

THE CIVIL-MILITARY BOUNDARIES OF ETHICS
AND CANADIAN MILITARY OPERATIONS.

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“When ignorance has gotten ten men killed where it should have cost only two, is it not responsible for the blood of the other eight?”

Napoleon

Generals, Clausewitz instructs us, cannot escape the politics of war and conflict. Discussions of military ethics that begin with the troops in the field and operations underway are unavoidably handicapped and their conclusions are, at best, problematic if it is true that poorly prepared armed forces deployed in ambiguous circumstances under vague political instructions and directed to fulfill uncertain objectives is a primary cause of inappropriate military conduct in the field.

Let us be clear, appropriate military conduct in the field refers not only to the treatment of enemy combatants, non-combatants, and others caught in the melee of modern “wars among the people.” Military ethics in operations is also concerned with the direction given to commanders by governments; and to the decisions and actions taken by military leaders before operations begin as well as during operations; and the effect leaders’ orders and actions have on the actions of their own troops and units. These military decisions, operational orders, and actions – unless they are grossly in violation of governments’ directions – are always conditioned before, and as specific missions are underway, by the laws enacted by governments to control the military. They are also conditioned by governments’ policies and intentions and by the directions governments give to commanders from time to time after such deployments begin.

While conferences on military ethics in operations tend to concentrate discussions on the here and now of operations, it is entirely appropriate -- and I argue necessary -- to address critically as well the circumstances of the armed forces well before they are deployed. Indeed, it is essential in these discussions to acknowledge three unavoidably linked factors: first, the peacetime state of the armed forces and governments’ interest and attitudes towards them before any deployment is even contemplated; second, the governments’ objectives and expectations on deploying forces on a specific mission; and third, the conduct of and force-protection of armed forces in the field and at sea.

This larger discussion, however, is, as it were, merely a gateway to an oft neglected aspect of discussions of military ethics in operations. That is the discussion about military leaders’ absolute ethical responsibility, as the Prussian army ethic had it, “To be frank unto the Kaiser.” But in discussions of military ethics in operations we need to address more than simple

frankness. Discussions about ethics and military operations, if they are to be useful beyond the tactical operations of units and the behaviour of individuals, cannot escape the inseparable and more crucial dilemma arising from military leaders' responsibility in law to follow the directions of the civil authority and their ethical responsibilities to safeguard their troops who are under their almost unlimited authority.

The premise underlying this paper is this. The conditions (or if you wish) the broad capabilities of the armed forces at the time of deployment are always the outcome of decisions taken by governments and senior commanders over time. Those conditions and capabilities will, more or less, dictate the range of operational choices subordinate commanders will have once they are in the field. Where these choices are conflicted and/or inappropriately constrained in serious operational circumstances 'ethical risk' will increase.

Therefore, when operational missions are being considered by governments, senior military officers have an ethical responsibility to their society and to their subordinates and, indeed, eventually to their opponents to describe frankly to the Kaiser -- the government -- the ethical risks of anticipated operations that may arise from the directions the government intends to give to commanders and from the circumstances of the armed forces at that moment. Moreover, the most senior military officers in the state have an ethical responsibility to modify or even refuse a mission that in their opinion it would inevitably place their subordinate commanders in a serious ethical dilemma.

The start-line for discussions of operational ethics, therefore, must be at the intersection of civil-military relations. Although some theorists argue that the military owes unquestioning obedience to the civil authority, neither experience nor logic supports this dogmatic and rather stale thesis. Newer work describes responsibility for national defence as a 'shared responsibility' in which sharing between the civil authority and the military is managed continually within a regime of nationally evolved principles, norms, rules, and procedures.¹ Sharing, as historians repeatedly explain, occurs most obviously during active operations – the government sets the objective and depends on officers to reach that objective efficiently and effectively. In reality during operations this joining of ends and means functions continuously through a complex of decision-making interactions between politicians, officials, and military officers within the national regime envelope.

Days and Nights of Ethical Darkness

It is necessary to any discussion of Canadian civil-military relations and operational ethics to place this general and somewhat theoretical introduction in the context of actual Canadian Forces operations. Many fine researcher have described in eloquent detail the ethical circumstances faced by members of the Canadian Forces in the field during various operations in the late 20th century. What has not been widely discussed is the relationship between Canadian

¹. Douglas L. Bland, 'A Unified Theory of Civil-Military Relations' *Armed Forces & Society*, Fall 1999, Volume 26, Number 1. Also, Douglas L. Bland, 'Patterns in Liberal Democratic Civil-Military Relations' *Armed Forces & Society*, Summer 2001, Volume 27, Number 4.

governments and their attitudes towards and decisions about the Canadian Forces and certain operational deployments. Yet even a brief review of Canadian Forces deployments since the end of the cold war suggests that many recurring ethical problems in certain deployments originated not in the field, but in the decisions of privy councillors and of commanders in the high military offices of National Defence Headquarters.

When the Liberal government of Jean Chrétien came to power in 1993, the Canadian Forces were already engaged in two major operations – one in the former Yugoslavia and the other just finishing in Somalia. The previous government of Brian Mulroney deployed units into these theatres but without much consideration of the circumstances of the situation in these theatres or the readiness of the Canadian Forces to meet them and with the vaguest of mission statements.

Throughout the early 1980's the Progressive Conservative government had tried to live-up to its early promise to rebuild an already seriously deficient Canadian Forces. In its 1987 white paper on national defence, *Challenge and Commitment*, the government made a commitment to give "... the Forces the tools to do the job."² Within two years, however, the financially strapped government reneged on the promise and when they left government the military capabilities of the Canadian Forces were more deeply eroded than when Mulroney arrived.

The now indelibly infamous Canadian Forces operation to Somalia began badly in Canada in late 1992 under Mulroney and ended in shame and acrimony in Ottawa in 1997 under Chrétien. The 1500 page report of *The Inquiry into the Deployment of the Canadian Forces to Somalia*³ records a cascading series of military, bureaucratic, and political ethical lapses that began before the mission was even conceived, continued into the deployment, and even longer as the Inquiry was in session, and continued after it was completed.

There is no clearer modern example of the connection between ethical lapses in command and political direction and consequential ethical lapses and criminal acts in the field than the story illuminated by the Somalia Inquiry's record.

In this case, which is unusual, the contagion travelled initially not from the prime minister's office to the units in the field, but almost directly from the office of the CDS, General John de Chastelain and other CDSs after him and from the office of the deputy minister of DND, Mr. Robert Fowler. Although all the pre-deployment signs and most staff briefings in NDHQ pointed to impending failure, the CDS ordered the deployment apparently to fulfill a pledge he had apparently made to the Canadian Airborne Regiment to find it an overseas mission. The deputy minister reportedly intervened in many of the pre-deployment operational decisions

². Canada, Minister of Supply and Services Canada, 1987. *Challenge and Commitment: A Defence Policy for Canada*, 1984, p.III.

³. Canada, *Dishonoured Legacy: The Lessons of the Somalia Affair*, Report of the Commission of Inquiry into the Deployment of the Canadian Forces to Somalia. Minister of Public Works and Government Services, Canada, 1997.

because he was eager to make the mission happen seemingly to protect the political interests of the government. In both cases, eagerness overcame regard for ethical risks.

In the Somalia case, failures of senior commanders to acknowledge serious shortcomings of discipline and training (among other things) in the Airborne Regiment before it deployed and failure to take effective action against commanders once the shortcomings became evident in the field created a twinned ethical blunder.⁴ These failures were at the time evidently symptomatic of a wide-spread culture of covering up of failures and indiscipline at every level of the Canadian Forces.

It was a habit rooted, some would argue, in a belief that the exposure of faults were best to ignored lest failings might tarnish the reputation of the Canadian Forces in the public's mind. Others, however, believe the habit was sustained more from self-interest in high places and by the reluctance of members of the cadre of close friends and associates who led the Canadian Forces to discipline each other. Whatever the pathology of this situation, the effect led to an inevitable and uncontrolled breakdown of operational ethics and the law once the Airborne Regiment's boots hit the ground in Somalia. Who then should be held to account for this ethical breakdown: the soldiers in the field or those in the deeper background who knew the truth of the matter and ignored it? More important to this conference, what ethics model should be put in place within the Canadian Forces or perhaps resurrected from more principled days to prevent similar situations from developing again?

The 1992 deployment into Yugoslavia, a country of which Canadian Forces officers knew nothing at the time, was thought of by those very few politicians, officers, or officials who thought about it at all as a rather benign exercise to show the United Nations flag in the hope that the resolve of the international community would somehow cow the fractious populations into some kind of reconciliation. The deployment, however, was carelessly conceived foreign policy sideshow. No analysis was made before or during the operation of the ethical risks placed on commanders and soldiers by the Canadian Forces and UN operational plans.

The real issue in 1989-92 was the end of the cold war and the demise of the Soviet Union. These heralds of the 'new world order' brought to Ottawa a new national defence logic. This logic argued that the demand for armed forces of all types was falling and would continue to fall and, therefore, defence budgets and capabilities and personnel strengths could safely fall as well. Prime Minister Jean Chrétien immediately seized on this logic and began in 1993 a deliberate abandonment of any idea to rebuild national military capabilities. Personnel strength was cut by 30%, major defence contracts were quashed, and defence policy was swept off the cabinet table.

The immediate explanation for this new defence policy of scarcity was that the government faced a dire financial crisis and that cutting expenditures across government was both necessary and prudent. It was an assumption widely accepted and reflected at the time in the basic premise in the government's statement of defence policy, *1994 White Paper on Defence* –

⁴ *Dishonoured Legacy*, Volume 4, Chapter 26, "The Failures of Senior Leaders."

“[a parliamentary recommendation to increase] ... the size of the Regular Force [and its capabilities] was judged to be inconsistent with the financial parameters within which the Department of National Defence must operate.”⁵ The government, however, did not allow defence cost cutting to inhibit its keenness for international military commitments. As successive deployments to the former Yugoslavia became increasingly demanding and deadly, the Liberal government made no concessions to military demands for a reduction in such commitments or for money to protect deployed forces.

By late 1996 the ‘peace dividend’ logic of 1994 had already vanished. The demand for armed forces had increased and prompted Canadian Forces deployments in Africa and East Timor and increased deployments into the battlefields of Bosnia and Croatia and eventually Kosovo. By this time too, global economic stability and Canadian government cost-cutting had begun to fill the Canadian treasury with budget surpluses. Yet as the demand for forces increased and Jean Chrétien eagerly responded to them, the Canadian Forces were left to swing in the wind. Casualties increased in the former Yugoslavia, the true nature of the Somalia operations was coming home to rooster in downtown Ottawa, two blocks from Parliament Hill and yet the government refused to modify its 1994 defence policy.

In June 1994, Jean Chrétien saw for himself the state of Canada’s war weary army units in Bosnia. In his autobiography he describes the danger and the devastation and acknowledges that “... this intervention was a more complicated and dangerous kind of *peacekeeping* than we had experienced since Lester Pearson’s day.” He seemed to realize even then that “Though we had gone there for humanitarian reasons ... we spent most of our time defending ourselves and others.” Yet the prime minister never let the scenes he saw or the opinions of soldiers “... caught in the middle of the crossfire between two heavily armed factions ...” upset his minimalist engagement national defence agenda.⁶

Why did the prime minister on the one hand see the dangers to Canadian soldiers deployed in the field caused by his policies and then simply walk away from them? Certainly, this lapse in concern cannot be set aside as a consequence of ‘fiscal restraint’ as the government accepted the commitment not once but with every ‘rotation’ of units into the theatre and refused to alter in any significant way the situation of the troops in the field even as the government racked up ever increasing surpluses.

Only years later did Jean Chrétien in his memoirs reveal the true reason for his persistent refusal to reasonably equip the Canadian Forces for the missions he committed them to undertake. The prime minister entered office in 1993 with a deep-seated and profoundly cynical view of the armed forces and their leaders and national defence policy in general. He believed that the leaders of the Canadian Forces were merely self-servicing: “Whether for national

⁵.Canada, *1994 Defence White Paper*, Minister of Supply and Services Canada, 1994. See especially the explanation for defence budget reductions in the statement of the minister of national at the “Introduction” of the White Paper.

⁶. Jean Chrétien, *My Years as Prime Minister*, (Alfred A. Knopf, Canada) 2007, pp. 89-90.

security or economic growth, every government is under constant pressure to spend more and more on defence. In our case the pressure came from the American government ... as well as from the arms manufacturers and military lobbyists for whom no amount of money is ever enough. The Canadian Forces always claimed it needed more ... but I wasn't sure that its self-interest was the same as the national interest."⁷

The prime minister, however, was not alone in these matters. Ethical difficulties in the field can be attributed also to ethical lapses on the part of senior officers seemingly trapped by the competing demands (as they saw it) of obedience to the government and their responsibility to protect their subordinates from unreasonable harm.

The story of the Canadian Forces campaigns in Yugoslavia are well known now, but in the mid-1990s the Chretien government abetted by senior officers of the Canadian Forces and officials in the Department of National Defence actively hid from Canadians the full personal effects of the operation. By some accounts, 24 Canadian soldiers were killed in action in the Yugoslavian campaign. Continually during the deployment, the Liberal government refused to acknowledge the well-founded evidence that the deployed force lacked the means even to protect individual members of the Canadian Forces operating in direct combat situations. The ethical difficulties in the field -- for instance commanders' inability to reasonably protect their units and personnel or to protect UN 'safe-havens' as in Srebrenica -- can be directly attributed to the Jean Chrétien's dismissive attitude towards the Canadian Forces and their capability needs.

Jean Chrétien continued to commit the Canadian Forces to dangerous missions with uncertain objectives beyond Yugoslavia even as he continued to resist any effort to rehabilitate the armed force to meet such commitments. The disgraceful abandonment of the Canadian Forces mission in Rwanda in 1994-1995 is a story that lives with Canadians to this day. It is another clear example of the government's willingness to accept difficult commitments without due regard for the capabilities of the Canadian Forces.

Moreover, it is also an example of government and military planning based on the flimsy notion that Canada might willingly deploy forces but without necessarily accepting responsibility for how they are employed. It was a habitual way of thinking that excused subsequent responsibility for ethical failures in the field or any assumption of a Canadian responsibility to protect or rescue Canadian Forces units when missions went sour. It was an institutional and individual ethical failure of the first order.

Who would attribute ethical failures solely to commanders and soldiers of the Canadian Forces who are sent on missions for which they are poorly prepared and then left there by their governments when the mission collapses into a human slaughter house? The Liberal government of Canada did so without apologising to anyone.

In the years since that ethical failure, the UN commander, Lieutenant General Romeo Dallaire, has shared in many awards and less obviously to the public much professional criticism

⁷ Chrétien, p. 303.

at home and abroad. However the historians record and judge this mission and its commander, we need to consider very seriously the fundamental ethical failures in the Canadian government, in the United Nations, and in the senior ranks of the Canadian Forces. The second-order ethical failures of UN commanders and soldiers became inevitable once the horror embraced the mission and they were left alone in the midst of ruined policies and careless commitments made by politicians and commanders far away from the realities of Rwanda.

Did any one learn anything of value from the Rwandan disaster? Apparently not. A mere two years later, the Liberal government committed a wholly inadequate Canadian Forces contingent to Zaire which was then on the verge of a vast humanitarian disaster. Only the breezy whims of African politics saved the Canadian Forces from an even greater humiliation and perhaps many more casualties than Canada had suffered in Rwanda.

The careless decision by Prime Minister Chrétien to commit the Canadian Forces to lead the difficult UN mission to Zaire and the uncritical acceptance of that mission by Vice Admiral Larry Murray (acting in the absence of a CDS) is a classic case of politicians and senior officers abandoning due diligence and their ethical duty to protect the Canadian Forces from avoidable harm. Fortunately, “the bungle in the jungle” (as it is known in the Canadian Forces) faded away before the failures at the centre caused significant ethic failures in the field.

That outcome should not be allowed to cover up the real ethical risks the acceptance of the mission in Ottawa would have imposed on the mission if it had gone forward. The prime minister’s decision, for instance, implied to any reasonable person a Canadian capability to conduct the mission well and, more important, an ability to protect the near helpless civilians caught in the conflict. The Canadian Forces, however, had no such capabilities.

Who then should be held to account in this case if the mission had, as in Srebrenica and in Rwanda, ended with a sickening slaughter of the innocent, Jean Chrétien or General Baril, the notional UN commander? Who would have been held to account if, for instance, Canadian soldiers had allowed a Rwandan-type slaughter to go unchecked because their orders made no allowance for this possibility? Who would have been held to account had Canadian soldier deployed without clear rules of engagement fired on Africans who they mistakenly saw as ‘the enemy’?

The Facts of National Life

Ethical lapses within the Canadian Forces in operations cannot be overcome or redressed adequately unless senior officers condition the military advice they give to governments by placing them within the context of the political “facts of national life” in Canada. At the same time, officers must embrace their “shared responsibility for national defence” and their vested duty derived from custom and the law to protect members of the Canadian Forces from undue harm. Neglect of these prerequisites by senior commanders in Canada is a failure of ethical behaviour and leads invariably to ethical failures by members of the Canadian Forces during combat operations.

The enduring political facts of national life insofar as they concern national defence and the Canadian Forces are few and have been described elsewhere.⁸ Four fundamental facts are particularly relevant to the discussion of ethical behaviour and civil-military relations in Canada. The principal (if not principled) belief in Canada's political community is that for Canada "there is no threat but if there were one, the Americans would save us." The second fact follows logically from the first -- "national defence and the state of the Canadian Forces need not be of major concern for Canadian politicians." Third, "Canadian politicians need not have any grasps of military norms or capabilities to hold high office or, indeed, the responsibilities of the minister of national defence," a fact often well displayed by incumbent ministers. And finally the fourth and most important fact that must guide every senior military officer: "senior military officers cannot change rules one, two, or three."

These facts should not to be seen entirely as some type of political neglect correctable through earnest pleading by military officers or the "brute sanity" of academic argument. Rather, they are simply circumstances reflective of Canada's secure place in the world as an American protectorate. Nevertheless, these facts place a special and important burden on the CDS and other senior officers who advise prime ministers and cabinets on defence policy and the capabilities of the Canadian Forces and operational commitments. The obvious rule (and history) is that advice will be sought only when situations are well out of Canadian control. Second, military advice, especially when it points to the incapacities of the Canadian Forces will surprise and perplex politicians who may then attempt to avoid the inconveniences that the advisor has brought to the table by looking to compliant others, to 'counter-experts,' -- public servants or academics, for instance -- as a way to 'balance' military opinion.

Officers in these circumstances might be tempted to be helpful (as they see it), for instance, by moderating or modifying their advice. Some advisors, for example, might suggest that the military's 'can do' attitude will find a way or that NDHQ can juggle resources to make inadequacies fit the problem. But if they do so, they should understand fully the dangers to their professional standing before cabinet if they appear to be endlessly 'flexible.'

Officers must acknowledge also that except in situations of dire national emergency, attempts to be helpful by removing or cloaking ethical risks and sound, professional judgements with untested expediencies may, among other things, negate military training, upset resource allocations, and confuse operational norms and expectations all of which might lead to serious shortcomings in the field. Such shortcoming in the field may then produce situations in which otherwise unnecessary ethical dilemmas will develop, some of which may result in injury and the death of soldiers and non-combatants; individual and unit dishonour; and the complete failure of missions.

⁸. Douglas Bland, "Everything Military officers Need to Know about Defence Policy Making in Canada," in David Rudd, et al, *The Canadian Strategic Forecast 2000: Advance of Retreat? Canadian Defence in the 21st Century*, CISS, Toronto, 2000.

Civil-Military Relations and The Ethics of Command

Officers who understand well Canadian society and the habits of Canada's political community will be able to anticipate and ameliorate to some extent the negative influences of these factors on military decision-making and the advice officers give to governments. Arriving at this useful outcome, however, depends on the acceptance by officers that they are not simply disinterested advisors or military servants to the government. Rather, they must see themselves as having a shared responsibility with the civil authority for the defence of Canada and a vest responsibility and authority for the well-being of members of the Canadian Forces deployed on active operations, a responsibility that politicians share but only at a distance.

Napoleon's notion of the ethics of command is captured in a fundamental question he put to his Marshals: "When ignorance has gotten ten men killed where it should have cost only two, is it not responsible for the blood of the other eight?"

The Great Captain's admonishment underpins the thesis of this paper and the essence of the ethics of command:

If it is true that poorly prepared armed forces deployed in ambiguous circumstances under vague political instructions and directed to fulfill uncertain objectives is a primary cause of inappropriate military conduct in the field, are not then those politicians and senior officers responsible for this pre-deployment condition not also responsible for the wasted blood and treasure and the ethical failures that follow from their decisions and actions?