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Building Trust: Civil-Military Relations in Australia

Brian Agnew

Centre for Defence and Strategic Studies
Australian Defence College

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Abstract

Establishing and maintaining the necessary levels of trust in Australian civil-military relations has been tested over the past decade by incidents such as the 'Skype' and 'children overboard' incidents. This paper looks at civil-military relations; relationships between the civilian government, society and military leadership. It explores issues of trust, interests and accountability at this critical interface of national interest. It concludes with a list of suggestions that may help build more resilient relationships between those in the profession of arms, the elected government, and the people they both serve.

This paper is 19 pages long.

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Editor, Stephanie Koorey, CDSS Publications Editor.

About the Author

Brian Agnew has worked in the Department of Defence, including in the office of the defence minister, for over 10 years. Prior to this, he had an extensive career in the Australian Army, seeing service in Rhodesia and involvement in Defence's contribution to the 2000 Sydney Olympic Games. Mr Agnew is currently on staff at the Centre for Defence and Strategic Studies at Weston Creek, Canberra. He has a Masters of Public Administration and a BA in Military Studies.

Introduction

The study of civil-military relations¹ normally only becomes public when disaster strikes and relations between the Defence leadership and the Defence minister appear irretrievably broken. In Australia, the 'Skype incident' in 2011, and the 'children overboard affair' in 2001, are two such examples of rifts in an otherwise sound working relationship between the military leadership and its civilian ministerial head.² In times of substantive conflict, such breakdowns or misunderstandings can have severe consequences for the country, as well as for the individuals involved. This became most evident as the US struggled with the ISAF³ mission in Afghanistan, where the civil leadership removed two successive military commanders: Generals David McKiernan and Stanley McChrystal.⁴

Having a sound working relationship between the civil and military leadership is vital to securing the nation-state and achieving a nation's military goals. When Australia appeared directly threatened by Japan in 1942, for example, Lieutenant General Sir Vernon Sturdee's trusted relationship with Prime Minister John Curtin ensured that Sturdee's advice was accepted without hesitation. Sturdee drew on the trust he had established with political leaders and was able to convince the prime minister and cabinet to divert Australia's best troops returning from the Middle East, to be directed to Australia and not to Java.⁵ Events proved his judgement to be correct.

This paper makes the case that genuine mutual trust is the essence of what is needed to make civil-military relations in Australia credible, viable and

¹ Civil-military relations involves the relationships between the three elements that have the greatest influence on the outcome of wars among nations – the people who establish the government and live under its authority, the elected government, and the armed forces the government raises from the people to defend the nation.

² The 'Skype incident' involved Defence Minister Stephen Smith expressing his disapproval of the actions of the Australian Defence Force Academy commandant, Commodore Bruce Kafer, handling of a disciplinary matter involving cadets and the misuse of Skype. The 'children overboard affair' related to former Defence Minister Peter Reith's use in the media of Defence-supplied photos to suggest that unauthorized boat arrivals were throwing their children overboard in an attempt to gain access to Australia. See for example Hugh Smith, 'A Certain Maritime Incident and Political-Military Relations', *Quadrant*, June 2002, pp. 38-43.

³ International Stabilisation Force Afghanistan.

⁴ Also note that the former Canadian defence minister, Mr Gordon O'Connor, was removed from office after controversies relating to detainee handling in Afghanistan. This shows that it is not just senior military members who suffer in situations of civil-military discord.

⁵ This was 'the most fateful recommendation he had to make in his service', Sydney Rowell, 'General Sturdee and the Australian Army', *Australian Army Journal*, No. 207, August 1966, p. 9. While Sturdee had convinced the Prime Minister, at Cabinet he had to threaten to resign to force his view. David Horner, 'Lieutenant-General Sir Vernon Sturdee: The Chief of the General Staff as Commander', in David Horner (ed.), *The Commanders*, Sydney, George Allen & Unwin, 1984, p. 156.

enduring. It is needed at three critical interfaces; between the civil leaders (the politicians), the military (Admirals, Generals and Air Marshals), and the population (the voters). If trust truly exists at each of these crucial junctures, the country is well placed to fulfil the social contract of defence of the nation and successful outcomes in conflict. As this paper shows, establishing and maintaining the necessary levels of trust in Australian civil-military relations has been tested over the past decade by incidents such as 'Skype' and 'children overboard'. The paper concludes with suggestions that may help build the necessary levels of trust in civil-military relations in contemporary Australia.

The Context

The prevailing context for relations between the state and the military is the presumption that the military is subordinate to civil control. This normative tradition has existed for the past 50 years and remains essentially unchallenged in liberal democracies.⁶ Any tests of the civil-military relationship occur within this fundamental principle of civil primacy.

Strained relationships between the political and civil arenas and the warfighters are particularly acute, and most telling, during times of conflict. Shifting objectives and fortunes in times of conflict make it difficult for a government, the military, and wider society, to maintain committed and aligned with each others' perceptions and policies. The national security policies and strategies in the recent wars in Iraq and Afghanistan, for example, are frequently seen as disjointed, distracted and just as importantly, as failing to address winning in these wars.⁷

Finding a policy to address the intractable problems in existing conflicts and having a strategy to implement them, and convincing the voting public that the government's rationale is sound, is a considerable conundrum for politicians and their military advisers.⁸

Furthermore, the nature of warfare is undergoing transformational change – today's threats are transnational, asymmetrical and often from non-state or

⁶ See for example Hew Strachan, 'Interview, Saturday Extra', *ABC Radio*, 17 March 2012.

⁷ For commentary on 'crisis' civil-military relations during the period of former US Secretary of Defense, Robert Gates, see Bernard I. Finel, 'The Failed Secretary', *Armed Forces Journal*, September 2011.

⁸ Noted strategist Colin Gray, states 'All too often there is a black hole where American strategy ought to reside.' in Colin Gray, *Another Bloody Century Future Warfare*, London, Phoenix Press, 2005, p. 111. The inability to bridge the gap between policy and strategy is the catalyst for current discussions on civil-military relations. See Mackubin Owens, *US Civil-Military Relations After 9/11: Renegotiating the Civil-Military Bargain*, London, The Continuum International Publishing Group, 2011, p. 120. Even middle powers like Australia engaged in these conflicts need both a policy and a strategy to implement the elements of national power and vary these to address national interests.

semi-state bodies; security as a concept is stretching and blurring; and the Clausewitzian model of war where decisive outcomes follow battlefield results is challenged by the responsibilities for reconstruction and protection of the people which demand extended security. These circumstances result in dynamism in strategic policy, graduated responses to threats, and considerable ambiguity and complexity in military tasking.⁹

The common reaction by the military to these issues of sustained change is to seek refuge in the professional pursuit of war free from political interference.¹⁰ Focussing on the conduct of operations allows military commanders to remain cocooned from politics and policymaking which is where earlier models of civil-military relations, as espoused by Huntington, suggest they should be.¹¹ Politicians, however, have to face publics that are always adverse to casualties and are increasingly weary of inconclusive outcomes. In this context, one political commentator suggests:

For half a century the Australian way of war has been obvious; it is a clever, cynical, calculated, modest series of contributions as part of US-led coalitions in which Americans bore the main burden. This technique reveals a junior partner skilled in utilising the great and powerful while imposing firm limits on its own sacrifices.¹²

Bridging the disjunction between focusing on warfighting while excluding policy is the challenge for civil-military relations. The conduct of a war cannot be disconnected from the goals of the conflict, reflected in policy. This then is the fundamental reason for civil control of the military.

⁹ For a fuller discussion of these trends, see Rod Lyon, *Civil-Military Relations in an Age of Terror*, 2004, paper prepared for the Australian-American Fulbright Symposium, held in Brisbane 5-7 July 2004.

¹⁰ As General Tommy Franks, former US commander in Afghanistan and Iraq, is quoted as having said 'keep Washington focused on policy and strategy. Leave me the hell alone to run the war.' Quoted in Hew Strachan, 'Strategy or Alibi? Obama, McChrystal and the Operational Level of War', *Survival*, Vol. 52, No. 5, 2010, p. 165. Mackubin Owens however, uses the same quote but takes 'Washington' to mean the Joint Staff, indicating the increased authority of theatre commanders. Mackubin Owens, 'What Military Officers need to know about Civil-Military Relations', *Naval War College Review*, Spring 2012, Vol. 65, No. 2, p. 84. Nevertheless, combat commanders resent interference from those not in theatre.

¹¹ Australia's formative experience of civil-military relations occurred in WWII. This involved inexperienced political leaders and a domineering senior coalition partner, which saw several clashes such as the Rowell-Blamey and the Jones-Bostock affairs. The most significant intrusion by the civil authority into military affairs during WWII was the recall of the 64,000 troops of the 1st Australian Corps to defend the nation. Notwithstanding these earlier experiences some commentators still support non-interference: 'Field commanders must have independence of action to mould and operate the forces under their command to meet clearly stated objectives set out by the corporate command authority at the national level.' in Geoffrey Hartnell, 'The Problem of Command in the Australian Defence Force Environment', *Canberra Papers on Strategy and Defence*, No. 27, Canberra, Australian National University, 1983, pp. 92-93.

¹² Paul Kelly, 'No Lapdog, this Partner Has Clout', *The Australian*, 28 August 2002.

Setting the relationships between a society, its civilian leaders and military is always important but more so in times of change. These relationships are important at both the institutional level and between individuals.

Huntington, in his seminal work on civil-military relations, addressed the discussion in terms of power and ideology. In its basic form, and perhaps now irrelevant to developed democracies, was the need for civilian control of the military to prevent the military taking control of the nation by force. Writing in 1957, Huntington observed that a strict avoidance of civil interference in the technical running of the military was matched by the military retaining its professionalism by remaining outside of the political sphere. The functional ethic of the military as society's warfighter was the key to this, hence the military's focus on its professionalism.¹³ Today, absent of total war, the military, with the Department of Defence, is largely considered to be just another area of government responsibility - civilian control continues over matters of such as operations, budget, aims, interests and priorities. So the exceptionalism of defence as a discrete, distinctive and protected element of society is challenged. This makes generating trust more difficult. The broadening of the national security community, by including additional government departments to address transnational issues, coupled with the communications revolution, where visibility of far away events can more easily be linked to a government, have clearly reduced the salience of the earlier tradition.¹⁴ Even so, the traditional view of civil-military relations as espoused by Huntington and Janowitz over half a century ago continues to linger.

A recent civil-military relations theorist, Peter Feaver, rejects Huntington's thesis of non-interference by civilians in military operations, and sees relations

¹³ Much recent discussion of civil-military relations, especially in the US, is on how current practice supports or diverges from the models established by Huntington and then Janowitz. For example, those who support the traditional approach include S.C. Nielsen & D.M. Snider, *American Civil-Military Relations, The Soldier and the State in a New Era*, Baltimore, Johns Hopkins University Press, 2009. Also see Dayne Nix, 'American Civil-Military Relations Samuel P. Huntington and the Political Dimensions of Military Professionalism', *Naval War College Review*, Spring 2012, Vol. 65, No. 2, pp. 88-104. An earlier Australian article reflecting Huntington's model is Ray Funnell, 'The Professional Military Officer in Australia A Direction for the Future', *Defence Force Journal*, No. 23, 1980, pp. 23-39. Those that suggest that the traditional view has outlived its usefulness include: Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations*, Harvard University Press, Cambridge, Mass., 2003; M.T. Owens, *US Civil-Military Relations After 9/11: Renegotiating the Civil-Military Bargain*, Continuum, New York, 2011; Hew Strachan, 'Making Strategy: Civil-Military Relations after Iraq', *Survival*, Vol. 48, No. 3, 2006, pp. 59-82; and Mark Thomson, Serving Australia Control and administration of the Department of Defence, *Australian Strategic Policy Institute Special Report*, Issue 41, June 2011.

¹⁴ C. Gibson & D.M. Snider, 'Civil-Military Relations and the Potential to Influence: A Look at the National Security Decision-Making Process', *Armed Forces & Society*, Vol. 25, No. 2, Winter 1999, p. 194.

as 'a strategic interaction carried out within a hierarchical setting'.¹⁵ Civilians have an expectation that the military will behave as intended, and that they (the ministers) do so from a position of legitimate authority.¹⁶ Politicians, in Feaver's 'agency' theory – the employer or principal – expect the diligent worker or agent, to do 'what he is supposed to be doing (working) and not doing something else (shirking)'.¹⁷ Information is provided to the minister without shaping to achieve a particular result; the agent (military) does not lobby for a preferred outcome; and does not impose bureaucratic delay.¹⁸ Feaver's view of civil-military relations reflects the dynamic nature of the relationship and points to developing trust between the various parties involved. Both share the same goal of the nation's security, which when faced with changing nature of warfare and geo-strategic circumstances, only reinforces the importance of a closer relationship based on mutual interests and not a splitting of perspectives.

Military's Relationship to Government

The defence of Australia is the responsibility of the Federal Government.¹⁹ Former Labor politician Kim Beazley expressed this as:

It is the Australian Government, not the Defence organisation, which is responsible for defence policy and defence decision making. The Defence organisation exists to support the government ... Neither the Defence Department nor the Defence Force has any purpose independent of the Government ...²⁰

This reflects the British Westminster system as applied in Australia: the government itself is responsible for the defence of Australia. Authority, in theory, runs from the Crown, through the Minister, to the Secretary and the Chief of the Defence Force. The concept of responsible government underpins the Australian practice of democracy and provides the fundamental basis of conventions not specified in the Constitution.

The government, through the Minister for Defence and other relevant ministers, is responsible for the operational activities of the Australian Defence Force.²¹ No additional legislative backing is necessary for new operational activities. Part IIIAAA of the Defence Act specifically enables the authorising Ministers (the Prime Minister, Minister for Defence and the Attorney-General) the

¹⁵ Feaver, *Armed Servants*, 2003, p. 54.

¹⁶ Feaver, *Armed Servants*, 2003, p. 54.

¹⁷ Feaver, *Armed Servants*, 2003, p. 55.

¹⁸ Feaver, *Armed Servants*, 2003, p. 68.

¹⁹ As stated in Section 51 of the Australian Constitution.

²⁰ Kim Beazley, quoted in Eric Andrews, *The Department of Defence, The Australian Centenary History of Defence*, Oxford University Press, South Melbourne, 2001, Vol. 5, pp. 4-5.

²¹ Authorised by the *Defence Act 1903*.

authority to use the Australian Defence Force against a terrorist threat.²² Under Part IIIAAA of the Defence Act, the Defence Force is used in a manner that always recognises the primacy of civil power.

Recent international and domestic law also have varying impacts on the military. Notwithstanding that many countries are yet to ratify some recent international laws, the scale and scope of the laws of armed conflict are steadily expanding.²³ So too is the remit and implication of domestic law. The drive to greater openness in government and safer workplaces has seen changes in, for example, both Freedom of Information and Workplace, Health and Safety legislation.²⁴ One unintended effect of the Freedom of Information laws is for some potentially unpalatable advice to no longer be written down as it could be used to embarrass the government. Conversely, the new Workplace, Health and Safety laws may compel commanders and managers, who are now individually and personally liable for workforce health and safety, to explain the effect of requests from ministers requests such as for efficiencies, that may run counter to a commander's responsibilities for health and safety specified in the new legislation.²⁵

Section 68 of the Constitution of Australia vests command of Australia's defence forces in the Governor-General. However, as has been expertly examined and explained by a previous Governor-General, not only is the title Commander in Chief purely titular, the powers of the Governor-General are only exercised on advice of the responsible minister, and further there is no question of any reserve powers of the Governor-General in this section of the Constitution.²⁶

Nor does parliament have control over the Australian Defence Force. As stated above, executive prerogative is maintained through the minister. The Westminster system allows for the government to serve with the confidence of the House of Representatives. If an incident or issue causes the government to lose the support of this House, the government falls.²⁷ This is the stark reality of Westminster democracy, but to develop trust, and recognise that the

²² See *Defence Act 1903*, accessed on 13 May 2012,

<http://www.austlii.edu.au/au/legis/cth/consol_act/da190356/s51ca.html>.

²³ Recent treaties include the Convention on Cluster Munitions (2008), the Optional Protocol on the Involvement of Children in Armed Conflict (2000), and the Rome Statute on the International Criminal Court (1998).

²⁴ Substantial changes to the Commonwealth Freedom of Information Act commenced on 1 November 2010 encouraging a pro-disclosure culture across government. The new Commonwealth Workplace, Health and Safety Act came into effect on 1 January 2012.

²⁵ The military's 'can do' attitude is now circumscribed by these new regimes. See the *Workforce Health and Safety Act 2011* and the 2010 amendments to the *Freedom of Information Act 1982*.

²⁶ Ninian Stephen, 'The Role of the Governor-General as Commander-in-Chief of the Australian Defence Forces', *Defence Force Journal*, No. 43, 1983, pp. 3-9.

²⁷ Thomson, *Serving Australia*, 2001, p. 10.

opposition may soon become the government, particular practices have evolved. Practices may include briefing the opposition on the details of significant policies or events such as a crisis; and providing material and briefings to parliamentary committees. These only operate at the direction of the minister, however.

In Australia, the junior ministers and parliamentary secretaries supporting the defence minister do so at the behest of the senior minister. The Prime Minister, through the Administrative Arrangements Order, signed by the Governor-General, allocates legislation and functions to ministers. In the case of the defence portfolio, this is to the Minister for Defence. Various responsibilities may be allocated to other ministers within the portfolio who then are ordinarily able to exercise these powers on behalf of the defence minister, constrained by specific legislation. Legal directions from these ministers are binding on the department and the defence force.

The situation in Australia differs from that in the United States where the military must serve both the executive and legislature. Separate to the powers of the President, Congress has the authority to raise, support and regulate the defence forces.²⁸ Using the principal-agent analogy proposed by Feaver, in the United States a single military agent serves two co-equal principals.²⁹

Also worth noting is the wording of the oath taken by members of the defence force on enlistment or appointment. The oath or affirmation requires service to the Queen according to the law, and the member attests that he or she will 'resist her enemies and faithfully discharge my duty according to the law'.³⁰ This wording remains consistent with the Australian practice of responsible government where the position of the Queen symbolises the broad concept of Westminster style of government.

Government's Engagement with the Military

The government, as the sole authority in the state to conduct security activities, requires that the military provide clear, unambiguous and timely responses when tasked. To achieve this, an environment of mutual respect and trust must be already in existence. But, as argued by one commentator, the level of trust

²⁸ M.P. Ulrich, 'Infusing Normative Civil-Military Relations Principles in the Officer Corps', in D. Snider & L. Matthews, *The Future of the Army Profession*, 2nd ed, McGraw-Hill, Boston, 2005, p. 663.

²⁹ Dual principals with one agent is also examined in C.P. Gibson & D.M. Snider, 'Civil-Military Relations and the Potential to Influence: A Look at the National Security Decision-Making Process', *Armed Forces & Society*, Vol. 25, No. 2, Winter 1999, pp. 196-197.

³⁰ Defence (Personnel) Regulations 2002, Statutory Rules 2002 No. 51, Regulation 24, Schedule 2, assessed on 21 September 2011, <<http://www.comlaw.gov.au/Details/F2011C00313>>.

varies based on differing levels of civilian competency and responsibility.³¹ Policy is most likely to succeed, and democratic institutions remain intact, when civil-military trust levels are high, political objectives are supported by military expertise, the military is viewed as policy collaborators and the military limits itself to a role of advisory and execution of the policy. Also these occur when there is a high level of civilian competency and responsibility. Civilian competency, in technical military matters, nowadays, comes from being educated by the defence executive.

To engender the best environment for respect and trust, and recognising the hierarchical nature of the military, tasks and instructions need to be delivered to the senior leader of the defence force. This practice is expected by the military, and perhaps counter-intuitively to some, using the 'chain of command' ensures a responsive and effective outcome. Politicians giving directions to officers at a lower level in the military organisation, no matter how close to the point of issue, may create confusion, and inappropriate and dangerous outcomes. The Chief of the Defence Force, as the commander of the military, has the sole lead for operational matters. The civil-military relationship is most critical at this interface. The training, processes and culture within the military are attuned to supporting formal interaction between politicians and commanders at the top. The detail of how the interface is conducted, for example who and when to phone, is dependent on the individuals involved. The US exemplar of this was provided by General George Marshall's dealings with President Franklin Roosevelt. Former Chief of the Defence Force, Air Chief Marshal Angus Houston also offers a useful model in the Australian context as he straddled governments from both sides of politics and served five defence ministers.

Despite Houston's fine legacy, sources of tension between the civilian and military leaders remain. These flow from earlier practices. They include the military's preference directing operations themselves without interference from politicians, and to the idea that the military is responsive to the people and to parliament but not necessarily the minister. Proponents of military operations being unencumbered by politicians often refer to Huntington's concept of objective control where 'politicians identify objectives for the military to deliver and the military delivers those objectives'.³² Objective control is maintained by drawing on the military's professionalism, as opposed to direct civilian interference in operational matters. However, this is not supported by the powers and responsibilities given to the defence minister in the Defence Act, nor by current practice and circumstances fuelled by an incessant media cycle. As the minister's oversight extends to all defence matters, including operational issues, military commanders remain legally and professionally responsive and

³¹ Ulrich, 'Infusing Normative Civil-Military Relations Principles in the Officer Corps', 2005, pp. 660-662.

³² Critically discussed in Thomson, *Serving Australia*, 2001, p. 15.

responsible to the minister. The Westminster system of government, which extends to all servants of the public, provides for politicians with the responsibility of defining the public's intent.

While the defence minister is responsible to cabinet for military operations, this responsibility is not extended to the advisers in the minister's office or to the National Security Adviser.³³ Ministerial advisers are in a strong position to ensure that their ministers issue appropriate directions and instructions. Defence public servants, form a significant part of the overall defence capability, including in intelligence, policy, procurement and acquisition functions. They can offer advice but not formal direction to the military, unless in a position of direct supervision in a combined organisation. When the minister is absent, arrangements for a minister to act in this position are formalised to promote the orderly conduct of business. Additionally, to comply with the conventions of responsible government, a letter is the accepted means of recording when the prime minister, outside of a cabinet decision, tasks the minister.

In the ebb and flow of government business, the degree of attention applied by a minister into military affairs varies by topic, interest and circumstances. A defence minister's powers are expansive and generally only constrained by political circumstances.³⁴ Public criticism or critical comment that is placed in the public domain by a military member or public servant undermines the trust and confidence the government has in the organisation and the individual. The level of discipline required to avoid public comment on policy reaches beyond the senior ranks. Lieutenant Colonels, for example, expressing views unacceptable to the government or speaking out against a government initiated report can, and have been, subject to ministerial opprobrium.³⁵

The government also has an obligation to ensure that the military is not drawn into partisan issues. Party political issues, such as political 'point scoring' in Senate Committees can easily detract from the military's performance and

³³ In Australia, the National Security Adviser is a public servant, in the United States the National Security Advisor is a political appointee.

³⁴ The *Defence Act 1903* (Section 8) provides the minister with a clear mandate and responsibility for 'general control and administration of the Defence Force' and the *Financial Management and Accountability Act 1979* (Section 44A) requires the agency head to provide the minister 'information in relation to the operations of the Agency as that Minister requires'.

³⁵ Following a visit by Sir Maurice Hankey in 1934 to report on military affairs, a copy of a lecture by LTCOL HD Wynter critical of Hankey's recommendations was requested by Minister Parkhill. A copy of the lecture was provided to the Minister and to Senator HC Brand who further distributed copies, one of which was used by the Leader of the Opposition to criticise the Minister in Parliament. The Minister had Wynter removed and posted to another appointment. Another officer, LTCOL LE Beavis who expressed views unacceptable to the government, was moved to a junior position. David Horner, 'Staff Corps Versus Militia The Australian Experience in World War II, *Defence Force Journal*, No. 26, Jan./Feb. 1981, p. 14.

standing in the community.³⁶ This needs to be reciprocated by the military. Public statements by defence leaders, and equally applicable to other public servants, must avoid being partisan or being perceived as such. Enthusiastic support of a particular policy may be so construed. The apolitical public servant and military need to be wary of being associated with political debate, even if this is as simple whether they stand next to a minister at a media interview during normal political discourse.³⁷ Participating in a media campaign can be costly both personally and professionally for a senior officer. The risk is crossing the line of being respected as a non-political, professional military leader to being seen by the media as just another advocate for the administration's line. The danger becomes that from then on, the leader's command assessments, no matter how valid they might be, are at best viewed with skepticism.³⁸

The guidelines suggested in this paper are designed to best engender trust between the various institutions through the individuals involved. There is, however, a natural disposition for tension to exist springing from differing roles, responsibilities, attitudes, values and personalities. The previous US Secretary of Defense, Robert Gates suggested that the duties of a military officer are 'to provide blunt and candid advice always, to keep disagreements private, and to implement faithfully decisions that go against you.'³⁹ That said, he too understood the need for civilian leaders to understand the military, and did this through meeting weekly with the Joint Chiefs at their headquarters, regularly visiting military bases and deployed troops and ensuring that he canvassed appropriate advice from the military.

Civilian leaders are not expected to have had previous military experience. For example, the last Australian defence minister to do so was Sir James Killen

³⁶ For example, in the 'children overboard' incident of 2001, apparently contrary statements by commanders were used to gain political advantage. See Hugh Smith, 'A Certain Maritime Incident and Political-Military Relations', *Quadrant*, June 2002, pp. 38-43.

³⁷ Members of the Australian Defence Force are well versed with the differing types of media conferences – informative and partisan. The pretext of security classification to not to provide information is, however, a common criticism by the media. At the other extreme, measures were used to limit the outspokenness of a recent Canadian defence chief, General Rick Hillier. Hillier was required to clear all statements and interviews with the Privy Council Office, and had to contend with a new civilian official deliberately appointed to re-establish the balance between the military and the civilian side of the department. General Hillier served as Chief of the Defence Staff for three and a half years. See Philippe Lagassé & Joel Sokolsky, 'A Larger "Footprint"', in *Ottawa: General Hillier and Canada's Shifting Civil-Military Relationship, 2005-2008*, *Canadian Foreign Policy*, Vol. 15, No. 2, Summer 2009, pp. 16-40.

³⁸ Lewis Sorley, *Westmoreland: The General Who Lost Vietnam*, Boston, Houghton Mifflin Harcourt, 2011, p. 156. This occurred with General Westmoreland when he actively supported President Johnson's 1967 'Progress Offensive' campaign to show that the war in Vietnam was being won.

³⁹ Quoted in Owens, *US Civil-Military Relations, After 9/11*, 2011, p. 120.

(1975-1982). The last prime minister to have had military service was Gough Whitlam (1972-1975) who served in the RAAF in WWII. Trust and respect has broad ramifications for the state's democratic institutions. Not only must the civilian control of the military be upheld, the military has an underlying obligation to do no harm to the institutions of the state and the democratic policy-making process that it supports and defends. This includes ensuring that policy is implemented expeditiously, regardless of whether it has been disputed; ensuring that there is not a self-interested effect on policy, and that any dissent is conducted in private. Even the uneven weight of a more experienced defence professional in the wider security forum requires advice to be delivered in a manner so as to avoid damage to the other participants.⁴⁰

The same principle that applies to serving officers is relevant to retired officers; that is that their actions should be governed by the desire to uphold the democratic institutions of the nation. Partisan comment by a number of retired officers during the recent 'Skype affair' could be criticised on this basis.⁴¹

Society's Demands of the Military

As voters and daily arbitrators of media commentary, a country's citizens can be a check and balance to the excesses of either the politicians or the military. What politicians bring to the civil-military relationship is their ability to judge the art of the politically possible. Advice from the military or civilian Defence officials should be based on their areas of expertise. Opportunities for defence to influence society exist, but this is in the narrow confines of accepted practice – public speeches, statements at Parliamentary Committees, departmental and other annual reports, media interviews and responses to parliamentary questions.

Huntington suggested that control of the military is achieved through two conflicting approaches – subjective, and objective, control.⁴² While objective control was that by the civilian authority (the politicians), subjective control relied on civilianizing the military, making them the mirror of the state. Janowitz stresses the subjective approach where the military is part of and not separate from civilian society.⁴³ These notions resonate with the current

⁴⁰ The education of the expanding membership of the national security community becomes significant as multi-agency approaches become the norm for security tasks. This has been recognised, in part, by the creation of the National Security College at the Australian National University, Canberra.

⁴¹ Christopher Pearson, 'General consensus offers no defence for minister', *The Australian*, 17 March 2012.

⁴² Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, Vintage Books, New York, 1957, pp. 80-85 and 189-192.

⁴³ M. Janowitz, *The Professional Soldier A Social and Political Portrait*, The Free Press of Glencoe, New York, 1960.

struggle to ensure an appropriate framework for military discipline that is within the norms of societal expectations and the nation's legal regime.

It is fair to say that Western societies expect their militaries to unfailingly demonstrate the highest ethical standards regardless of the circumstances. Individual military members would do well to consider that they should not rely on situational pressures to excuse poor behaviour such as the US soldiers charged with abuses at Abu Ghraib.⁴⁴ In the 'Skype affair', in which consensual sex between two Australian Defence Force Academy cadets was broadcast via Skype by other male cadets, allegedly without the female cadet's knowledge; the male cadets involved in the incident currently face criminal charges.

The other side of this expectation is that society expresses an often-unwavering appreciation of the military's efforts. The rewards are often restricted to respect and recognition but also even those in society who may oppose a particular war (a political act) often still support the military troops who carry it out.⁴⁵ In comparison to other organisations, Australian society's trust in its military remains high.⁴⁶

Social capital, unlike other forms of capital, is created and transmitted through tradition and historical habit. The concept of 'social capital' as 'a capability that arises from the prevalence of trust in a society or in certain parts of it' is applicable to civil-military relations.⁴⁷ Trust is built and maintained when agreed forms of relations are adhered to. Without trust people have to rely on formal rules and regulations that have to be agreed and enforced. Thus by adhering to agreed and accepted modes of behaviour, the various institutions and individuals involved in civil-military relations can build social capital through trust.

The media is the crucial conduit for ensuring that society is informed of matters of state. Politicians and the military need to engage with the media in a manner that does not prevent the media from keeping the public well informed on contemporary issues. With this axiom as a guide, and trust between the government and the military, the community can be well informed on military matters. Stifling public discussion and debate, through unnecessary calls for secrecy for instance, eventually undermines the standing of the military

⁴⁴ Most of the US soldiers charged over the abuses in the Iraqi prison at Abu Ghraib were convicted. They were not let off because of situational pressures. See G. Mastroianni, 'The Person-Situation Debate: Implications for Military Leadership and Civilian-Military Relations', *Journal of Military Ethics*, Vol. 10, No. 1, 2011, pp. 2-11.

⁴⁵ Former Prime Minister Kevin Rudd demonstrated this by requesting a parade to publicly acknowledge the 17,000 Australians who had served in Iraq. The parade, representative of the veterans, was held in Canberra on 21 November 2009.

⁴⁶ George Megalogenis, 'Military pulls rank in trust stakes', *The Australian*, 28 December 2011.

⁴⁷ Francis Fukuyama, *Trust*, London, Penguin Books, 1996, p. 26.

profession, the ability of the community to grapple with difficult and complex issues and to provide support.⁴⁸

Recent enhancements to information management in the public sector, including to freedom of information legislation, will improve the transparency and accountability of public policy. The military, with its aversion to openness, needs to adapt to this new environment.

Defence issues continue to feature in the media and in public opinion, but often related to controversies such as Australia's involvement in conflicts, capability acquisition and behaviour scandals, such as the 'Skype incident'. The public appears more focused on social support, such as education and aged pensions, rather than on defence.⁴⁹ One matter that does seem clear is that the bipartisan consensus on defence policy has been eroded over the past decade.⁵⁰ This is not necessarily an adverse development, so long as the military remains politically aware but not politically engaged.

Pressures originating from the changing nature of society, such as the increasing ethnic diversity of the Australian population and increasing demands for individual rights, will continue to affect defence as an institution. Whether these demands overtake the requirement for institutional cohesion, where to maintain authority over individuals as well as institutional continuity requires some abrogation of individual rights, currently appears unlikely.⁵¹ A focus on individual rights, linked to concepts of human security, may eventually usher in the notion of the international citizen. Notwithstanding these musings, the tenant of civilian control of the military remains a fundamental feature of the Australian democratic landscape.

⁴⁸ The revolution in information technology and the new media environment can result in "the immediate driving out the important". This increases the difficulty of long-term planning and placing news items in the correct policy context. As a non-material influence on establishing policy and the will to implement it, see R.J. Lieber, 'Staying Power and the American Future: Problems of Primacy, Policy, and Grand Strategy', *The Journal of Strategic Studies*, Vol. 34, No. 4, August 2011, p. 518.

⁴⁹ Ian McAllister, *Attitudes to Government and Government Services: Results from the ANU poll*, Australian National Institute for Public Policy and ANU College of Arts and Social Sciences, Report No. 11, Canberra, October 2011, p. 16.

⁵⁰ The breakdown of bipartisanship was first evident when former Defence Minister Peter Reith, in the 2001 election campaign, explicitly questioned whether the concept ever existed. Now major parties seek media attention by highlighting their differences, but these remain minor rather than fundamental. Jenelle Bonnor, 'The Politics of Defence in Australia', *Australian Defence Studies Centre Working Paper*, No. 68, Canberra, 2001, p. 16. Also Hugh Smith, 'The Military Profession In Australia: Crossroads And Cross-Purposes?', in M. Evans, R. Parkin & A. Ryan (eds.), *Future Armies, Future Challenges Land warfare in the information age*, Allen & Unwin, Crows Nest, 2004, p. 214.

⁵¹ For a discussion on issues of societal change, still relevant, see Hugh Smith, 'Social Change & the Australian Defence Force', *Australian Defence Studies Centre Working Paper*, No. 19, Canberra, 1993.

Conclusion

The subtle interplay between politicians, the military and society to deliver a capable means of providing the nation's security requires high degrees of mutual trust and respect. The thin ribbon linking each of these elements is, however, vulnerable to misunderstanding and misinterpretation. Established practices and conventions assist in ensuring that empathy is maintained in an essential partnership. The onus is often placed on the military, which is committed to studying the strategic environment, to anticipate the demands of politicians and society. Such anticipation is key to avoiding many potential pitfalls and false trails.

When personal and situational circumstances conspire to push individuals to breach the trust that they as individuals, or the institutions they represent, are held in, such as the 'children overboard' and 'Skype' affairs, relations take time to rebuild. Both affairs involved reactions to the personal interventions of the minister. For the 'children overboard affair', this occurred during an election campaign when greater care than normal is needed for the military to remain apolitical. The backdrop for the 'Skype affair' was a continuing frustration to implement cultural change into the military to reflect society's standards, particularly the treatment of women.

As one commentator suggests, the

idea of that the civil authority must dominate, even in matters of operational detail if civilians choose, may be difficult for some officers to accept, for it demands a high level of professional maturity – self-abnegation, a tolerance for ambiguity, and a willingness to accept compromise between important but competing values' is the essence of civilian control.⁵²

Because of the power inherent in militaries, this unequal partnership is essential for a working democracy. The relationships between the civilian authority, the military and society can only operate when trust is granted by mutual consent. The norms and practices outlined in this paper may assist in achieving the level of trustworthiness required but this will not be achieved without the personal qualities in our leaders of integrity, self-discipline and humility. These qualities rely on more than a sound professional military education; they require constant vigilance and personal commitment.

⁵² M. Moten, 'A Broken Dialogue', S.C. Nielsen & D.M. Snider (eds.), *American Civil-Military Relations The Soldier and the State in a New Era*, The Johns Hopkins University Press, Baltimore, 2009, p. 70.

In summary, the guidelines this paper proposes to enhance civil-military relations in Australia are as follows.

1. That the military is subordinate to civilian control.

This implies that:

- a. The military is accountable to the elected government.
 - b. The military is not directly accountable to the parliament, noting that the government, elected by the people, is accountable to parliament.
 - c. Non-elected officials, as peer public servants, do not direct the activities of the military, including military operations.
 - d. The government is in charge of military operational commitments.
 - e. On matters of national importance, the government can direct that the opposition be informed.
 - f. Directions from ministers and parliamentary secretaries in the Defence Portfolio and within the scope of their Portfolio responsibilities, provided the directions are legal, are binding.
2. The government's dealings with the military are most effective when:
 - a. Tasks and directions follow convention, and are delivered through the Chief of Defence Force.
 - b. Tasks and directions are in writing, including as a letter, cabinet decision or annotation to a submission.
 - c. The government excludes and protects the military from partisan issues and debate.
 - d. The government, and the parliament, seek to understand the military, through regular meetings, familiarisation visits, and opportunities for receiving advice.
3. The military's dealings with the government are most effective when:
 - a. The actions of the military are governed by the desire to uphold the democratic institutions of the nation.
 - b. The military remains politically aware, but not politically engaged.
 - c. The military, with greater professional technical military competency, keeps the government informed on matters within its remit and anticipates the legitimate demands of both politicians and society.
 - d. Military advice to the government, and to security agencies, is delivered in manner that avoids harm to recipients.

- e. The advice offered is based on areas of expertise and responsibility.
 - f. Public comment on government or opposition policy is avoided.
 - g. The actions of retired military officers remain governed by the desire to uphold the democratic institutions of the nation.
4. Effective civil-military relations, as a responsibility to society, are effectively achieved when:
- a. They are conducted within modes of behaviour based on trust and respect.
 - b. The military's public statements are non-partisan and not seen to excessively advocate a partisan policy position.
 - c. The government and the military respect the public interest to remain well informed on contemporary Defence issues, albeit within the limits of national security.

The extreme circumstances of a nation under the threat of invasion that confronted General Sturdee in the early weeks of 1942 provide an excellent illustration of civil-military relations in the Australian context. The store of trust and goodwill that General Sturdee had built with the key politicians, and importantly with the new Prime Minister, allowed his sound advice to be heard and unhesitatingly accepted in the desperate times. It is a lesson we should all heed.

