

ADF Military Ethics: Quo Vadis?

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Jamie served in Infantry after graduating from the Royal Military College, Duntroon in 1976. His career consisted of command (platoon, company and regiment), staff and training postings and included a two year posting with the US Army's Rapid Deployment Force in 1989-90. He saw operational service in Kashmir with the United Nations and on Operation 'Just Cause' in Panama

with US forces; attended Army Command and Staff College in 1988; and, commanded NORFORCE in the Northern Territory and Kimberley regions of Australia in 1994 - 95. Jamie was appointed as the first Director of the Centre in 2002. Operating as an implementing 'think tank', the Centre supports the development of command, leadership, management and military ethics programs in the Australian Defence College courses and across Defence.

In 2005 the Centre worked with the Singapore Armed Forces in developing their operational leadership programs. The Centre also developed and continues to deliver the One/Two Star Operations (OBOE) course for the Chief of the Defence Force and the command and leadership component of the Navy Command Course.

Military Ethics – is there a problem?

Ethical issues on operations continue to make headlines in the world's media. For example, on one day in September 2009, *The Australian* ran three stories on separate military ethical issues. The first related to the ransacking of an Afghan hospital by foreign troops in 'a clear violation of globally recognised humanitarian principles about the sanctity of health facilities and staff in areas of conflict'¹. The second related to the killing of civilians in an airstrike in Afghanistan. A United States Air Force aircraft launched that strike but it was called in by a German commander.² The third was an Australian Defence Force issue where female Navy personnel had rescued Afghan refugees 'after another boat carrying mostly male Navy crew abused and physically prevented Afghans – many with serious burn injuries – from boarding their rescue vessel'³. The truth behind the stories will be revealed in time, but the reports do underline the complex and difficult ethical environment of contemporary operations.

The operational experience of the Canadian Forces in Somalia in 1993 highlighted serious ethical failures. According to a Canadian officer, ethical failures 'have involved military and public service personnel of all age groups, all elements and without regard to religion, ethnicity, gender or any other criteria'⁴.

The Canadian armed forces continue to address these challenges through sophisticated educational programmes. Australia's principal ally, the United States, has had enormous challenges with Fallujah, Abu Ghraib and Guantanamo Bay and all four services deliver comprehensive military ethics programmes from recruit through to star rank.

In 2008, the United Kingdom's Ministry of Defence released the Aitken Report⁵ which examined the abuse and killing of Iraqi civilians by the British Army in 2003 and 2004.

Ethical issues in the ADF

Serious operational incidents in Australia in recent times have highlighted ethical problems. One example of this was the 1996 Black Hawk disaster discussed by Alan Tidwell in 1999⁶. Over the past decade the nature of ADF operational experience has raised ethical dilemmas for its commanders and personnel and the challenges in the South Pacific contingencies in the late 1980's; Somalia in 1993; Rwanda in 1994-95; East Timor since 1999; and, the Solomons, Afghanistan and Iraq from 2003 onwards. There was also extensive commentary in the media about the ADF's ethical challenges in the 'Children Overboard Affair' during the Australian election in 2001 which continued into 2009. These past and present operations demonstrate aspects of volatility, uncertainty, complexity and ambiguity.

The fact that the ADF has performed to a high ethical standard in the past can be attributed to the quality of culture, selection, leadership, training and a degree of luck. However, the Senate report on the effectiveness of Australia's military justice system (June 2005), highlighted areas of concern. These also need to be addressed in the professional educational environment. The subsequent Learning Culture inquiry highlighted further issues in training establishments.

The current high tempo of the Australian Defence Force's (ADF's) overseas operations is likely to continue. This may be either in stand alone deployments or as part of a coalition where Australians are often in command. Leaders in the ADF need to be prepared for these challenges by education which includes the ethical issues that have emerged in recent conflicts,



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4. Miller PR, Meredith JW, Johnson JC, Chang MC. Prospective evaluation of vacuum-assisted fascial closure after open abdomen: planned ventral hernia rate is substantially reduced. *Annals of Surgery*. 2004 May; 239(5): 608-614. Study conducted using V.A.C.® Therapy System with V.A.C.® GranuFoam™ dressings. DSL#09-05-293.ST ©2009 KCI Licensing, Inc. All rights reserved. All trademarks designated herein are proprietary to KCI Licensing, Inc., its affiliates and/or licensors. Most KCI products are patented and/or subject to pending patents. Rx only.

deployments and garrison incidents. This education needs to be supplemented by opportunities for debate and reflection. The ADF needs to understand that it can no longer afford to be reactive in this regard.

ADF initiatives in Military Ethics

Until 2003 holistic military ethics education in the ADF was restricted to the introductory leadership and ethics education provided at the Australian Defence Force Academy and the Service colleges. As part of character development programs, Service chaplains taught modules in ethics to recruits. In specialty training units ethics was raised at best in an *ad hoc* manner.

In 2008, as the recipient of the Secretary of Defence Scholarship, I was able to investigate the Australian Defence Force requirements for military ethics education in order to meet the challenges of contemporary operations and future conflict. With Australia's open-ended commitment to Afghanistan and the possibility of future conflicts, often in a complex operating environment, it became clear that we need to enhance the ethical education of ADF personnel.

The 2009 Defence White Paper⁷ noted that investment 'in recruitment, training, education and the career development of the ADF's junior personnel and leaders will continue to display substantial dividends in terms of our ability to achieve campaign objectives and reduced casualties, *while maintaining the high ethical standards of ADF personnel* (emphasis added), and the proud record of the ADF on operations.'

From 2003 onwards pilot military ethics programs were designed and offered to the Australian Command and Staff College and Centre for Defence and Strategic Studies. These programs have evolved following comprehensive student feedback. More recently ethical modules have been developed for the Army Grade 2 Command and Staff course as well as for the Navy sea and shore commanding officer/executive officer courses.

Despite these positive developments little is done for ADF non commissioned officers. These junior leaders, who are often corporals in Army, are faced with the most challenging ethical dilemmas on operations and they need to decide very quickly as to what is the right thing to do. Their decisions have strategic consequences. What has become clear is that officers attending ADF professional military education courses want to spend more time discussing ethical issues. The non-commissioned officers have yet to be given the opportunity.

The Defence College programs, conducted as workshops, use some of the principles suggested by the Harvard Business School:

- Ethical teaching should emphasize attitudinal development as much as acquiring a set of skills and knowledge.
- The ethical standards of outstanding leaders, organisations, and practice are valuable models.
- The focus of ethical education should be on decision making with all its complexities and ambiguities.
- Ethical issues should be raised early in the course to allow prolonged reflection during the year.

The programs use the tri-service values of professionalism, loyalty, innovation, courage; integrity and teamwork as the basis for discussion. They have an operational focus and contribute to the development of tactical, operational and strategic leaders by:

- Recognition of the centrality of personal ethical values in the context of organisational effectiveness and national support of the ADF.
- Developing an understanding of the breadth of responsibility of the modern military. The constraints and compromises which may be required when discharging that responsibility are also canvassed.
- Encouraging course members to analyse the merits and demerits of their personal approach to military ethics.

The content of these courses includes lessons which can be learnt from previous incidents in military operations: the 1968 My Lai massacre; the 1994 -95 ADF Rwanda experience; the 1996 Australian Black Hawk disaster; the NATO bombing against the Federal Republic of Yugoslavia in 1999; the HMAS Westralia fire in 1998; the Royal Australian Air Force F-111 desal / reseal program; the highly politicised 2001 'children overboard' affair in the Indian Ocean; the Abu Ghraib scandal in Iraq; the Dutch failure at Srebrenica in 1995; the Tarnak Farm fratricide in Afghanistan in 2002; and the Canadian Airborne Regiment experience in Somalia in 1993. The program also studies the Senate report on the effectiveness of Australia's military justice system. In 2008 the case study on the Navy's 2005 Nias Island Sea King crash was added to the curriculum. Although there are myriad good examples of appropriate ethical decisions, student feedback suggests that it is the organisational failures which attract the most debate and professional reflection.

At the Staff College a separate command and ethics session is delivered by health personnel and this is well regarded. The leadership and ethics programs offer little in the way of solutions but a great deal of material for reflection:

The truth about ethics and the human condition is that there is no prescriptive answer. It is judgemental and there are no assurances of certainty Dr Simon Longstaff, 2002.

The workshops rely critically on the extensive collective operational experience of the participants and often include personal testimony from members who have been involved in incidents. In these workshops, the objectives include:

- Considering ethical dilemmas and challenges for military.
- Reflecting on what alternative solutions students might have developed when faced with similar dilemmas.
- Recognising the power of personal testimony by individuals involved in challenging incidents.
- Encouraging debate on the major ethical issues.

The Joint Education, Training and Warfare Command approach to education focuses on achieving a balance between 'how to think' and 'what to think'. Education in military ethics remains a key component of that process.

In May 2009 the Chiefs of Service Committee endorsed a series of key recommendations for the study of military ethics. They included

- a) the development of ethics education programs from recruit to two star level in the ADF
- b) the recognition that commanders must have ownership of ethics (it is not just the responsibility of chaplains, legal officers and medical staff)
- c) the development of a *Commanders' Guide to Ethics*, and
- d) the establishment of a Military Ethics Advisory Board (to include health representatives) chaired by a two star officer and reporting to the Vice Chief of the Defence Force.

In the words of Dr Michael Ignatieff at the US Naval Academy:

Ethics is not an optional extra... it is the absolute core of what defines you as the warrior profession. It is ethical restraint which makes the distinction between a warrior and a barbarian...your life is one continuous set of ethical challenges⁸.

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