Arabs” reported that the RAF had “carried out brutal raids on peaceful citizens in Radfan.” The Arab League claimed that there were an astounding 30,000 refugees—a figure larger than British estimates for the entire Radfan population—clamoring into neighboring Yemen to escape “British aggression.” Colonial Officials expressed righteous indignation at international criticism, with officials expressing the need to “rebuke these lies” about the “fiction of British atrocities.” To them, the government could not “allow to go unchallenged the idea that British policy is that of ‘peace through terror’ and that the aim of our armed action is to render homeless and starving thousands of innocent people.” Ending the revolt, rather than causing homelessness and starvation, was Britain’s objective. But homelessness and starvation were clearly articulated and acceptable means for ending the conflict. The War Office’s official report on the campaign recognized as much by noting that “the policy of ‘big stick and no carrot’’ had proved “to be the right one in South Arabia.” But the report also recognized that the “pacification of the area will not be consolidated until the Armed Forces have demonstrated that their presence is not purely destructive but can also lead to material benefits locally.” As a result, British counter-propaganda duly emphasized development assistance provided to homeward-bound Radfani refugees. The Aden Chronicle, a local newspaper, ran a full-page article describing how Royal Engineers built roads, wells, and dug irrigation ditches while South Arabian Broadcasting Service reports highlighted the Federal government’s decision to spend £50,000 in aid funds on Radfan redevelopment.

Understanding Britain’s Contradictory Counterinsurgency Legacy

British actions in the Radfan departed drastically from the spirit with which colonial officials pursued the inclusion of human rights provisions in the 1962 constitution, but the Radfan operation did not herald a change in policy or practice. Technically, because the Radfan was part of the Federation but not part of Aden State, the 1962 constitution did not apply in Radfan. One could easily argue, therefore, that although British proscription tactics violated many provisions in the Aden Code of Human Rights—such as the freedom of movement and property protections—the law did not bind Britain to follow the Aden Code of Human Rights. By the letter of the law, this is true—Britain was not required to obey Aden human rights protections when fighting in the Radfan. But British officials continued expressing their commitment to the spirit of the law. Colonial officers advocated expanding human rights protections to all states in the Federation.

In early April 1964, before the Radfan campaign began, High Commission officials asked the Colonial Office to supply copies of cases and court decisions on relevant to interpreting the European Convention
on Human Rights. They planned to use the material in assisting the Federation’s Advocate-General to aid in “the interpretation of the provisions in the Constitution of Aden Colony protecting the fundamental rights and freedoms of the individual.”[xlvi] The reply from London referred the High Commission to a host of books, documents, and reference materials addressing how German and British courts interpreted the European Convention on Human Rights as well as the state of human rights in Europe generally. The response also called attention to Britain’s “major part in the drafting of the Convention” and proudly claimed that the Convention was “consequently very English in flavor.”[xlvii] In November 1964, soon after the Radfan campaign came to a close, Hugh Hickling, Legal Adviser to the High Commissioner, wrote to the Colonial Office asking for copies of constitutions or other legislation from “Arab or Islamic States” that protects “human rights and fundamental liberties.” This request reflected Hickling’s desire to extend human rights provisions to the Federal constitution in future rounds of constitutional advancement, but to do so “within an Arab, Islamic framework” that might prove appealing to Federal Ministers.[xlviii] Convincing Federal ministers to embrace human rights legislation was difficult. They were reluctant to accept non-Arab, non-Islamic precedents not out of a general antipathy toward human rights, but because they viewed European-derived laws as “tainted by colonialism.”[lix] The inclusion of human rights protections in Aden’s constitution and British officials’ push to extend rights protections to the Federation were not exceptions to British policy. Instead, these efforts reflected a genuine desire to ensure the protection of rights and liberties in colonies and postcolonial states. Other colonies that experienced counterinsurgency campaigns, including Malaya and Kenya, also incorporated bills of rights into their constitutions. Motivations, however, were not always altruistic. In Kenya, the Colonial Office supported adding a bill of rights to Kenya’s pre self-government constitution to protect the European settler minority in Kenya—the same minority that acted with exceptional brutality toward the Kikuyu population during the Mau Mau rebellion. In contrast, ethnic Malays supported inserting human rights protections in the Malaya constitution to ensure their established privileges and status.[li] In addition to constitutional bills of rights, human rights concerns proved contentious in Cyprus, where Greek Cypriot lawyers appealed to the ideals of “British justice” to pressure colonial administrators to rescind or moderate repressive legislation, to enhance the standards of fairness in trials for accused terrorists, and to grant greater rights protections to detainees.[lii] Likewise, the burning of crops, destruction of houses, killing of livestock, and eviction of civilians from their land during the Radfan operation represented a common tactic in British counterinsurgency campaigns. Techniques such as the forced relocation into heavily guarded “New Villages” in Malaya, the construction of a “gulag” for Kikuyu civilians in Kenya, and the routine imposition of collective punishments through fines and curfews in Cyprus reveal British forces’ routine application of coercion to entire populations. The war of starvation in the Radfan was not an exception to common counterinsurgency practices.

During the Aden Emergency, colonial authorities acted in contradictory ways—they promoted human rights through constitutional processes while simultaneously waging a brutal war against civilians and combatants alike. The legacy of Britain’s post-1945 colonial counterinsurgency wars defies the overly simplistic assertions that the British either fought by adhering to liberal democratic norms and values or simply discarded their values and waged repressive, excessively violent and brutal campaigns. The reality is more complicated, with liberal and brutal ways of warfare intertwined.

Identifying this complication is only a first step, however. The greater insight lies beyond exposing this contradictory dynamic—the field is ripe for future research seeking to explain why British behavior appears contradictory. It is time for scholarship on British counterinsurgency to enter a new, “post-revisionist” phase not only to deconstruct the false binary of “nasty” or “nice” COIN, but also to search
for explanations of British motivation. Every society approaches warfare through a particular, historically conditioned cultural prism. Examining the ideologies and motivations behind British dynamics of empire is a good place to start.

Appendix:

Map of the South Arabian Federation

Bibliography

Archival Collections:
The National Archives, Kew, U.K.
AIR—Air Ministry
CAB—Cabinet Papers
CO—Colonial Office
DO—Dominions Office
FCO—Foreign and Commonwealth Office
WO—War Office
Churchill College, Cambridge University, Cambridge, U.K.
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Published Sources:


End Notes


[ii] Sir Robert Thompson’s 1966 book *Defeating Communist Insurgency* has come to represent the “British approach” to counterinsurgency. He advocated restricting the use of force to the minimum necessary and promoting political legitimacy by requiring colonial security forces to obey the rule of law. In *British Counterinsurgency 1919-1960*, Thomas Mockaitis supported Thompson’s vision of how Britain ought to wage counterinsurgency.


[x] CO 1015/2413 Johnston to Morgan, 7 Apr 62; Morgan to Eastwood, 17 Apr 62; and Morgan to Johnston, 19 Apr 62.


[xii] CAB 148/17 OPD (64) 16—Memorandum from the Colonial Secretary to the Prime Minister, 30 Dec 64, p. 3.

[xiii] The Emirate of Dhala was a member state of the South Arabian Federation.

[xiv] DO 174/19 Trevaskis to Colonial Secretary, 9 April 1964.


[xviii] DO 174/19 Trevaskis to Sandys, 5 April 1964.


[xx] DO 174/19 Sandys to Trevaskis, 5 April 1964.
DO 174/19 Annex to Minute 3, Part I to COS, 29th Meeting, April 1964.

DO 174/19 Dean to Foreign Office, 7 April 1964.

DO 174/19 Fisher for Sandys, 14 April 1964.

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