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ETHICAL DECISION-MAKING IN AFGHANISTAN: "US VERSUS THEM" OR "US VERSUS US"?

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ABSTRACT

This thesis argues that CF members often exhibit a unique understanding of the difference between moral obligations and lawful permissions, even adapting and applying consideration of second and third order effects of action in tactical operations in Afghanistan. A review of related literature was used to explain the theoretical basis for leader development. General readiness, pre-deployment training and leadership were explained as enablers to ethical decision-making. Lastly, the manner in which Canada and the CF have approached the mission in Afghanistan was covered to demonstrate the level of success in applying the theory; questionnaires were used to bridge gaps in available unclassified information. This paper demonstrated that the CF have incorporated both ethics and law into their doctrine and the training of forces for Afghanistan. Members have understood the distinction between their authorities and obligations, and have largely been making sound ethical decisions in Afghanistan.

Keywords: ethics; Afghanistan; decision-making; counter-insurgency; and Canadian Forces.

INTRODUCTION / WHY ETHICAL DECISION-MAKING MATTERS

CHAPTER 1

After 9/11, the requirement to fight terrorists and those who support them in Afghanistan made sense to Canadians and its military on many levels. The fighting is no longer to remove the Taliban government from power in Afghanistan. NATO is currently in Afghanistan to assist the non-Taliban and elected Government of Afghanistan with the security, development and governance of their country. The Canadian Forces (CF) are deployed primarily in the Kandahar Province as part of Canada's 'Whole of Government' approach, but are unique in that, as the lead for security, they have the right and obligation to apply force in pursuit of Canada's goals in Afghanistan. The authority to apply force comes with many obligations; ethical decision-making is central to those obligations.

This thesis argues that CF members often exhibit a unique understanding of the difference between moral obligations and lawful permissions, even adapting and applying consideration of second and third order effects of action in tactical operations in Afghanistan. How might we explain this phenomenon? Do we have a sufficient conceptual understanding? What might be learned from the recent, related literature? What are some of the major influences on ethical decision-making? How have the concepts been recently applied in Afghanistan?

The argument in this paper will encompass three broad themes. First, the theory and doctrine will be reviewed by means of a literature review to better understand the theory behind the practice. Second, general preparedness, pre-deployment training, and

leadership greatly impact the manner in which the CF conducts itself across the spectrum of conflict and will be examined as enablers. Lastly, through its current more balanced approach to counterinsurgency operations in Afghanistan, it will be argued that the CF is meeting its ethical obligations in the manner in which the war is being conducted; questionnaires completed by those directly involved and observations by the author will be used to bridge the gap in available resources.

The military can draw from many theories as it develops and trains its soldiers. A few key references will be reviewed to explain the theory. 'Just War Theory' has done much to stimulate discussion of why and how war is conducted. The delineation between the moral and legal aspects of conflict, between and within nations, continues to generate significant debate. The CF's Use of Force in CF Operations manual not only incorporates components of national and international law, but it also explains under what conditions force may be used. The Use of Force in CF Operations is a current reference manual for the four operational level Headquarters in Ottawa and for the forces deployed on operations at the tactical level as they develop the use of force direction and practices needed to support CF operations. For the CF, Duty With Honour defines what values are important for the profession of arms in Canada; the military must also have a firm understanding of society's expectations, and of the laws and government direction that both permits and restricts the application of force in Canada's interests. Gabriel's The Warrior's Way provides the context in which the profession works and amply describes why military values and professionalism matter or should matter to both soldiers and civilians. Interestingly, Gabriel notes that, at times, military values may be at odds with those of the society that it represents and serves because the military holds

itself to a more selfless standard, and values the mission and group ahead of the individual. Understanding how ethical decisions are made is the theory behind the practice for the military leader and follower in the contemporary battlespace; bereft with stories, Kidder's Moral Courage offers a new and more step-by-step manner in which to assess and address moral challenges. The references above provide the 'the why, what and how' context for ethical decision-making in the CF.

Other DND references and supported references released after 9/11 help amplify the concepts found in the key references. Another text on leadership theory is used at the Canadian Forces College (CFC) in Toronto for a senior officer Professional Development (PD) course to help connect the theory to practice. These other publications are readily available to inform and to guide CF members in their individual ethical education, and PD. Some of these sources have become mandatory reading in the CF as they clearly frame and assign terminology for what is already being practiced within the CF, while others are merely recommended readings at some level as they amplify related concepts. These readings have become part of the easily accessed quick and contextual references for current CF members as they continue to develop their leadership and ethical decision-making abilities.

Not only do soldiers have a duty to society, but society also has a duty towards its soldiers. The CF is expected to achieve and maintain a high degree of readiness for domestic and international operations. On a daily basis, CF members work on their equipment to ensure that it is ready to go as required. Members also seek to improve their individual technical and tactical competencies so that they are better prepared to deploy. Less often in garrison as routine PD, more often during training exercises and far

more often during pre-deployment training, members directly discuss and improve their readiness to make critical ethical decisions across many levels of command. The CF tries and succeeds at improving the readiness of their soldiers at all levels to make tough ethical decisions.

Operations put theory into practice in a far less forgiving environment where mistakes may literally mean the difference of life and death. Preparing for general and specific operations is imperative to better familiarize all deploying members to the very demanding mental and physical challenges of operations. When time allows, CF members undergo theatre and mission-specific training to help them prepare for upcoming operations. The CF approaches this pre-deployment training, or 'road to war training', as both progressive and adaptive. The training is progressive as it builds from the individual to the low-level group, or section level, up to the higher-level group, or Task Force level, and as it increases the complexity and ambiguity of its exercise scenarios. Soldiers are specifically instructed by their respective chains of command on the use of force. The training is also adaptive as it incorporates very current theatre-specific scenarios and lessons learned. All scenarios involve problem solving and decision-making in somewhat ambiguous situations. Many scenarios demand ethical decision-making. These exercises are very much a learning environment, and the use of force is specifically reviewed and discussed after all scenarios. Through realistic and progressive training, our soldiers are far better prepared to deploy to international operations, such as Canada's Joint Task Force - Afghanistan's (JTF-Afg) deployment on Operation ATHENA in Afghanistan.

In garrison, on training exercises and while specifically preparing for operations, leaders play a vital role in the PD of individual members and in developing the collective capability of the hierarchical groups under their command or influence. Leaders concurrently develop the preparedness of those around them as they also develop their own. The training can be very challenging for the many levels of leadership. Leaders need to understand their influence, to enable a continuous and adaptive learning environment, and to adjust their focus and tactics as required. Leadership from the political and strategic levels down to the lowest tactical level plays a major role in the CF member's ability to make ethical decisions and Canada's ability to achieve its intent.

Since 9/11, Canada has changed its defence, international affairs and international aid policies to reflect a renewed interest abroad. A more 'Whole of Government' approach to Afghanistan has led to security, governance and development becoming parallel lines of operations. Accordingly, the CF's role in Afghanistan has changed significantly since soldiers were first deployed to Kandahar in 2002 in support of US forces.

Canada's approach in Afghanistan meets the *Jus ad Bellum* (just reasons for war) principle of 'Just War Theory'. The CF's current approach to Afghanistan acknowledges its responsibilities across a broad front of operations along the security, development and governance lines of operations. Decision-making and use of force within JTF-Afg, as part of NATO's International Security Assistance Force (ISAF) in Afghanistan, has met the *Jus in Bello* (just conduct during war) concepts and limits any *Jus post Bellum* (justice after war) actions. Its use of force has been measured and monitored. Collectively and individually, soldiers have assumed more risk to achieve greater results;

soldiers have trained as they would fight and with a clear understanding of the principles of responsibility, discrimination and proportionality. Our soldiers understand second and third order effects. ISAF's Commander in 2009/2010 also endorsed a 'new' approach that put less emphasis on force protection and that embraced the population, reasoning that this will reduce violence and increase stability overall. Canada's approach fit General McChrystal's model, and McChrystal's model fit with the way that CF members have used their legal permissions and accepted their moral responsibilities.

Afghanistan is a complex operating environment, also known as 'battlespace', where long-term security, development and governance are directly impacted by short-term security requirements. Without security, the other lines of operations will not gain the traction necessary to move forward. The short-term security is dependent upon those CF elements accomplishing the intent, main effort and end state of the Commander JTF-Afg and his/her subordinate commanders and leaders. In the words of Sun Tzu, "To secure ourselves against defeat lies in our own hands, but the opportunity of defeating the enemy is provided by the enemy himself."[1] On a daily basis as CF members accomplish their tasks, they apply lessons learned in theatre, during their pre-deployment training, as part of their general readiness training and during professional development; the mental and physical preparedness of our soldiers to operate in this dynamic environment is tested daily. We cannot have laws to govern all action and reaction; laws provide boundaries. We cannot have training to cover all potential scenarios; we must develop thinking soldiers that can work within these laws. By using sound ethical reasoning, CF members have largely been making good decisions in Afghanistan.

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[1]Sun Tzu, *The Art of War*, ed. and trans. James Clavell (New York: Bantam Doubleday Dell, 1983), 19.

THE THEORY / LITERATURE REVIEW

CHAPTER 2

Many references on ethics and leadership are generally available, but a body of references is readily available to members of the CF as part of their formal and informal professional development. As they are directly related to ethical decision-making, and the related concepts of values, law, honour and courage, some key references will be reviewed in detail. These five references address why we should specifically study ethical decision-making in some form.

'Just War Theory' has been developed over hundreds and perhaps thousands of years, and continues to be refined as new forms of international relations and conflict test 'Just War Theory'. From 'Just War Theory', International Laws of Armed Combat (LOAC) have been developed, and continue to be tested and further developed. The related moral and legal issues are inextricably linked. The LOAC are further reflected in related national laws and governmental direction for military forces engaged in conflicts. The Canadian Forces Joint Publication 5.1 (CFJP 5.1) Use of Force for CF Operations reflects these LOAC described in CF and other publications, and specifically describes the means by which the CF are authorized to use up to and including deadly force on operations. Depending upon one's perspective, an act can be seen as ethical or unethical, or legal or illegal. When the two different aspects are weighed against one another, the act is seen as falling into one of four quadrants, one of the more interesting, of which, is the legal, but unethical act.

For the Canadian Forces (CF), Duty With Honour clearly outlines what the CF is and needs to continue to be; key to this understanding is a firm appreciation of the societal and legal context in which the profession of arms fits in Canada. The Warrior's Way eliminates any ambiguity that anything less than ethically correct actions are adequate. Gabriel also clearly articulates why military professionalism matters and needs to continue to matter to society and to militaries. Moral Courage offers a step-by-step means of putting ethical values into practice as members of society assess and address moral challenges. Unlike the other key references, Moral Courage is not specifically written for those involved in the profession of arms, but nevertheless uses many military examples to explain why ethical decision-making is important to the profession and society in general. 'Just War Theory' doctrine, the Use of Force manual, Duty With Honour, The Warrior's Way and Moral Courage directly speak to our ethical makeup.

A few additional recently released references address the closely related subjects of professionalism, leadership and preparedness for operations. The subjects directly relate to enablers that greatly influence ethical decision-making in the Army. These additional references form part of the readily accessible 'toolbox' from which CF members continue to draw.

2.1 'JUST WAR THEORY'

'Just War Theory' stipulates appropriate conditions and acceptable rationale for war, and addresses the manner in which wars should be fought. As with all 'should' statements, this involves judging actions against set criteria, which may be theoretically

and/or historically based.[2] The theory includes the ethical basis for justifying the specific war or conflict, and the manner in which the specific war or conflict is fought. The theory should be applied before a nation enters a conflict, but should also be applied during a conflict to determine if the need for the conflict still exists and whether the manner in which it is being pursued still makes sense. The history provides a backdrop against which current and future wars or conflicts can be judged by providing past examples, both good and bad, for both the reasons for war and its conduct. Historically, combatants have used a set of mutually agreed set of rules for combat; this 'Just War Tradition' has only existed between two similar enemies in the past. Where enemies do not share the same moral identity, historical conventions have held less sway on the conduct during war and the evaluation of that conduct post-war. Having a set of mutually agreed upon set of rules should lead to earlier resolution of combat/conflict and a more cleanly fought war.[3]

The extremely long history of 'Just War Theory' includes the concepts of honour and morality; many cultures and religions contributed to its development over the centuries. Saint Thomas Aquinas outlined a Christian approach towards the justification for war and its permissible activities in the 13th century. His approach became the model from which the 'Just War Theory' was expanded and universalized beyond Christendom. Nuclear weaponry, the Vietnam War and 9/11 have brought 'Just War Theory' to the forefront again, and it is still quite clear, "…that some things in war are deemed to be inexcusable, regardless of the righteousness of the cause, or the noise and fog of battle."[4]

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[2]Alexander Moseley, "Just War Theory," *The Internet Encyclopedia of Philosophy:1;* http://www.iep.utm.edu/justwar/; Internet; accessed 10 March 2010.

[3]*Ibid., 1.*

[4]*Ibid., 2.*

"Just War Theory offers a series of principles that aim to retain a plausible moral framework for war."[5]

Under 'Just War Theory', the reason for war must be just (*Jus ad Bellum*). Since the 'Just War Theory' draws from many theories and makes compromises to incorporate the best of these theories, there can be no strict ethical framework for determining *Jus ad Bellum*. The only true "sufficient reason for just cause" is self-defence, but even that can be widely interpreted; even then, only retaliation or pre-emption is permissible under the Theory.[6]

Only the government of a nation, that represents the interests of their people, can assess the true threats to their nation and way of life; the United Nations Security Council acts as the higher authority for the maintenance of international peace and security. There are many threats to the people of any nation, but few can credibly affect national character or national sovereignty. In democracies, the government is supposed to represent the best interests of the nation and the military should report to the civilian government; the exceptions to these general statements seem to prove the rule. *Jus ad Bellum* becomes the purview of nations and governments. The military does not choose why, where or when it acts as the force of last resort. The military does, however, choose how, within parameters set by its government, it executes the mission given to it by its civilian masters. "The principles offered by *jus ad bellum* are useful guidelines for reviewing the morality of going to war…, but war is a complicated issue and the principles…remain a guide."[7] Regardless then of whether *Jus ad Bellum* is assessed as

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[5]*Ibid., 2.*
[6]*Ibid, 3.*
[7]*Ibid., 4.*

valid or not for any conflict by external entities, the military has an obligation to ensure that its conduct in war (*Jus in Bello*) is just.

The key aspects of *Jus in Bello* are discrimination, proportionality and responsibility allow, "…the judging of acts within war to be disassociated from its cause".[8] Without these principles, any conflict could easily degenerate to an indiscriminate war of revenge without boundaries, without regard to those who are caught in the middle and without end.

There is a need to discriminate between combatants and non-combatants. Although it may be easier to accept that those in uniform have a different status from civilians and they, by definition, become combatants and therefore military targets, the manner in which they may be targeted still matters. Those fighting under the guise of being innocent civilians have also relinquished their non-combatant status and cannot expect to be treated as civilians. Although the culpability of civilians supporting the war varies from individual to individual, there remains many who have little choice, such as children or repressed groups. The indiscriminate use of force does not fit well with ethical decision-making.

Where combatants are indistinguishable from non-combatants and military targets from non-military targets for some reason, the harm to non-combatants and non-military property must be proportional to the advantage gained. There, of course, may be unintended consequences that will force the attacker to reassess their decision-making criteria. Where the enemy is among non-combatants, there is an onus to minimize the cost to non-combatants if an attack is made. At times, 'collateral damage' may indeed be acceptable, but it must be assessed against some criteria beforehand. Under the *Jus in*

[8]*Ibid., 4.*

Bello principles, one must weigh the alternatives and there will be many more cases than not where the advantage gained is not worth the harm to non-combatants and property. Destroying a village to kill a few insurgents would and should be very difficult to justify ethically.

The 'Just War Theory' acknowledges the inherent right to immunity from targeting for non-combatants/civilians, but also recognizes that there will inevitably be civilian casualties. Inherently, the military will be exposed to more risk as they seek to minimize the risk of civilian casualties. The "basic dividing line for just conduct in war, then, is that harm which is intended and harm which at most foreseen but not intended."[9] The related Doctrine of Double Effect (DDE) aims to morally constrain the harming of non-combatants by allowing,

> …good and bad effects as long as the following conditions are satisfied:
> 1. The action must not be wrong in itself. [sic]
> 2. The agent must not intend the bad effects. [sic]
> 3. The bad effects must not be the means to the good effect. [sic]
> 4. The good sought must be proportionally important relative to the bad effects that are foreseen. [sic]
>
> If all four of these conditions are met, then the action is justified despite the foreseen harm to civilians.[10]

DDE accommodates the necessity to wage war in the presence of civilians and outlines the ethical criteria by which non-combatants may be harmed. Nevertheless, all are ethically and legally responsible for their actions. Combatants may quickly become non-combatants and be afforded the same protections as civilians. Those who do not discriminate between military and civilian targets, and those who do not properly balance the loss of civilians and civilian property with military gain should be held responsible

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[9]Whitley Kaufman, "What is the Scope of Civilian Immunity in Wartime?" *Journal of Military Ethics* 2, no 3 (2003): 187.

[10]Ibid., 188.

for their actions, as they have not met the *Jus in Bello* criteria. "It does not follow that individuals waging a just, or unjust war, should be absolved of breaching the principles of just conduct." [11] A soldier doing the 'right thing' though never gets old.

The aspect of justice after war (*Jus post Bellum*) should be as important to the victors as it is to the defeated. If for no other reason than to more quickly end the war, the ending of the war should be acceptable to all. "Just war theory also acts to remind contenders that war is a last resort and that its essential aim is always peace, it is morally crucial for all parties to seek a return to a permanent peace rather than a momentary lapse of war."[12] If *Jus post Bellum* is not balanced and perceived as fair, peace will not be sustainable and war will be seen as a better alternative perpetuating a never-ending unacceptable cycle.

'Just War Theory' represents an ethically based body of knowledge used to limit conflicts between states and allow an easier transition back to peace. The key components of having just cause for war (*Jus ad Bellum*), justice in war (*Jus in Bello*) and justice after war (*Jus post Bellum*) should be considered well before conflict is entered. Although the Profession of Arms is involved little in the *Jus ad Bellum* and *Jus post Bellum* aspects of 'Just War Theory', the manner in which the military conducts itself during the conflict using the principles of discrimination, proportionality and responsibility should help limit the severity and length of the conflict. Soldiers must appreciate the immediate and longer-term results of their ethical decisions and actions. Translating 'Just War Theory' into international law provides a point from which nations can discuss the nature of conflict. Translating these LOAC into a principle-based set of

[11]Moseley, " Just War Theory,"..., 5.
[12]Ibid., 6.

processes, directions and guidelines for CF members for the use of force on operations allows commanders and soldiers to better understand their ethical obligations and legal permissions.

2.2 CFJP-5.1 - USE OF FORCE IN CF OPERATIONS

Unique in its authority to use force in pursuit of national interests, the CF has a responsibility to ensure that the conditions under which its members accomplish their mission and tasks are absolutely clear. The Code of Conduct provides an overview of the CF policy and general behavioural expectations of its military members on international operations, including an explanation of the general rules and key principles incorporated in the LOAC, such as proportionality.[13] Complementing the Code of Conduct, DND's Law of Armed Conflict at the Operational and Tactical Levels provides "…a practical [working-level] guide for the use of commanders, staff officers and LOAC instructors," and further defines the principles under which Canada's military conducts itself while pursuing national interests on international operations, and reinforces "the law as related to the conduct of hostilities (Hague Law) and the protection of victims of armed conflict (Geneva Law)".[14] The Use of Force in CF Operations outlines, in general, the conditions under which the CF can use force in self-defence and in the accomplishment of its missions (Rules of Engagement (ROEs)) within the framework of the LOAC and International Human Rights Law.[15] The Use of Force in CF Operations describes the

[13]Department of National Defence, B-GG-005-027/AF-023 *Code of Conduct for CF Personnel* (Ottawa: DND, undated).

[14]Department of National Defence, B-GJ-005-104/FP-021 *Joint Doctrine Manual – Law of Armed Conflict at the Operational and Tactical* Levels (Ottawa: DND, 2001), Preface.

[15]Department of National Defence, B-GJ-005-501/FP-001 *CFJP-5.1 Use of Force for CF Operations* (Ottawa: DND, 2008).

principles and processes used during the development of the operation-specific Use of Force Directive; those deploying on operations can readily use this publication with the operation-specific Use of Force Directive and ROEs for training. A clear understanding of lawful obligations and permissions is imperative to the member risking his/her life and potentially taking another's life to achieve an objective.

> Linked to 'Just War Theory' and its ethical principles, it is clearly noted that:
>
> The Canadian Government, military commanders and all members of the CF are subject to national and international laws. Both national and international law require that any use of force by the CF must be controlled and limited to the extent that it is proportional or reasonable and necessary to achieve legitimate military objectives.[16]

All involved in the application of force from the Prime Minister down to the Private have legal obligations. Regardless, the principles and rules governing the use of force in general, specific to mission type, specific to operation and specific to his/her role must be clear to the commanders and soldiers on the ground. The general concepts of positive control, direct accountability, warning shots, self-control and the unacceptability of retaliation are relatively self-evident. The somewhat more complex principles of distinction, reasonable doubt, proportionality, and standard of care need to be clear. The more pointedly complex principles of deadly force, minimum force (which may be deadly force), warnings, escalation, duration of engagement, collateral damage, defence of property, right to hold positions and actions required after firing also need to be clearly understood.[17] The principles must all be clear to the military professional on the ground making decisions and exercising his/her ethical obligations.

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[16]Ibid., 1-1.
[17]Ibid., Chapter 1.

The principles provide the legal foundation for commanders and soldiers on the ground authorized to use force in self-defence and/or as authorized by ROEs; in Canada, the use of force for self-defence and under ROEs are separate. The use of force in self-defence is necessarily defensive in nature. The use of force under ROEs may be defensive in nature, but may also be related to mission accomplishment. Regardless of the reasons for the application of force, it must still meet the principles and be properly controlled.[18]

Although there are variations between nations as to what conditions constitute self-defence, the CF definitions of self-defence, whether for national self-defence and/or personal, unit or force self-defence create a separation between self-defence and ROE. Regardless of how ROEs may change, the rules for self-defence endure. "All members must know that, with or without ROEs, they are entitled to use force in self-defence."[19] Note though that there is no obligation to use force in self-defence.

ROEs, by contrast, may vary greatly between nations, missions and within missions over time. ROEs are the sole authority for actions that might be seen as primarily provocative in nature. Notably,

> Canadian ROE are written as permissive to use force or actions which might be construed as provocative. ROE are not used to assign missions or tasks nor are they used to give tactical instructions.[20]

It is noteworthy that the development of mission-specific Canadian ROEs is comprehensive in that it considers a number of legal prescriptions, considerations and operational requirements, and that it involves a number of checks and balances in their

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[18]Ibid., 2-1 to 2-4.
[19]Ibid., 2-2.
[20]Ibid., 2-4.

staffing. The mission-specific Use of Force Directive will incorporate the authorized ROE.[21] In addition, summary cards, often referred to as soldier's cards, form an aide memoire may be distributed. Regardless, the mission-specific Use of Force Directive and summary cards cannot replace the hierarchical and repeated training and discussion of the related self-defence and ROE principles and permissions.

Adequate training is required to ensure the use of force in self-defence and in accordance with mission-specific ROEs meet the principles outlined in Use of Force for CF Operations. Because of the simplified manner in which it is written, the publication itself can, and should, be used as a training aid by commanders preparing their troops for operations; as it amplifies concepts found in other DND publications, it is easy to refer to these other publications as required. In seventeenth century, Grotius, the European jurist, was able to take the collective body of 'Just War Theory' and distill it down into a principled set of rules, which limited under what conditions nations could legally go to war (in self-defence) and which applied to all involved in these wars; these rules eventually became the basis for the LOAC.[22] These LOAC have been incorporated into a CF reference publication that simply explains the legal requirement to stimulate further education, discussion and training for those CF members deploying on operations. Use of Force for CF Operations both incorporates and complements 'Just War Theory', but both society and its Profession of Arms should develop a clear appreciation of not only the lawful, but also the societal context in which the CF works.

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[21]Ibid., 2-5 to 2-10.

[22]Paul Christopher, "Hugo Grotius and the Just War," in *The Ethics of War and Peace: An Introduction to Legal and Moral Issues*, Chapter 6, 2nd edition, 81 – 103 (New Jersey: Prentice Hall, 1999).

2.3 DUTY WITH HONOUR: THE PROFESSION OF ARMS IN CANADA

Many Canadians today roughly understand that their CF are in Afghanistan and are ready to go where needed, but they may not truly appreciate the military values and ethos of the members of the CF. The profession of arms demands perhaps more than any other profession, new or old, but little was written and perhaps less understood about the philosophy of the modern Canadian Forces until Duty With Honour was released in 2003. To the military, the "…manual makes clear [that] a greater Canadian Forces ethos binds us together and points to our higher loyalty to Canada and the rule of law".[23] The manual is relatively new, and needs to be assimilated by the military to gain a clear understanding of something of which they may understand, but may have difficulty explaining to their families and friends, and other Canadians. The manual is far from a structured military technical manual and provides more of a conceptual basis for further discussion. It is structured to provide general information on the military profession in Canada, to describe the Canadian Military Ethos, and to describe the manner in which the profession functions today and can continue to adapt. The manual provides the 'what' to all CF members and those Canadians who wish to gain a better understanding of the societal and lawful context in which the CF works, the military ethos foundation of the CF, the manner in which the military is organized and trained, and why soldiers will sacrifice their lives for their country.

The CF works within parameters set by Canadians over the last century. Laws and governmental direction permit the CF to operate in the interests of Canada. Citizens who volunteer to join the CF must necessarily forego some of the rights they had as

[23]Department of National Defence, A-PA-005-000/AP-001 *Duty with Honour: the Profession of Arms in Canada* (Ottawa: Canadian Defence Academy, 2003), CDS Preface.

civilians and assume far greater responsibility. For members of the profession, the responsibility extends to assuming greater risk. New members will receive training on the manner in which they are to complete their tasks under very trying positions. With the responsibility to apply force in the interests of Canada, CF members must be prepared to assume risks that few others must assume. According to Duty With Honour, the military profession has a unique responsibility in society, an uncommon expertise, its own identity within the larger society and its own values and resulting obligations. While these characteristics describe all professions that are accepted by society, the ability to apply lethal force in the interests of Canada, and the assumption of great risk by its members makes the military unique.[24]

Control of the CF is defined by statute and exercised through on behalf of all Canadians by their elected government. The hierarchical nature of the military both permits and demands accountability, but allows for the delegation of responsibility. Officers have,

> …the responsibility to effectively lead troops into danger [and] are empowered to command subordinates into harms way. In all situations, the officer in a command appointment is responsible for creating the conditions for mission success, including a clear statement of commander's intent, and thereafter for leading all subordinates to achieve the objective.[25]

Warrant Officers (WOs) and Senior Non-Commissioned Officers (Sr NCOs) are "…delegated the day-to-day responsibility for ensuring that subordinates are individually and collectively trained, prepared and capable of accomplishing all missions assigned to them."[26] Sound judgment becomes increasingly important as one gains expertise and moves up in rank and responsibility. "[C]ritical judgment is essential in allocating the

[24]Ibid., 7.
[25]Ibid., 15.
[26]Ibid., 16.

means for the application of force according to the principles of discrimination, proportionality and military necessity."[27]

Given that the "…fundamental purpose of the Canadian profession of arms is the ordered, lawful application of military force pursuant to government direction", the military is to only act on the direction of the government of Canada and within the parameters defined not only under Canadian, but international law as well.[28] Both Canadian and international law regulates the manner in which force can be applied. As noted in Duty With Honour, CF members need to have a far greater understanding of their environment to make sound decisions; not only does this understanding include one's physical environment, but also an understanding of the chain of command's intent. Modern conflict requires a higher level of expertise from officers, WOs and Sr NCOs, but it also has,

> …increasingly devolved the authority and ability to apply escalating lethal force to more junior levels of leadership…. Given the impact of technology and the complexity of modern conflict, the capacity for creative thinking and sound judgment is increasingly required [sic] to lower levels….[29]

Members of the CF need to have a fundamental understanding of the concepts of unlimited liability, fighting spirit, discipline and teamwork. Soldiers quickly learn to appreciate the concepts of service before self, the requirement to act decisively under trying conditions, the need for self-control and the advantages of cohesive team.[30] These elements of the military ethos must not only be blended with Canadian values, but they need to "…be in harmony with the values of its parent community" and the legal-political

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[27]Ibid., 17.
[28]Ibid., 17 and 35-54.
[29]Ibid., 19.
[30]Ibid., 26 and 27.

framework in which the military operates must be understood.[31] Soldiers need to reflect humanity in the manner in which they execute their tasks. The Canadian military values are duty, loyalty, integrity and courage; these military values are congruent with both the military ethos and Canadian values as noted in Duty With Honour.

The "armed forces are the creation of the state" and military members are expected to fulfill their "professional responsibilities in accord with Canadian values, Canadian and international laws, and the Canadian military ethos."[32] Today's battlespace demands that decision-making is devolved to lower levels. Accordingly, the Canadian Forces needs to ensure that its members have a firm understanding of 'what' they are; Duty With Honour provides the context in which the military practices and lives their profession. Helping the military member understand why these values and ethics are important only strengthens his/her resolve to become better at what they are.

2.4 THE WARRIOR'S WAY: A TREATISE ON MILITARY ETHICS

Soldiers need to appreciate 'why' things are right and wrong, and 'why' they feel certain values are more important than others. The military also needs to understand why military ethics are different and why professional ethics matter. The Warrior's Way explores the challenging social, cultural, and organizational biases that help, or can help, develop the soldier's ability to be ethical and professional. Individual soldiers must have "…firm ethical moorings" to help them make ethical decisions under difficult conditions while accomplishing their mission.[33] Soldiers must be aware of the competing demands

[31]Ibid., 28 and 29.
[32]Ibid., 9 and 16.
[33]Richard A. Gabriel, *The Warrior's Way: A Treatise on Military Ethics* (Kingston: Canadian Defence Academy Press through 17 Wing Winnipeg Publishing Office, 2007), 1.

and develop a clear appreciation of his/her ethical responsibility. The book was released by the CF Canadian Defence Academy in 2007 and distributed as part of the Army Ethics Programme in 2008.

As a profession, the military has its own unique ethical code, but draws its members from the larger Canadian society. Because a soldier is not born into the profession and willingly joins the profession for a period of time, he or she brings with them any number of ethical obligations and continues to assume more roles. A recruit starts with a set of ethics to deal with uncertainty that he/she has developed as a member of society. These ethics constitute an agreed upon set of acceptable values and behaviours which should be based more on reason than emotions.[34] Both new members to the profession and veterans must use ethical reasoning to choose between many competing demands because "[t]he soldier is also subject to the ethical claims made upon him or her by the other social roles that he or she occupies."[35] Members of the military must, at times, make these other ethical claims subordinate to those of their profession. Gabriel suggests that,

> Soldiers may be no more or less ethical than anyone else, but they often confront difficulties in dealing with ethical problems within the military environment that the members of other professions do not. [sic] What the soldier is asked to do and the ethical problems he or she is likely to confront as a member of the profession at arms are likely to be starkly different from what is encountered by civilians, with the result that the soldier will require instruction in how to recognize and deal with these difficult situations.[36]

Involving choice and judgment, ethics can be learned both informally and formally as taught. Humans can reason and "the human imagination permits us to create visions of circumstances that do not yet exist…it is man's imagination that makes ethics

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[34]Ibid., 9, 13 and 34.
[35]Ibid., 10.
[36]Ibid., 3.

possible."[37] Decisions must be made between competing obligations and these decisions may have serious consequences when made by soldiers; these "…ethical dilemmas do not usually constitute a source of constant concern for most individuals in most professions on a day-to-day basis."[38] Given the serious impact of these decisions on its members, the profession, society and governments, Gabriel suggests that the profession of arms ethical code must provide three things for its members,

> First, it must make the soldiers capable of recognizing ethical dilemmas [sic]. Second, soldiers must be taught how to reason through ethical questions [sic]. Third, the ability to recognize ethical dilemmas and reason one's way through them should force the soldier to clarify his or her own ethical values and obligations..."[39]

Ethical decisions are very personal, but this does not mean that the soldier is alone in the ethical battlespace. Military leaders need to be on the ground sharing hardship and risk leading troops, not managing them from afar to gain that ethical situational awareness of their soldiers; as business 'leaders' focus on profit and not on greater service to society, their operations and ethics may be very different.[40] As a function of the military hierarchical structure, ethical decisions are reviewed by the military at many levels and from many perspectives. According to The Warrior's Way, as ethics do not function separate from society and involve ideas of right and wrong, these decisions may also rightfully be reviewed by civilian authorities.[41] Regardless of whether an act is legal, "…the soldier has an obligation to think through difficult situations in order to do what is right and not to do what is wrong."[42]

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[37]Ibid., 12 and 15.
[38]Ibid., 21.
[39]Ibid., 30.
[40]Ibid., 50-53.
[41]Ibid., 43, and 58.
[42]Ibid., 57 and 58.

Not only do military members need training in recognizing ethical challenges and making ethical decisions, but Western societies create even a greater challenge for leaders trying to provide this training. Gabriel proposes that the shift in standards of morality and permissiveness, and greater recognition of individual and cultural rights poses greater challenges for ethical training and the enforcement of professional values.[43] In Western societies, "there is often a general societal denial of any sort of higher expectation of discipline, hardship and sacrifice that have historically been attendant to military service."[44] The requirement to sacrifice one's life or the lives of others in order to accomplish a task is incongruent with most of society's view of self-discipline and self-sacrifice, but is a stark reality of military service. Ethical decisions for those in the Profession of Arms can mean life and death.

Even among professions, each of whom has their ethical obligations, the profession of arms is different as "…the ethics of the soldier addresses the question of killing…."[45] Other organizations are charged with the maintenance of law and order within Canada and may use force in the pursuit of these goals. The potential dilemma creates a number of questions regarding the uniqueness of the military within government and society, the uniqueness of the military among other professions, and the ability of the Profession of Arms to shape its members' morality as noted in The Warrior's Way. In a democracy, a representative government needs their military to understand and accept the best values of that society as their own to ensure that the military acts ethically and remains subordinate to its civilian government. "The only barrier between the military's control of deadly force and its subordination to civilian authority is its [self-imposed]

[43]Ibid., 4.
[44]Ibid., 4.
[45]Ibid., 8 and 9.

ethical barrier".[46] Canada's government needs the Profession of Arms to educate, develop and control its members as a profession, in order to have its military members act in an ethical and congruent manner that supports a functioning representative government.

Professionals should act on behalf of member of society first and serve the common good; unfortunately, some professionals do not. Gabriel notes that a professional code of ethics is necessary to socialize its members and to measure conduct against its ethical obligations. The expertise of a profession also separates it from other professions. A profession must also be self-governing to ensure that standards are met and that it's fulfilling its role in society. The Profession of Arms meets the conditions of a profession, although the degree to which it is self-governing is necessarily different from other professions given its mandate to physically impose the will of government and society.[47]

Chief among military's differences is its unique responsibility to ensure "the very survival of the society" which they serve; soldiers may need to give their lives in this pusuit.[48] Some of society's more individualistic values are incongruent with those more group-oriented and selfless values of the military. Given the nature of the differences between the larger societies the military serves, the demands of the Profession of Arms and general society will be different.[49]

Good military leaders share the same hardship and risks as their troops under their command, and develop a bond with their soldiers. Armed with this situational awareness

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[46]Ibid., 48 and 49.
[47]Ibid., 71-73.
[48]Ibid., 74.
[49]Ibid., 76-81.

and professional judgment, leaders make informed decisions when and where required. All military members must show this leadership and, "for the soldier, a code of ethics represents a set of norms governing judgment and initiative".[50] The Profession should ensure that members receive and will continue to receive training in ethical reasoning so that they can better choose between their different ethical obligations.[51] As it continues to develop as a profession, the Profession of Arms must consider three challenges:

> First, in order for the profession to prevent an erosion of its professional values and ethics, it must keep a certain social distance from the society. Second, with regard to generating, protecting and inculcating values appropriate to the behaviour of the profession's members, the military is itself responsible for accomplishing these tasks. It can expect little help from the outside. Third, the very center of the profession requires the establishment of an ethical code that clearly defines the responsibilities and ethical obligations of its members.[52]

The Profession of Arms has obligations to the government, the society it serves, and its members. Professional militaries should act in an ethical and controlled manner. Society needs its military to act in a professional and selfless manner to represent its interests above the military's own interests. The Warrior's Way helps the military member understand why the Profession exists, why military ethics are different and why professional ethics matter. Soldiers need to be able to understand the second and third order effects of their actions or inactions given the great power given and corresponding ethical obligations expected by society. Armed with the 'why', soldiers need to learn how to address ethical dilemmas.

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[50]Ibid., 93.
[51]Ibid., 104.
[52]Ibid., 105.

2.5 MORAL COURAGE

Good solid values and sound ethical reasoning make for good theory, but that theory must be practiced and tested. It is inadequate to merely have good values and to understand the competing ethical demands without acting on those beliefs and ideas; one must act. Kidder's Moral Courage offers a model or checklist to follow to help make those tough ethical decisions while being cognizant of related values and risks. Within the model, individuals need to be committed to their values, to be aware of the dangers and, lastly, be willing to act and endure those dangers.[53] The model was developed as a tool for the general population and, although it has many military examples, it has not been specifically adapted for use by the military profession, but is listed as a resource under Ethics and Social Trends section in The Canadian Army Reading List.[54] Both civilians and the military need the moral courage to make tough and informed ethical decisions; the impact of poor ethical decision making by military members may be indeed be grave.

Although physical courage may diminish due to fatigue and the relentless demands of combat, moral courage grows with its use and with our experiences.[55] To increase the ease with and frequency in which moral courage is displayed, we should practice it often. We can learn from our mistakes. Moral courage involves making sound ethical decisions while considering the three elements of moral courage, being principles, danger and endurance. As we morally mature, we can continue to use the seven points of the checklist for any scenarios as follows:

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[53]Rushworth W. Kidder, *Moral Courage* (New York: HarperCollins, 2005), 7.

[54]Canada. Department of National Defence. B-GL-007-001/AF-001 *The Canadian Army Reading List: A Professional Guide for Canada's Soldiers*. Kingston: Directorate of Land Concepts and Design through St. Joseph Print Group, 2009.

[55]Kidder, *Moral Courage*..., 32.

1. Assess the situation;
2. Scan for values;
3. Stand for conscience;
4. Contemplate the dangers;
5. Endure the hardships;
6. Avoid the pitfalls; and
7. Develop moral courage.[56]

Courage is attractive and the subject of much philosophical writing. Courage needs to be developed. Kidder uses Peterson and Seligman's view of courage as being comprised of "bravery, industry, honesty, and vitality".[57] When courage is broken down into its components, it is much easier to see how courage can be further studied and developed by concentrating on improving the individual components of courage. Responsibility is also "…a fixed feature of every morally courageous decision, in relation to the individual actor who must decide whether or not to act".[58] As civilians and military members personally and professionally mature, they often become progressively ready for more responsibility. Courage, it seems, can be developed.

In Kidder's assessment, the dilemmas or questions that need to be addressed, although perhaps individually complex, fall into four "…broad patterns or paradigms: truth versus loyalty; individual versus community; short term versus long term; and, justice versus mercy", that need to be analyzed.[59] Ethical decisions and moral courage may concurrently involve any or all of these paradigms. To resolve these questions, we may use the related ends-based, rule-based and/or care-based principles. In the end, we must ask: do the ends justify the means, do the rules take precedence, and/or have I shown adequate care for others? To demonstrate moral courage and make ethical

[56]Ibid., 17.
[57]Ibid., 66 and 67.
[58]Ibid., 84.
[59]Ibid., 89.

decisions, the decision-maker will likely have to choose which principle takes precedence over the others for a specific dilemma; although the rules-based approach often gives us more comfort, the ends-based and care-based approaches may be better in certain circumstances.[60]

Kidder suggests that moral courage can be taught, but that it requires a hands-on approach. The development of moral courage can then be progressive and life-long. The training appears to given and received in any combination of three means as follows:

- Discourse and discussion, where the language of rational inquiry clarifies the idea of moral courage and renders it explicable and relevant.
- Modeling and mentoring, where real-life exemplars demonstrate moral courage in action and chart pathways of human endeavor that others can follow.
- Practice and persistence, where learners can discipline themselves through direct, incremental skill building that increase their ability to apply moral courage.[61]

Physical courage may mask a lack of or be mistaken for moral courage, and it may not only be until after the event that this distinction becomes clear.[62] Many military leaders have shown great physical courage, but moral courage is indispensable to military leadership as the consequences of the lack of moral courage are considerable. Leaders are not perfect, but "leaders lead when they are out front of others along the trail, not only when they have reached the final goal."[63] Leaders must accept that they are not flawless and that mistakes will be made given the nature of the decision-making and risk management required. Kidder notes that:

> Morally courageous leaders appear to have at least the five following attributes in common:
>
> - Greater confidence in principles than in personalities

[60]Ibid., 108.
[61]Ibid., 214.
[62]Ibid., 33 and 34.
[63]Ibid., 76.

- High tolerance for ambiguity, exposure, and personal loss
- Acceptance of deferred gratification and simple rewards
- Independence of thought
- Formidable persistence and determination.[64]

Kidder provides many examples of why one must possess good values, be capable of sound ethical reasoning and consciously act upon those beliefs. Physical courage will only go so far. Moral courage is different from, but certainly complementary to physical courage. Although courage may be seen as more intuitive, Kidder offers a simplified checklist against which any scenario can be evaluated. Moral courage can be developed and taught. As we become ready for more responsibility, we become ready for more difficult ethical decisions. Using a principles-based approach and through practice, making ethical decisions becomes more manageable and easier. Leadership remains important to the ethical development of oneself and of others. Kidder's decision-making logic may not be 'the' manner, but is certainly 'a' working manner' to help develop moral courage. Other literature on leadership should help further explain the influence of leadership on ethical decision-making.

2.5 OTHER RELATED LITERATURE

Since 2001, the CF have sponsored and released a number of publications to explain strategy and doctrine, and/or to stimulate further discussion of topics important to the Profession of Arms. These sources provide the context in which decisions are made in addition to providing perspectives on ethics in general and ethics as part of leadership; these books are widely available, often without cost, and form part of the 'toolbox' for soldiers. Although not a DND-sponsored publication, Leadership: Theory and Practice,

[64]Ibid., 18.

released in 2001, has been used by the Canadian Forces College (CFC) as one of the key texts during its command and staff courses to help its students, senior Majors and junior Lieutenant-Colonels, better understand current leadership theory; this text directly influences the senior leaders of tomorrow. Due to their subject matter, contribution to ethical decision-making, and availability, a few will be briefly reviewed.

Self-described as a companion document to Duty With Honour, Leadership in the Canadian Forces: Doctrine provides a simplified doctrine on leader-follower relations and leader training in the CF. Many of the leadership concepts apply well beyond those in command and key staff positions to 'leaders in training'. Effective CF leadership is defined as "…directing, motivating, and enabling others to accomplish the mission professionally and ethically, while developing or improving capabilities that contribute to mission success".[65] Although results-oriented, the CF effectiveness framework includes many components related to ethics, trust and longer-term outcomes as noted in Figure 1.

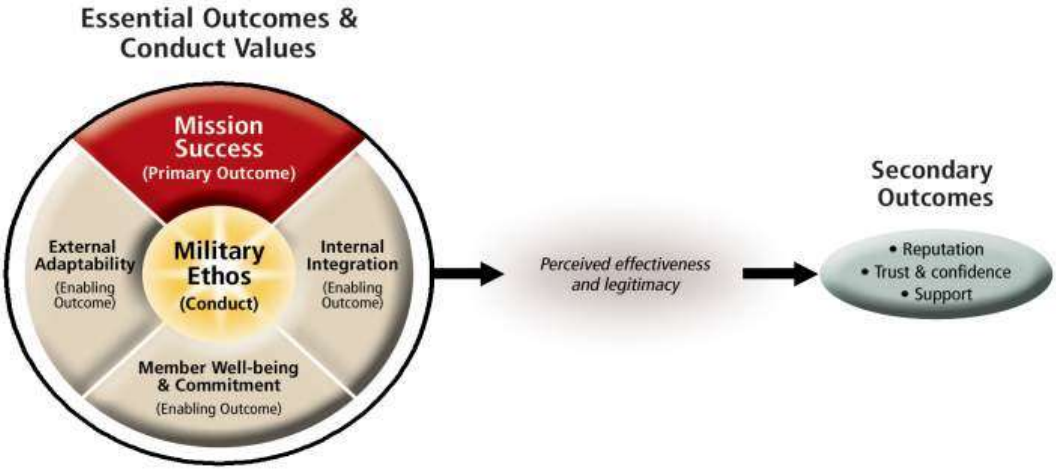

Figure 1: The Canadian Forces Effectiveness Framework.
Source: DND, Leadership in the Canadian Forces: Doctrine, 3.[66]

[65]Department of National Defence, A-PA-005-000/AP-003 *Leadership in the Canadian Forces: Doctrine* (Ottawa: Canadian Defence Academy, 2005), 5.

[66]Ibid., 3.

The key principles of 'Distributed Leadership' and 'Values-based Leadership' are important as they help define who should lead and when, and how this leadership should be exercised; it is the responsibility of leaders at all levels to reinforce CF values. "Formal leadership in the CF is based upon lawful authority."[67] Leadership is further separated into 'Leading People' and 'Leading the Institution' to reflect the many and quite varied command and staff positions in the CF. CF leadership is characterized by duty and honour, both of which denote a service to society and a unique level of professional conduct.

The Military Leadership Handbook expands upon those conceptual foundations found in Duty With Honour and Leadership in the Canadian Forces: Doctrine by providing an easy to read manual that explains those subjects that directly relate to military leadership.[68] As part of their ongoing personal professional development, military members should continue to increase their understanding of related and interrelated topics, including attitudes, character, command, decision-making, ethics, judgment, professional ideology, and trust, among others, which directly relate to military leadership. Character, for example, affects ethics and judgment, which will affect decision-making, which affects trust. It should be clear that military leadership and ethics cannot be separated. As Horn and Walker write,

> Leaders have to have to demonstrate strong ethical values (e.g. honesty) that can be emulated by their followers. They have a duty to create an ethical climate that allows members to voice their concerns about ethical issues and to explicitly encourage ethical behaviour. In that context, members in any organization will do

[67]Ibid., 20.

[68]Colonel Bernd Horn and Dr. Robert Walker, "Introduction," in *The Military Leadership Handbook*, ed. by Colonel Bernd Horn and Dr. Robert W. Walker (Kingston: Dundurn Press and Canadian Defence Academy Press, 2008), 11.

> what is right and will go beyond their own self-interests for the good of their institution.[69]

Military professionalism demands that its members, as leaders, continue to develop their understanding of related topics and their leadership abilities.

As the Army adjusts its approach to meet Canada's defence requirements, Advancing with Purpose: The Army Strategy provides a current and unified vision of the Army to the Army leadership.[70] Domestically and internationally, the strategic landscape and future security environment are changing and, to meet the government's Canada First Defence Strategy, so to must the Army adapt. Advancing with Purpose necessarily incorporates other recently released departmental direction and provides a strategic framework which include four revised strategic goals:

1. Deliver a Combat-effective Land Forces;
2. Sustain the Army;
3. Connect with Canadian; and
4. Shape Army Culture.[71]

It is noteworthy that last two goals specifically address culture signifying the Army's understanding that it needs to continue to be "…seen as a force for good that reflects all that is best in Canadian society".[72] The Army recognizes that continued success depends on its ability to continue to be and be seen representing Canadians and Canadian values.

Providing and understanding 'command intent' encompasses many complementary, and perhaps competing, processes as noted in the edited compilation of

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[69]Ibid., 273.

[70]Department of National Defence/Land Force Command, *Advancing with Purpose: The Army Strategy*. 2nd ed. (Ottawa: DND, March 2009).

[71]Ibid., 27.

[72]Ibid., 35.

Command Intent: International Perspectives and Challenges.[73] Command intent involves the compilation of tasks into goals that can be achieved, but it involves complex concepts of interpersonal communications, psychology, sociology and technology. In the words of Pigeau and McCann,

> The commander's intent is the commander's personal expression of why an operation is being conducted and what is to be achieved. It is a clear and concise statement of the desired end state and acceptable risk. Its strength is in the fact that it allows subordinates to exercise initiative in the absence of orders, or when unexpected opportunities arrive, or when the original concept of operations no longer applies.[74]

Command intent provides a high degree of trust, vision, empowerment, judgment, flexibility and initiative, but at the same time, control. In fluid and decentralized counterinsurgency operations, specifically in Afghanistan, commanders and leaders at all levels must become comfortable with command intent to achieve success. Command Intent introduces the science behind understanding of and ultimately improving command intent.

As part of the formal professional development of senior officers, the Canadian Forces College (CFC) uses Northouse's Leadership: Theory and Practice, among other texts, to help its students gain a better appreciation of current leadership theory. Various approaches are explained, and their strengths and weaknesses are examined. The Leader-Member Exchange (LMX) theory focuses on the co-dependent relationship between leaders and followers where both agree at some level to be part of special relationship, to exchange information and to willingly work together to make the leader-member team,

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[73]Dr. Ross Pigeau and Carol McCann, "Forward," in *Command Intent: International Perspectives and Challenges*, ed. by Lieutenant-Colonel Jeff Stouffer and Dr. Kelly Farley (Kingston: Canadian Defence Academy Press through 17 Wing Winnipeg Publishing Office, 2008).

[74]Ibid., 5.

and by extension the larger organization, far more effective.[75] Under Transformational Leadership theory, leaders appeal to ethics and the common good to create a connection with their followers which increases morale and enables both leaders and followers to share a common goal; trust and charisma play important roles.[76] Team Leadership theory proposes that a project team can be more effective where, although there is a leader to help guide the process, team members each have a shared responsibility for the project's success.[77] These three leadership theories share a common idea that the quality of the interactions between leaders and followers is imperative to the effectiveness of team. Northouse also explores leadership ethics in this edition, as ethical issues are involved at some level in any decision-making; ethical leaders show respect, service, justice, honesty and community.[78] Ethical leadership theory is gaining much interest and crosses boundaries between theories, but Northouse points out that the theory is still immature. Given the hierarchical natures of the Canadian government and the CF, and the tactical to strategic/political level risks of operations in AFG, these theories offer food for thought to be considered to increase the effectiveness of military organizations and the achievement of organizational goals in a changing battlespace.

Adequate literature is readily available to both CF members and the general public to help them understand the complex and somewhat ambiguous concepts related to ethical decision-making in a complex battlespace. There are many challenges and risks associated with practicing the theory. Justifying war in any form is and should be

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[75]Peter G. Northouse, *Leadership: Theory and Practice,* 2nd ed. (Thousand Oaks, California: Sage Publishers, Inc., 2001), 111-130.

[76]Ibid., 131-160.

[77]Ibid., 161-187.

[78]Ibid., 250 and 258.

difficult for governments, and it requires considerable trust in government. Although the Canada First Defence Strategy outlines the government's approach to security, expectations of the CF and the manner in which it will provide the CF with the tools it needs, it does not address the more professional aspects of the CF.[79] The consideration of shared values, honour, legal permissions and ethical obligations during the just conduct of war also requires public trust in and the continued professional development of CF members. CF members should understand why specific attitudes and actions are right or wrong. The CF has an obligation to Canadians to continue to professionalize the profession of arms. As the CF continues this professionalization of its members, it also needs to continue to develop its understanding of the manner in which leadership and leader-follower relations impact the achievement of common goals both in Canada and on operations.

As CF formations, units and individuals prepare for operations as tasked by the Canadian government and supported by Canadians, they will build upon the professional development and training received on a routine basis and specifically in preparation for an operational deployment. At the individual level, CF members bring with them their individual values and those schoolhouse lessons learned throughout their careers. Collectively, they learn to work as teams to accomplish their tasks. Leaders help shape their teams and the operational effectiveness of their organizations. Theory is turned into practice at all levels in preparation for and during operations.

[79]Department of National Defence, *Canada First Defence Strategy*, http://www.forces.gc.ca/site/pri/first-premier/index-eng.asp; Internet; accessed June 2010.

THE ENABLERS / INFLUENCING ETHICAL DECISION-MAKING

CHAPTER 3

The CF are an all-volunteer force comprised of Regular and Reserve Force members tasked to defend Canada, defend North America and contribute to international peace and security.[80] As the force of last resort, the CF prepare to support other government departments, as well as to operate as the lead organization or alone as tasked. With this rather broad mandate, the CF must ensure a high level of readiness to support domestic and/or expeditionary operations. Force Generators (FG), primarily the Navy, Army and Air Force, prepare their formations, units and individuals for these operations. Force Employers (FE), primarily Canada Command, Canadian Expeditionary Forces Command, and Canadian Operational Support Command, define their operational requirements and employ forces while on operations. FG and FE must work closely together to ensure that the CF are properly prepared for operations, but the bulk of the responsibility falls to the FG.

The FG must create a solid foundation for ethical decision-making during training so that it can continue to be exercised on operations. General readiness, including individual training, collective training and professional development, forms the base upon which all theatre-specific training is built. Pre-deployment training prepares formations, units and individuals for theatre-specific operations by progressively increasing the complexity of decision-making and actions. As sound leadership ties these teams and training together, it is essential for success. This chapter will cover General Readiness,

[80]Ibid., "Major Points/Three Roles".

Pre-deployment Training and Leadership as the key enablers for ethical decision-making for operations in Afghanistan.

The Army has a saying that you should 'train as you intend to fight'. It seems to make sense all the enablers should be in place and working well before deploying and making decisions on the application of deadly force in order to accomplish one's mission.

3.1 BUILDING THE FOUNDATION

The Army is necessarily the primary FG for operations for land-based operations. Building upon the individual training received as part of the initial military classification and trades training, the Army continues to develop the technical and leadership skill sets required to increase the general readiness and employability of its members for operations. The skill sets gained allow the member to function as part of a team where members rely upon one another to perform their individual functions; collective capability is developed at successively higher levels as training progresses. The professional development of CF members continues as members gain individual capabilities and assume successively greater responsibility throughout their professional lives, including the responsibility to make tough decisions under trying conditions. The Army practices decision-making at all levels, almost obsessively, and incorporates lessons learned throughout its general readiness training. A strong ethical foundation is critical to the Army's success.

To ensure that there is a common understanding of the higher purpose of individual and collective training within the Army, the requirement for that training is defined at Army-level and successively refined by each level of subordinate

headquarters.[81] Uniform standards are maintained to ensure that training aims are met. Not only must there be a common understanding of Tactics, Techniques and Procedures (TTPs), but there must also be accepted levels of competencies to allow individuals and members of different groups to work together. Trust between individuals and groups is imperative for success. Training within these systems also ensures shared Army values and group cohesion.[82]

As noted in Training Canada's Army, "all training will be effected in strict obedience to the [LOAC], the Criminal Code of Canada and the National Defence Act…reflecting the highest regard for individual freedom and well-being"[83] Not only does Army training need to be command-driven and standardized, but it also needs to be within the law and reflect Canadian values. Training must be based upon need, be progressive and be confirmed by the chain of command to be of value. The Army needs to train as it fights, and that is within the law and meeting Canadian values.

CF Army training commences with individual and his/her ability to perform essential individual tasks as determined by their chain of command; the process starts with CF members meeting assigned Individual Battle Task Standards (IBTS). Competency must be developed, evaluated and refreshed as these acquired skills fade. IBTS training is intended as progressive and members must master these individual skills before they can train collectively using those skills. The lack of successfully achieving

[81]Department of National Defence, B-GL-300-008/FP-001 *Training Canada's Army* (Ottawa: DND, 2001), 2.
[82]Ibid., 2.
[83]Ibid., 5.

applicable IBTS creates vulnerability for others in training and, more importantly, on operations.[84]

There are three specific CF Army IBTS directly related to the lawful application of force that must be attained prior to deployment. Under IBTS "Apply the [LOAC] and CF Code of Conduct", all personnel must:

> (1) understand the LOAC as a legally binding convention from which the CF Code of Conduct is derived;
> (2) understand the difference between the CF Code Of Conduct and ROE; and
> (3) apply the 11 rules of the CF Code of Conduct during operations.[85]

Under IBTS "Apply the Principles of the Use of Force", all deploying personnel must:

> (1) demonstrate an understanding of the terms relating to the use of force including: reasonable belief, proportionality, minimum force…;
> (2) demonstrate an understanding of the principles of the use of force;
> (3) demonstrate an understanding of the generic concept of self-defence including…; and
> (4) demonstrate an understanding of the concepts of escalation of force.[86]

Under IBTS "Apply ROE", "[In Accordance With] IAW LOAC, ROE and Force Commander's Directives, all armed personnel shall understand and apply the Use of Force Directives, ROEs, Soldier's Cards for the specific mission by…"[87] These IBTS are the starting point for further mission-specific and collective training.

Learning needs to be continuous for both the Army and its groups and individuals. To that end, a necessary part of practice portion of collective training is the After Action Review (AAR) process. AARs can be completed for any activity and involve ascertaining what happened, why it happened, how it should have happened and how the

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[84]Department of National Defence, B-GL-383-003/FP-001 *Individual Battle Task Standards for Land Operations* (Ottawa: DND, 2008), 2-1 and 2-2.
[85]Ibid., Annex B, Appendix 8.
[86]Ibid., Annex B, Appendix 9.
[87]Ibid., Annex B, Appendix 10.

group can improve their performance.[88] There will be more than one example of each training scenario. The AARs can be both formal and informal, and are discussions between professionals. Through the AAR process, strengths and weaknesses are explored in a 'leave the ego at the door' fashion that encourages the active involvement of those involved in the specific training regardless of rank. To the group, this promotes a continuous learning environment and group cohesion. To the institution, the AAR process helps creates a more professional and better-prepared force.[89] As noted above, the Army trains as it fights and the AAR process can be used for any activity, so this AAR process used in training should also be used in operations.

The CF's "… Defence Ethics Program (DEP) is a comprehensive values-based program put in place to meet the needs of [DND] and [CF]…."[90] A pocket card outlining the principles, obligations, how to deal with ethical dilemmas, and how to improve ethics in the CF has been distributed for years.[91] The Army Ethics Programme (AEP) builds upon the Defence Ethics Program, other Army publications and Duty With Honour. Although ethics had been discussed professionally at the formation and unit levels for years as a professional development activity, the AEP provides "…an embedded, unit-level Professional development (PD) training commitment…. A healthy ethical climate is a precondition to operational effectiveness."[92] In the Chief Land Staff's (CLS) Forward to the related published strategic edition Duty with Discernment: CLS Guidance on Ethics in Operations, he highlights that, "where once only physical courage defined

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[88]DND, *Training Canada's Army*..., 9.

[89]DND, *Training Canada's Army*..., 9.

[90]Department of National Defence, *The Army Ethics Programme (AEP)*, http://www.army.foces.gc.ca/land-terre/aep-peat/index-eng.asp; Internet; accessed 21 May 2010.

[91]Department of National Defence, *Canadian Defence Ethics – Pocket Card* (Ottawa: DND, July 2002).

[92]DND, *The Army Ethics* Programme..., Forward.

heroism, the need for moral courage throughout the breadth of our Army is now a key institutional goal…"[93] Later in the Forward, the CLS puts a fine point on the applicability of moral courage on operations by noting:

> Notwithstanding the moral outrages that may be perpetrated by the enemy, that [substantial base of public] support will erode or reverse rapidly, no matter how worthy the political objective, if Canadian society believes that we conduct ourselves in an unethical, inhumane, or iniquitous manner. Our ethical and moral compass is values-based. Though we function within codes of military laws which dictate acceptable conduct, in operations we are challenged by a myriad of harm-based decisions. Each has a moral component, and each demands a discerning and insightful judgment be made.[94]

The Army progressively builds its general readiness for operations for its soldiers, units and formations by creating learning and team atmospheres. Training is progressive and standardized; it starts with the individual and becomes more complex as it becomes collective training. Ample opportunities are provided to improve performance through practice. Specific training standards address the need for understanding and practicing the lawful application of force. A sound ethics programme complements this training. AARs provide a means to explore ways of becoming better and additional training offers the opportunity to improve. Exercising ethical decision-making in training should decrease ethical ambiguity in operations.

3.2 PREPARING FOR OPERATIONS

Pre-deployment training prepares individuals and teams for specific operations and builds upon general readiness training. Those very valuable lessons learned throughout training for 'a war' are applied to training for 'the war'. One of the greatest

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[93]Department of National Defence, B-GL-347-001/FP-000 *Duty with Discernment: CLS Guidance on Ethics in Operations* (Ottawa: DND, 2009), 5.

[94]Ibid., 6.

differences between general readiness training and pre-deployment training is that pre-deployment training is conducted using the configuration and groupings required for a specific operation. Pre-deployment training applies context to general readiness training and demands that forces are prepared to operate in a specific operational area.

JTF-Afg elements may be formed in a number of ways. In some cases, additional capabilities are added to an existing unit. In others, additional individuals are added to an existing unit. While in others, completely new units are created from talented and available individuals across the nation. Given the nature of the formed units deploying to Afghanistan, all units in varying degrees must evaluate, possibly develop, probably refresh and confirm their readiness to commence pre-deployment training; given the nature of the formation of many units, it is possible in some specific individual cases that all four general readiness activities at the individual level and pre-deployment training at the collective level could occur concurrently. JTF-Afg 3-09 units, also known as JTF-Afg Rotation 8 in theatre, will be used as an example. Theatre Mission Specific Training, also known as pre-deployment training, for Afghanistan seeks to recreate the decision-making conditions in Afghanistan using recent scenarios from Afghanistan while profiting from observations and mentoring from those who are familiar with operations in Afghanistan the intent is to make the training audience feel like they are in Afghanistan and fully prepared for operations.

On behalf of the CLS, the Army Training Authority provides direction and guidance for high readiness/pre-deployment training. For JTF-Afg 3-09 units, a draft version of this direction and guidance outlining the design, delivery and resources for their planned training was released over a year in advance of their deployment; the

attached annexes and appendices provided the training standards and described their "Road to High Readiness (HR)".[95] Annex A specifically detailed the training and exercise requirements from the Army perspective, including the tiered and progressive nature of the individual and collective training, the necessary training enablers and ethics-specific direction. The Ethics paragraph reads:

> IAW Reference E [Army Ethics Program Policies and Procedures], a healthy ethical climate is fundamental to the military ethics. It provides the Canadian Soldier with the inherent ability to 'know what right looks like' and Army leadership, at all levels, to accept the individual and command responsibility to distinguish between right and wrong and to display the moral courage and leadership to act. Ethical training will be integrated through the [training] building blocks as both PD and [Collective Training] CT training activities. The ethical dimension is inherent in many respects of operations in the [Contemporary Operating Environment] CoE such as the application of ROE and the escalation of force policies. This aspect of training must be emphasized during training events and as an element of the AAR process.[96]

In response, Land Forces Western Area (LFWA) Headquarters, the Army sector headquarters responsible for Western Canada, issued their Force Preparation Order to provide guidance and direction to their FG formations and units with regard to the training of Afghanistan-bound forces. The order specifically addresses use of force and ROE training as follows:

> ROE remain a chain of command responsibility, and specific training must be integrated into the Road to [High Readiness] HR at all levels. This training must be informed by emerging doctrine and lessons learned in order to ensure that it is current and relevant to the evolving operational situation. JTF-AFG current relevant ROE will be employed throughout Road to HR training.[97]

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[95]MGen J.M.M Hainse, *Army Training Authority (ATA) Direction and Guidance for High Readiness (HR) Training: Joint Task Force Afghanistan 6-09 (JTF(Afg) HQ 6-09) and Task Force 3-09 (TF 3-09)*(Land Forces Doctrine and Training: file number 4500-1 (ATA)), 13 November 2008.

[96]Ibid., Annex A, A-7/9.

[97]Land Forces Western Area Headquarters (LFWAHQ), *Force Preparation Order - Task Force (TF) 3-09* (LFWAHQ: file number 3350-1/TF 3-09 (G3)), 20 October 2008, Annex B, B9/13.

In addition to other 'Road to High readiness' training, JTF-Afg units deployed to the Canadian Military Training Centre (CMTC) in Wainwright, Alberta, to undergo much of their collective training using a baseline training scenario developed using real-time information from Afghanistan where possible. CMTC was built to be,

> a proven world-class training centre equipped with a state-of-the-art weapons effects simulation system, the technological backbone to provide dynamic After Action Review (AAR) replay, an imaginative and credible [Opposing Force] OPFOR and an experienced Observer Controller Team (OCT) cadre.[98]

Much of LFWA's two major formations, 1 Canadian Mechanized Brigade Group (1 CMBG) and 1 Area Support Group both primarily based in Edmonton, deployed to Wainwright to support the training of these JTF-Afg elements as LFWA's major activity.[99] LFWA and the Army identified the tasks and training gateways to be achieved, and assigned considerable resources to ensure that JTF-Afg units were prepared for operations in Afghanistan.

Pre-deployment training builds upon the high level of general readiness training already completed by the deploying forces. There is much discussion and practice of the TTPs used in Afghanistan during the 'Road to High Readiness' training. JTF-Afg units are given access to a great number of institutional and training resources to achieve the level of readiness required prior to deployment on operations. There seems to be only limited direct references to ethical decision-making and controlling the use of force. Given the level of general readiness training to be attained prior to pre-deployment training, the need for sound ethical decision-making and the control of force implicit in most kinetic scenarios, it is probable that ethics practiced during pre-deployment training

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[98]MGen Hainse, *Army Training Authority (ATA) Direction and Guidance for High Readiness (HR) Training: Joint Task Force Afghanistan 6-09...*, 5.

[99]LFWAHQ, *Force Preparation Order - Task Force (TF) 3-09....*

is merely a far more pointed continuation of previous ethics training. This ethics training requires all deploying members to become more comfortable with ethical ambiguity. The confidence gained from this ethics training also enables them to become leaders.

3.3 ROLE OF LEADERSHIP

Leadership is a great determinant of the success of those led and of the mission, and must start at the top and permeate throughout the organization. Leaders put into action a values system. Some leaders in the CF are given command. Commanders at all levels were the junior leaders of yesterday and need to develop the senior leaders of tomorrow. Understanding and employing the Commander's Intent allows subordinate leaders and elements to achieve organizational goals under changing conditions. Leadership continues to be developed during training. Although leadership plays a critical role during general readiness and pre-deployment training, it is further practiced and tested in a far less forgiving and complex environment on operations. As in training, observations must continue to be discussed and need to be turned into and collected as lessons learned during operations. Ethics will determine the manner in which leaders lead, and may even be seen as part of the definition of leadership.[100] The leadership approaches employed will play an important role in the manner in which situations are used as learning opportunities and teams work together to achieve their goals.

With rank and experience comes more responsibility, including greater leadership responsibilities. The CF continues to try to align the military ethos with that of the Canadian public so that it can best represent their interests.[101] As members rise in rank

[100]Horn, "Introduction," in *The Military Leadership Handbook* ..., 11 and 12.
[101]DND, *Duty with Honour*..., 48 and 49.

and experience, leaders take more responsibility for ensuring that those that they influence meet society's expectations. Leaders take on responsibility for continued ethical development of those around them.

Given the construct of the CF, every leader is also a follower. Leaders act as group members in both these capacities concurrently as they seek to influence others to meet a higher intent. In such groups, "…morality in leadership is very much prone to an institutional prescription where the followers' needs have to merge with the organizational bottom line."[102] In some ways, while interactions between leaders and followers are important for them as a group, it may be that this group dynamic is less important than the institution as a whole. The essential nature of the CF, as an institution, is to represent Canada, both at home and abroad. Ouellet suggests that "being "effective", "successful" or "moral" is fundamentally embedded within [this] social and political construct."[103] Group members learn to share values, and these values should be relatively common throughout the institution; leaders become instruments of the institution as they learn, promote and teach culturally desirable values.

The CF sees leadership as an essential part of command, but leadership and command are different. Command "is bounded by the lawful authority delegated to a commander and may only be exercised down the chain of command [whereas leadership,] … on the other hand, may be exercised by anyone, regardless of organizational position."[104] Leadership then seems to be less related to position than it is to capability, in that anyone can influence another. As the CF develops its leaders, it

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[102]Dr Eric Ouellet, Ouellet, "Rethinking Military Leadership from a Sociological Perspective." *The Canadian Army Journal* 12.1 (Spring, 2009): 49 and 51.

[103]Ibid., 49.

[104]DND, *Leadership in the Canadian Forces: Doctrine…*, 7.

must ensure that its leaders at all levels learn to positively influence others and promote common institutional values. As noted, "the essence of command… is the expression of human will, as reflected in the concept of commander's intent…. Nearly everything…is driven by the commander's vision."[105] The commander's intent should provide the context in which all leaders, regardless if they are currently occupying a command position at the time or not, influence others and promote group values.

Mission command is a concept that the CF has adopted to enable effective decision-making at lower levels and supports command intent. In Horn's view, in order for mission command to be successful, there must be: "unity of effort; decentralized authority; trust; mutual understanding; and timely and effective decision-making."[106] Subordinates need to understand what needs to be achieved and why for mission command to be effective. The trust and mutual understanding essential for mission command must be reciprocal. Commanders must understand the ground truth and provide their subordinates with the resources to achieve his/her intent, including training in ethical decision-making. Pigeau and McCann suggest that the 'intent pyramid' (from bottom to top) includes implicit intent, composed of cultural expectations, military expectations and personal expectations, and explicit intent.[107] Implicit intent is comprised of ever-increasing fundamental layers of expectations comprised of personal

[105]DND, *Leadership in the Canadian Forces: Doctrine...*, 7.

[106]Colonel Bernd Horn, "Commander's Intent: the Key to Success in the Contemporary Environment," in *Command Intent: International Perspectives and Challenges*, ed. by Lieutenant-Colonel Jeff Stouffer and Dr. Kelly Farley, 1-14 (Kingston: Canadian Defence Academy Press through 17 Wing Winnipeg Publishing Office, 2008), 4.

[107]David J. Bryant, Ann Renee Blais and Joeseph V. Baranski, "Common Intent as a Theoretical Concept," in *Command Intent: International Perspectives and Challenges*, ed. by Lieutenant-Colonel Jeff Stouffer and Dr. Kelly Farley, 15-44 (Kingston: Canadian Defence Academy Press through 17 Wing Winnipeg Publishing Office, 2008), 20 and 21.

experience, military doctrine, national interests, and moral and ethical values.[108] Leadership ability and style impacts command intent. Command intent impacts ethical decision-making, which impacts mission success. Mission success impacts the degree of confidence in and style of leadership employed.

Colonel Ashley, United States Air Force, views the fundamentals of strong leadership as affecting attitudes, prioritizing "big rocks" and displaying courage.[109] Not only does leading by example affect attitudes, but it can also be infectious. By prioritizing the "big rocks", subordinates will understand the implicit intent by the way in which it affects organizational goals and your explicit intent through specific orders. Strong leaders display both courage during combat, and courage on a daily basis by displaying the moral courage to do the right thing; "our decision-making process shows those around us the quality of our character".[110] Leaders are examples.

Not surprisingly, a complex battlespace includes a great measure of chaos. Those leaders and commanders who are most comfortable with chaos have a greater chance of success.[111] One must develop expertise to become comfortable with this chaos. Perceptual learning takes time, as experience must be acquired through much practice. With more practice and constructive discussion through an AAR-like process, commanders should become more comfortable with probabilities and possibilities.[112] Leaders at all levels should become more comfortable with the unknown as they reduce

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[108] Ibid., 21 and 22.

[109]Colonel Brad Ashley, "The ABCs of Strong Leadership," in *Air and Space Power Journal* (Summer 2008): 68: http://www.airpower.maxwell.af.mil/airchronicles/apj/apj08/sum08/ashley.html; Internet; accessed 17 July 2010.

[110]Ibid., 70.

[111]Colonel Christian Rousseau, "Command in a Complex Battlespace," in *The Operational Art: Canadian Perspectives, Leadership and Command*, edited by Allan English, 55-83 (Kingston: Canadian Defence Academy Press through 17 Wing Winnipeg Publishing Office, 2006), 68 and 69.

[112]Rousseau, "Command in a Complex Battlespace,"..., 70-72.

the unknown through practice. Chaos will not be eliminated, but the comfort with it should grow. Practice will increase one's knowledge of one's own and other friendly forces reactions and actions, and should save precious time during a decision cycle. Becoming organizationally comfortable with chaos should include developing our soldiers' capabilities to function within the chaos.[113]

Good leadership and values must start high and permeate the organization. Understanding that members act as both leaders and followers in supporting organizational goals is an important step to understanding the concept of 'service'. The organization takes precedence over the individual, but it falls to the leaders in that organization to help its members understand how organizational goals also support their personal goals. Some leaders are given the responsibility of command and must make their intent, main effort and end state known to their command so that the organization understands the effect needed on the ground and why it matters. Commanders and leaders must prepare themselves and their subordinates to become more comfortable with chaos in the modern battlespace through much discussion and practice. Leaders greatly influence the degree to which an organization represents the interests of their country and achieves goals in an acceptable manner.

Many in the CF refer to John Boyd's "Observe, Orient, Decide, Act" decision cycle (OODA loop) to describe an often-used decision-making process which uses the information available to make better and more timely decisions.[114] The intent is to be able to employ the OODA loop to make decisions at a faster rate than the enemy. Boyd

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[113]Rousseau, "Command in a Complex Battlespace,"..., 76 and 77.

[114]John Boyd, "*Information Warfare OODA Loop*," http://www.valuebasedmanagement.net/methods_boyd_ooda_loop.html; Internet; accessed 6 May 2009.

believed that the orientation phase is the most important phase. To the CF members employed in JTF-Afg, the orientation phase is also very important when making or trying to make ethical decisions regarding the use of force.

A MCpl from JTF-Afg Rotation 5 National Support Element (NSE) who served as a patrol second-in-command on numerous convoys in training and in Afghanistan, stressed the need to be hypothetical while on patrol. During training and later on operations, the MCpl instructed all those in his charge to ask themselves 'what if', as in 'what if a young boy on a bicycle came out of that alley and rode towards us' or 'what if that yellow taxi pulled out in front of us'. He wanted the patrol to stay alert, to limit the surprises, and decrease reaction time. In short, he wanted to enable good decision-making and speed up his patrol's OODA loop.[115] Enablers, such as general readiness activities, pre-deployment training and leadership, provide a much different starting point for CF members during the orientation phase of the decision cycle.

Good and timely decision-making remains important. The enablers discussed above have helped and continue to help set the conditions for success for ethical decision-making. The CF and its FG have provided general readiness training, including the instruction and practice of ethics, to its forces as a start state. FG have worked closely with FE to determine the skill sets required for deployment as part of JTF-Afg. During this dialogue, real scenarios from operations in Afghanistan have been used to better prepare deploying soldiers. A necessary element of this training has been to decrease the ethical ambiguity through practice and discussion, and to increase the soldiers' level of comfort in a chaotic and complex battlespace. Training is no substitute for operations, but it provides an opportunity for both leaders and followers to gain confidence prior to

[115]Author deployed as CO JTF-Afg NSE Rotation 5 from February to September 2008.

deployment. Strong leader/follower relationships enable mission command, as does an understanding of command intent. LOAC, ROE, Soldier's Cards, Force Commander's Directives, and command intent provide the context in which all deployed members can use force as part of self-defence, defence and offence. Values and ethical decision-making skills will determine when deployed members will use force in operations.

THE PRACTICE / APPLYING ETHICAL DECISION-MAKING CRITERIA IN AFGHANISTAN

CHAPTER 4

It is not until we get to practice the theory and determine the true value of the enablers that we know their value and that we have had a measure of success. Afghanistan does not offer an ideal and controlled environment in which to test the theory and enablers, and to measure success, but it is the contemporary operating environment we have at the moment. In 2001, the Taliban Government of Afghanistan supported the Al Qaida terrorist group and its attack on the USA, a NATO member. In short, NATO was attacked and NATO responded in self-defence. War against the Al Qaida and its supporters, the Taliban Government, in Afghanistan made sense and arguably met the *jus ad bellum* criteria as it was considered self-defence. The terrorist-supporting Taliban Government was subsequently removed, but the Taliban have remained. Canada assisted with this effort by deploying a Battalion Group to Kandahar for six months in 2002 in support of the USA. In 2003, with the support of the UN, Canada deployed a new Task Force to Kabul to assist with security as part of NATO's ISAF. In 2005/2006, Canada committed JTF-Afg to the more volatile and dangerous Kandahar province and assumed a much larger area of operations.[116] Canada's mission today reflects more of a Whole of Government approach, including security, development and governance lines of operations, and supports the elected Government of Afghanistan. It is clearly within Canada's national security interests to have a stable

[116]Standing Senate Committee on National Security and Defence, *Where We Go from Here: Canada's Mission in Afghanistan* (Interim Report – Special Study on the National Security and Defence Policies of Canada)(Ottawa: Senate, June 2010), 1 and 2.

Afghanistan that does not support terrorism. The Taliban, as insurgents, have remained violently opposed to the legitimate Government of Afghanistan and its international supporters.

JTF-Afg has been and is involved in counter-insurgency (COIN) operations. Canada's peacekeeping/peacemaking operations in the former-Yugoslavia in the 1990s were very different and required a different approach. Today, the Canadian Army uses the following definition for insurgency: "A competition involving at least one non-state movement using means that include violence against an established authority to achieve political change."[117] The same manual offers the following on COIN:

> [COIN operations are] those military, paramilitary, political, economic, psychological and civic actions taken to defeat the insurgency…. Since an insurgency is a political problem, the military plays a largely supporting role to other agencies and other governmental departments in countering an insurgency…. The constant is the fact that insurgency and counter-insurgency are essentially about the battle to win and hold popular support at both home and in the theatre of operations.[118]

Long-term security, development and governance are directly impacted by shorter-term security requirements in Afghanistan. As a political problem, addressing the insurgency needs to be a Whole of Government effort, but to succeed, you need security. The CF elements deployed to Afghanistan must develop the theoretical and training base prior to deploying to accomplish their tasks in a manner, which supports the higher aims.

The general use of force principles should vary little between types of operations as the force should be limited to that necessary to achieve the aim, but this is reinforced in CF COIN doctrine. Particular to COIN operations though is the desire to win the 'hearts and minds' of the citizens in the effected country while maintaining the

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[117]Department of National Defence, B-GL-323-004/FP-003 *Land Force Counter-Insurgency Operations* (Ottawa: DND, 2008), 1-2.

[118]Ibid.,, 1-3.

momentum at home to continue with the efforts to stabilize the effected country. In COIN operations, the application of force requires a delicate balancing of risk and reward. While, "it is well settled in COIN doctrine that maintaining the confidence of the legitimate government and the citizens of the country suffering the insurgency is crucial to the continued military and governmental success," the use of force to defeat insurgents tactically may lead to the eventual loss to the insurgents strategically.[119] In Afghanistan, the use of force in both defensive and offensive actions may help the insurgents in that insurgents may actually acquire more sympathizers both in Afghanistan and from the countries contributing forces to the UN-sanctioned NATO operation. It is also a challenge to balance short-term force protection of CF members with long-term force protection and with the protection of the local population. Aligning individual goals with political, strategic, and operational goals helps clarify the objectives and means to achieve those objectives. To be successful, the soldier on the ground needs to have sound ethical reasoning to make the decisions that will help decide the future of the insurgency. This chapter will cover the Canadian approach to COIN in Afghanistan, and decision-making as it is related to the application of force, and to the blending of collective and individual risk and reward.

4.1 CANADA'S AND THE CANADIAN FORCES' APPROACH TO AFGHANISTAN

Under the Canada First Defence Strategy, the government both encourages and restricts the level of ambition for the CF to ensure that they understand their place in the overall government strategy; in short, the CF exist to accomplish what Canadians and

[119]Ibid., Chapter 4, Annex A, 4A04.

their government want, not what the CF want. Only in this context could the CF fulfill their part of a Whole of Government approach. The Strategy states that the government will enable the CF to "…meet the country's defence needs, enhance the safety and security of Canadians and support the Government's foreign policy and national security objectives."[120] This Strategy outlines that the military and civilian members of "this integrated Defence team will constitute the core element of a whole-of-government approach to meeting security requirements, both domestically and internationally."[121] As the security challenges evolve, so will DND's capabilities evolve. In Afghanistan as the Canadian/CF mission evolves, so will the equipment, TTPs and demands on our soldiers evolve.

As part of the current evolution of our mission in Afghanistan, CF elements have been deployed in the southern portion of Afghanistan to the Kandahar region since 2005/2006. Other nations also deployed to the more volatile south along at the same time with others following over the last few years. Not all nations though deployed with same flexibility. As Manley highlighted in 2008,

> Improving Afghan security requires more ISAF soldiers. Too many NATO governments have failed to contribute significant numbers of troops in regions of Afghanistan most vulnerable to insurgent attack and destabilization. Others have placed caveats on their military activities…[therefore] United States, Britain and Canada, have borne more than a proportionate share of warfighting in Afghanistan.[122]

General Hillier, the CDS at the time, also notes that while others reluctantly deployed to the area, the constraints placed on these contingents not only reduced their risk, but also

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[120]DND, *Canada First Defence Strategy*..., "Major Points".
[121]Ibid., "Major Points".
[122]Independent Panel on Canada's Future Role in Afghanistan, *Final Report*, http://dsp-psd.pwgsc.gc.ca/collection_2008/dfait-maeci/FR5-20-1-2008E.pdf; Internet; accessed 12 July 2010: 14.

the flexibility of these contingents and possibly their effectiveness.[123] Caveats became a way of institutionally controlling force at the national level with further restriction/ permissions as part of national Use of Force Directives and Rules of Engagement (ROE). Canada did not rely on national caveats to restrict the types of operations, but relied upon those on the ground to properly apply force in accordance with approved Use of Force Directives and ROE during any type of operations.

The Netherlands and Canada approached operations in the South very differently. The Dutch took a strategy that was "aimed at concentrating on re-building areas designated as relatively secure with the hope that this secure area will expand slowly but constantly."[124] The Dutch approach has led to the contingent avoiding confrontations with the Taliban, suffering fewer Dutch casualties, and arguably failing to

> …to devote sufficient efforts to create a stable security environment in which [reconstruction] efforts can be beneficial. It is clear that national caveats… related to rules of engagement have hampered the Dutch….[125]

Canada, in comparison, placed more emphasis on combat operations and creating security. In contrast to its many peacekeeping/peacemaking operations in the 1990s, Canada's more Whole of Government approach included a large security component, within which the rather restrictive caveats and ROE indicative of many operations in the 1990s did not hamper the military component.[126] The Canadians approached/approaches the mission from a 'security first' perspective as there are many studies that suggest that the local population desires security above other forms of help. It has been observed that

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[123]Rick Hillier, *A Soldier First: Bullets, Bureaucrats and the Politics of War* (Toronto: Harpers Collins Publishers, 2009), 474-475.

[124]Jon McCoy, "*Two Strategies in Afghanistan: Canadian and Dutch Approaches to Counter-Insurgency," in Conference Papers* – International Studies Association, 2009 Annual Meeting, http://web.ebscohost.com/ehost/delivery?vid=6&hid=6&sid=d351b0...; Internet; accessed 12 February 2010: 13.

[125]Ibid., 17.

[126]Ibid., 19.

> …the NGOs have increasingly abandoned [the south, and] this speaks volumes about the need for security, and the reality that, before reconstruction can begin, successful security must be established.[127]

The Canadian approach seems to make more sense, but it comes at a heavy cost to CF members deployed and demands additional troops to maintain security. The Canadian approach also enables decision-making on the ground vice limiting the contingent's flexibility at the national level. The Canadian approach requires greater trust in the military component.

A different perspective on this approach, Jones suggests that the,

> ...primary challenge in Afghanistan is one of governance. Governance includes the set of institutions by which authority in a country is exercised. It involves the government's ability at the national or sub-national level to establish law and order, effectively manage resources and implement sound policies.[128]

Providing security can be approached from different perspectives, but it must be provided. It should be more important to provide security to the local population than killing insurgents. It needs to be about the people first. From the Task Force down to the individual, McFate and Jackson write that it becomes increasingly imperative that,

> to avoid causing resentment that can drive insurgency, coercive force must be applied accurately and precisely. Each use of force should be preceded by the questions: Is the action creating more insurgents than it is eliminating? Does the benefit of this action outweigh the potential cost…?[129]

JTF-Afg's primary focus is on providing that security necessary for the population to enable other government departments to make progress in governance and development. Canada approaches this security-related task by providing flexibility to

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[127]Ibid., 25-26.

[128]Dr. Seth Jones, Rand Corporation, "The State of the Afghan Insurgency," Testimony Presented before the Canadian Senate National Security and Defence Committee, 10 December 2007, http://www.rand.org/pubs/testimonies/2007/RAND_CT296.pdf; Internet; accessed June 2010: 4.

[129]Dr. Montgomery McFate and Andrea V. Jackson, "The Object Beyond War: Counterinsurgency and the Four Tools of Political Competition," *Military Review: The Professional Journal of the U.S Army – Special Edition* (October 2006): 59 and 60.

JTF-Afg, and ISAF, by not imposing national-level caveats and overly restrictive Use of Force Directives. It is imperative that more good than harm come from the use of force. Canada restricts the use of force, but gives considerable latitude to the CF in order to accomplish their mission. Most of the resulting use of force decisions are the responsibility of CEFCOM and those in theatre, which shows great trust in the leadership, the values and the decision-making abilities of those directly involved in the operation.

4.2 DECISION-MAKING AND BALANCING THE USE OF FORCE

Canada provides the related lawful directives and authorities necessary to carry out the mission as part of its overall use of force direction. TTPs are changed as necessary to address changes with friendly forces, enemy forces and/or the local population within the battlespace, including changes in enemy TTPs. Of course, not every day is every soldier directly involved in the application of deadly force, but many if not most will probably give it thought. Since Afghanistan casualties wear away at the support base for the legitimate elected Government of Afghanistan and their supporters, NATO nations and other similarly-minded countries, like Australia, JTF-Afg understands the importance of minimizing Afghanistan civilian casualties. Since Canadian casualties wear away at the support base for the mission at home, JTF-Afg can also understand the importance of minimizing CF casualties to Canadians. ISAF is fully behind an approach that focuses on long-term security. The CF, CEFCOM and JTF-Afg find themselves balancing short-term force protection issues with long-term force protection issues and mission success. Aligning individual with collective objectives is not easy and relies

upon a sound appreciation of the battlespace and well-developed decision-making abilities under trying conditions.

Canadian values are at odds with terrorist organizations and those that support them.[130] Canadians value life in a way that the terrorists involved in 9/11 did not. Security in Afghanistan is an important step towards rebuilding Afghanistan. But although security is important to Afghans, combat operations are extremely hazardous for them. As Lopez notes, these,

> …attacks can alienate those members of society that had previously supported the government and people angry over the loss of property and loved ones may shift support to the rebels. This danger is heightened when the forces are foreign.[131]

For the CF, the use of force on operations is divided into self-defence and ROE. A decade ago, ROE were viewed more as restrictive measures. Today, these ROE are viewed as permissive in nature and, therefore, more of an enabler. In Canadian doctrine, the use of the term 'inherent right to self-defence' is not used, because the right to self-defence is a simple right, which may be limited, or curtailed, in practice.[132] In Afghanistan, different sovereign nations have different definitions of self-defence. ROE are national lawful orders and authorities, which regulate who and what can be defended; in Afghanistan, these ROE also help level the playing field between nations. For example, in terms of self-defence, the use of force does not include the right of pursuit for Canadians, but it does for Americans. Authorities are permissive, not obligatory. All Escalations of Force (EOF) in self-defence and use of ROE are reported. All EOF are

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[130]Jones, "The State of the Afghan Insurgency,"..., 3.

[131]Andrea M. Lopez, "To Kill or Not to Kill: The Use of Force in Counterinsurgency in Afghanistan," International Studies Association's 50th Annual Convention, New York, 15 to 18 February, 2009, http://web.ebscohost.com/ehost/delivery?vid=15&hid=6&sid=d351...; Internet; accessed 12 February 2010: 2.

[132]Lieutenant-Colonel Mark Gendron, CEFCOM Legal Advisor, Interview with Author, 15 July 2010.

investigated at the unit level to determine what happened, what went right, what went wrong and what needs to be improved and/or changed.[133] ROE can be categorized into defensive and offensive ROE. As ROE start where self-defence ends on the application of force spectrum, tiered controls are placed upon their use. As the lethality increases, so do the controls and the likelihood that force will not be used due to unacceptable collateral damage effects. The military necessity must outweigh the collateral damage; it does not help ISAF to alienate those that they are trying to help. Even if the 'right call' is made every time, there is a significant risk that the cumulative effect of these 'right calls' will be detrimental to the mission.[134] Both NATO and JTF-Afg have specific and more detailed classified procedures for controlling force.

Suicide bombings, in general, were on the rise in Afghanistan from 2002 to 2007. There were 26 suicide bomber attacks between fall 2006 and spring 2007 which killed 11 Canadians and injured many other soldiers. As important, is that 49 local civilians were also killed in these Taliban attacks.[135] This created a situation that distanced deployed forces from the local population. In 2007, as there were fewer direct confrontations and less of a threat of suicide bomber attacks by the Taliban, JTF-Afg adapted their approach.

In late 2006, Canadian Brigadier-General Tim Grant deployed to Afghanistan as the Commander JTF-Afg. Grant later also assumed command of Task Force Kandahar (TFK), which included most JTF-Afg elements. In January 2007, he and his headquarters controlled the ISAF operations across the Kandahar province. TFK operations during fall

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[133]Lieutenant-Colonel R.H. Matheson, *Lessons Synopsis Report (09-006) Escalation of Force Procedures in TFK* (Army Lessons Learned Centre: file 3333-1 (ALLC), 8 April 2009), 2.

[134]Lieutenant-Colonel Mark Gendron, CEFCOM Legal Advisor, Interview with Author, 15 July 2010.

[135]Andrew Fraser, "Deadly Ends: Canada, NATO and Suicide as a Weapon of War in Modern Afghanistan," *The Canadian Army Journal* 12.2 (Summer, 2009): 51-55.

2006/winter 2007 were punctuated by a large Taliban offensive, in which, suicide bombers played a significant role. TFK`s Operation MEDUSA occurred west of Kandahar city; in short, TFK stopped the Taliban and the Taliban returned to earlier TTPs which were less direct, and included the increased use of IEDs. Although there remained an ever-present suicide bomber threat, ISAF's overly aggressive actions on daily patrols were threatening to distance ISAF from those that they were trying to help. EOFs had to be used judiciously as dictated by the specific situation. As the force in place, TFK needed to adjust their force protection posture to accommodate this changing threat (including JTF-Afg Rotation 3 units).[136] The intent was not to limit direct action with Taliban or Taliban supporters, but to limit harm to innocent civilians.

The force protection posture of many ISAF elements was causing significant problems for the local population and their governments. There was a need to protect NATO forces, but this could not be done at the expense of gaining the trust of the local population. Force posture and the resulting EOFs were problematic. Lieutenant-Colonel Tom Bradley, Grant`s Chief of Operations and Plans, noted that,

> …[in order to] enable our [operations] within the battlespace, we needed to have an environment where we were not viewed as utilizing excessive force for the threats…. Consequently we held an in theatre PD session to ensure that there was common [situational awareness] within the TF in use of force. I am pleased that we also addressed use of force in a culturally sensitive manner and that later deaths of Afghans in Kandahar City led to calls from elders within the City to have Canada teach their NATO partners how to operate and deal with the cultural consequences of use of force.[137]

While some units had trained for this changed battlespace, others had not, which necessitated a need for retraining in a theatre of operations. The National Support

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[136]Lieutenant-Colonel Tom Bradley, CO CFB/ASU Edmonton, Questionnaire on JTF-Afg Use of Force Training from Author, 2 June 2010.

[137]Lieutenant-Colonel Tom Bradley, CO CFB/ASU Edmonton, Questionnaire on JTF-Afg Use of Force Training from Author, 2 June 2010.

Element (NSE), for example, had trained using scenarios that were current at the time the NSE conducted its training a few months prior to deployment. During their first month, the NSE had several EOFs due to their 'dated' pre-deployment training. With Grant's intent, the NSE had to "de-program" their soldiers and retrain them using current scenarios and TTPs; understandably this caused some impact on morale within the unit.[138] Nevertheless, the unit Commanding Officer (CO) acknowledged that,

> …because our TTPs had direct impact on our ability to assist the Govt of Afgh in building safety and [security], it was [necessary] to amend. The "strat corporal" was never so true in influencing that capability.[139]

The NSE adapted its TTPs to this changing complex battlespace. Decisions on the use of force had to be made deliberately, but these same decisions potentially increased the immediate risks to CF members.

Other units on the same rotation, such as the Operational Mentoring and Liaison Team (OMLT), had trained differently and had a more ground-level appreciation of the impact of unnecessary EOFs because they worked very closely with Afghan forces and the local population and required less retraining. They too noted that the TTPs used by the previous rotation needed to be changed to accommodate the changing battlespace. Even though the Canadians were changing and improving their TTPs, there were still unnecessary EOFs from other ISAF elements moving in the Canadian battlespace; Kandahar City and environs were/are very different than some other areas. The CO

[138]Colonel Chuck Mathe, DLSS, Questionnaire on JTF-Afg Use of Force Training from Author, June 2010.

[139]Colonel Chuck Mathe, DLSS, Questionnaire on JTF-Afg Use of Force Training from Author, June 2010.

summed up his views by noting that, "it should be considered morally appalling that we as soldiers would put civilians at risk in order to protect ourselves."[140]

The example taken from Spring 2007 demonstrates that strong leadership and a clear understanding of command intent are imperative to COIN operations. The chain of command developed a better appreciation of the conditions in which these tough decisions had to be made by getting out and sharing the same hardships and risks as their troops. Decision-making was based on specific values and those values had to be adapted to a new battlespace. The training in Canada only prepared the force for the then current battlespace, and it was the responsibility of the leadership in theatre to recognize the deficiency and correct it as difficult as it may have been. Not only were Canadian values 'put into play', but potential *Jus post Bellum* issues were taken 'out of play'. The reward of attaining greater overall security outweighed the risks. The JTF-Afg Rotation 5 units, who trained in 2007 and deployed in 2008, approached the operation understanding that their actions in the short-term would affect the longer-term security and the success of the mission.[141]

The theory of short-term pain for long-term gain is relatively easy to understand sitting in Canada or on a camp in Afghanistan. The relatively short-term, but potentially grave personal risk to the lad standing to the side of his carrier watching a local vehicle bypass other vehicles and speed towards him is much more poignant. It is up to this same soldier, who is at the greatest risk, to put the theory into practice while protecting himself, his fellow soldiers and, potentially, civilians. Although he could possibly engage the vehicle, he has to weigh if he should engage the vehicle. Progressive and focused

[140]Colonel Wayne Eyre, Comd 2 CMBG, Questionnaire on JTF-Afg Use of Force Training from Author, July 2010.

[141]Author deployed as CO JTF-Afg NSE Rotation 5 from February to September 2008.

training has helped prepare him for this situation. His chain of command has given him the leadership and authorities he requires. AARs and the informal sharing of experiences within his platoon have helped, but it is he who must inevitably make the decision on this use of force. The key element in this process is trust. In the Manley Report, the panel developed the "… strongest impression… that the [CF] are doing a highly commendable job in a more violent and hazardous mission than was envisaged when they were first deployed to Afghanistan."[142] Canadians have done well because their soldiers are prepared for these operations and they have adapted their TTPs to the changing battlespace. To adapt to this complex battlespace, the learning atmosphere developed during training has continued into operations from the JTF-Afg-level down to the section-level. Only within a learning environment could deployed CF members have developed the necessary confidence and trust, and fully appreciated the effects of their decisions on the long-term goal of improving overall security in Afghanistan.

As noted earlier, self-defence measures and ROEs are a set of nation and mission-specific approved lawful authorities concerning the use of force. These authorities allow JTF-Afg to protect themselves and secure the area of operations. To ensure that all deploying members understand their obligations, permissions and restrictions, use of force briefings are conducted as part of pre-deployment training and while on operations by the chain of command. EOF are used to,

> …make the targeted individual or vehicle aware that they are behaving in a manner that is likely to result in the use of lethal force. The aim of EoF TSOs (Theatre Standing Orders) is to provide guidance and procedures…in order to prevent avoidable Local National (LN) casualties during military operations…thus preserving the legitimacy of the ISAF operational concept, protecting fielded forces and the safety of innocent LNs.[143]

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[142]Independent Panel on Canada's Future Role in Afghanistan, *Final Report...*,32.
[143]Matheson, *Lessons Synopsis Report (09-006)...*, 1.

The steps of EOF are progressive and should be followed as the situation permits. Inherent to EOF is the decreased risk to civilians and the increased direct risk to the soldiers on the ground.

There is open acknowledgement that we, as Canadians, expect our deployed forces to exercise their ethical judgment in very tough situations. The Senate Committee noted that previously,

> …too many Afghans were getting killed. Some collateral damage is inevitable in military conflict, but every effort must be made to minimize it…it is counter-productive to gaining support of the populace, [but that]… the [CF] are making a real effort to minimize the inevitable agony of war – even when it means paying a tactical price….[144]

During the Committee visit, there was also an example of how an EOF was executed. While moving by convoy through Kandahar City, they,

> …experienced what is known as an "Escalation of Force." A taxi refused to back away from our convoy despite the fact that our soldiers were making all the physical signals to obtain the driver's cooperation. The next stage was to fire a warning shot into the ground, which stopped the driver in his tracks.[145]

The number and types of EOF vary considerably between the JTF-Afg unit/sub-unit involved because of the types and locations of their activities. For example, The Provincial Reconstruction Team worked primarily in heavily-populated Kandahar City, whereas the Battle Group worked more outside of the City. The NSE used standard routes throughout the area due to the size and configuration of their convoys. The OMLT worked very closely (and often on foot) with Afghan forces. All major units followed the same procedures, but some experienced more EOFs than others because each moved and conducted differently to accomplish their different missions.

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[144]Standing Senate Committee on National Security and Defence, *How Are We Doing in Afghanistan? Canadians Need to Know* (Ottawa: Senate, June 2008), 5.

[145]Ibid., 51.

Taking the perspective that all activities were potentially learning opportunities, the use of AARs continued on operations. As Taliban TTPs and/or the battlespace changed, JTF-Afg adapted. As part of this effort, for example, after every patrol and operation, JTF-Afg Rotation 5 NSE elements conducted a formal or informal AAR; other units also approached each event in a similar manner.[146] In many AARs, questions were raised about second and third order effects of CF actions or inaction. Due to the potential impact of causing civilian casualties, each EOF was also investigated at the unit level as directed by the Commander JTF-Afg. Learning continued.

The professional judgment exercised by the on-scene commander was/is reviewed following each EOF with a view to improving the decision-making process and actions taken. During one Rotation 5 NSE patrol, a convoy stopped at night to conduct a recovery operation. Given the nature of the road, local civilian traffic had stopped and local nationals had exited their vehicles while waiting. While the convoy commander, a Sergeant (Sgt), was disembarking troops from his armoured vehicle, a lone male driver in a small truck decided to bypass the other civilian vehicles and drive towards the stopped convoy. No amount of waving by local civilians or the general posture of the convoy stopped the oncoming truck. The Sgt did not feel that in this case that he could fire warning shots nor directly engage the vehicle with weapons without hurting local nationals. He decided to ram the vehicle with his to create distance between him and his vulnerable troops. The Sgt could do nothing about the potential suicide bomber exploding his vehicle, but he could prevent unnecessary deaths and/or injuries due to an EOF if it proved not a suicide bomber. The oncoming vehicle with its apparently impaired driver slowed and was stopped by the Sgt's vehicle with no harm to anyone.

[146]Author deployed as CO JTF-Afg NSE Rotation 5 from February to September 2008.

The Sgt was well within his legal authority to engage the vehicle in self-defence, but exercised his professional judgment and placed himself and his crew at greater risk to prevent unnecessary civilian casualties by not using his weapons. The investigation confirmed that, in a few short seconds, the Sgt had made a very sound ethical decision and well understood the second/third order effects of his actions.[147] The above example is just one of many commonplace incidents during each tour where commanders and their troops assumed greater risk to prevent civilian casualties and to achieve more long-term security by maintaining the support of Afghan nationals.

In addition to the indirect observations made by Bradley above concerning the high esteem in which Afghans held JTF-Afg's measured use of force, Afghans directly commented on TFK's restraint more recently. The Toronto Star reported,

> Haji Abdul Jabbar had lived too long with war to be fazed by rockets, and when insurgents shot one at a meeting of elders, the district governor made it a teaching moment. He told the 57 Afghan elders, many of them frightened and wondering what foreign forces could do to protect them that day at the end of April, that the real power lay in letting the attackers live. "He stood up and said, 'Look, coalition forces have the ability, right now, to bring fire from the heavens right there on the spot,'" recalled Lt.Col. Guy Jones, commander of a battalion of the U.S. Army's 82nd Airborne Division here. "He goes, But they don't,'" Jones continued…. "'Why? Because they care about the Afghan people.' 'It's not about killing criminals. It's about finding the criminals and getting them away from the population."[148]

There are also numerous anecdotes regarding the manner in which CF members accept risk where this is no use of force and, therefore, it does not make it into a Significant Incident Report nor the press, but still demonstrates moral and/or physical courage. During a Rotation 5 NSE convoy through Kandahar City and as the lead vehicle in the convoy rounded a corner, an elderly Afghan on a moped panicked, swerved and

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[147]Author deployed as CO JTF-Afg NSE Rotation 5 from February to September 2008.

[148]Paul Watson, "Canadian general sees 'deeper progress,'" *Toronto Star, http://www.thestar.com/news/canada/afghanmission/article/830152;* Internet; accessed 30 June 2010.

ran his moped into a ditch. On the recommendation of the commander of the lead vehicle, the convoy commander stopped the convoy, made safe the immediate area and rendered assistance to the accident victim. A little later, it was clear that the Afghan was merely shaken and okay. For reasons only known to the CF member involved, the soldier attending to the Afghan went back to his vehicle and fetched a cold pop for the gentlemen; the man was evidently pleased. The convoy continued a few minutes later. It is likely that ISAF made more friends than it created Taliban sympathizers that day. At the beginning of the rotation, it was unlikely that the convoy would have acted as it did that day, but their judgment and risk tolerance had improved with experience.[149] There are many other such anecdotes by those with more direct and more frequent contact with the local population.

General Stanley McChrystal (USA) was appointed as Commander ISAF last year and changed the manner in which ISAF views the application of force. In his Commander's Counterinsurgency Guidance, not only does the McChrystal highlight that civilian casualties are predictably highly counter-productive, but that, under certain conditions, Taliban casualties can be also be counter-productive.[150] Taliban casualties can create sympathy in Afghan society, and draw family and other tribal members to the Taliban cause; simple attrition warfare will not work. McChrystal points out that, "Afghan culture is founded on personal relationships. Earning the trust of the people is a large part of our mission."[151] In a declassified portion of a Tactical Directive, McChrystal puts a fine point on his approach by stating,

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[149]Author deployed as CO JTF-Afg NSE Rotation 5 from February to September 2008.

[150]General Stanley McChrystal, *ISAF Commander's Counterinsurgency Guidance*, (August/September 2009), http://www.isaf.nato.int/official-texts.html; Internet; accessed 11 July 2010.

[151]McChrystal, *ISAF Commander's Counterinsurgency Guidance*..., 5.

> We must avoid the trap of winning tactical victories – but suffering strategic defeats – by causing civilian casualties or excessive damage and thus alienating the people. While this is also a legal and moral issue, it is an overarching operational issue – clear-eyed recognition that loss of popular support will be decisive to either side in this struggle. The Taliban cannot militarily defeat us – but we can defeat ourselves.[152]

The President of the USA recently relieved McChrystal of his post as Commander ISAF, reportedly due to a magazine story in which McChrystal made comments about USA government leadership and policy. In the story, McChrystal further explained his approach in Afghanistan and made reference to the importance of commanders to mission success.[153] The article referred to the difficulties of ensuring that the commander's intent makes its way through the hierarchy in a form that still accurately encapsulates his/her intent. Given the size of JTF-Afg, this may be less of a challenge, but it is nevertheless a challenge which must be acknowledged and addressed if CF troops are to comprehend the broader strategy. The second point referred to the importance of those in command getting out on the ground and sharing the hardships and risks with their soldiers to gain clear appreciation of the impact of their decisions. Only through this shared understanding of the battlespace, can commander's intent be relevant.

General David Patraeus, the new Commander ISAF, has released a 'Letter to the Troops'. In his letter, he emphasized that the loss of innocent lives must be kept to an "absolute minimum" and that, "…we must employ all assets to ensure your safety, keeping in mind, again, the importance of avoiding civilian casualties."[154] Although Patraeus is now in command, McChrystal's policies were still accessible late July 2010

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[152]Headquarters ISAF, *Memorandum Reference: Tactical Directive*, ISAF, 6 July 2009, http://www.isaf.nato.int/official-texts.htm; Internet; accessed 11 July 2010.

[153]Michael Hastings, "The Runaway General." *Rolling Stone* 1108/1109, 22 June 2010, http://www.rollingstone.com/politics/news/17390/119236; Internet; accessed July 2010.

[154]General David Patraeus, *Letter to the Troops from Gen. David H. Patraeus*, http://www.isaf.int/article/news/a-word-from-the-commander.html; Internet; accessed July 2010.

and will officially remain in effect until new direction is issued. Even from the letter though, the new Commander appears to be more willing to use indirect fire against insurgents.

Public support in Canada is also very important in this counter-insurgency operation. Recognition of the strengths of the CF's approach has also been noted in Canada. The Minister of Defence highlighted last fall that,

> On the international front, our men and women in uniform continue to earn the respect of our allies and partners in the United Nations-mandated mission in Afghanistan. They earn this respect for their professionalism and courage, but also for their unity of effort with their civilian counterparts – and the many positive results from that.[155]

As has been acknowledged in a few sources, including comments from Ambassador Ludin, the Ambassador of Afghanistan to Canada, in a Senate Report that, intentionally or not, McChrystal essentially adopted what Canadians had been doing in recent years.[156] Since 2007, CF members deployed to Afghanistan have deployed with the understanding that short-term risks will help with overall security and lead to less overall risk. This approach requires good training and leadership, but starts with sound values. It also implies well-developed ethical decision-making by those on the ground with regard to the lawful application of force. Although the commander or soldier on the ground must quickly be able to determine whether he/she believes that they are in a lawful position to use force in self-defence or in accordance with the ROE, that same member must also decide whether they should use that force. The degree to which

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[155]Peter MacKay, Minister of National Defence, "Minister's Speech to the Standing Committee on National Defence," Speech, 8 October 2009: http://www.forces.gc.ca/site/news-nouvelles/news-nouvelles-eng.asp?cat=00&id=3176; Internet; accessed 5 May 2010.

[156]Standing Senate Committee on National Security and Defence. *Where We Go from Here: Canada's Mission in Afghanistan* (Interim Report – Special Study on the National Security and Defence Policies of Canada, prepared for the Standing Senate Committee on National Security and Defence), (Ottawa: Senate, June 2010), 16 and 17.

commanders and the troops they lead contribute to overall security is directly linked to the degree to which they make these decisions in a much larger context. The degree to which Canada and Afghanistan believe that JTF-Afg is contributing to overall security is also directly linked to these ethical decisions.

Deployments to Afghanistan have tested the CF's readiness for COIN operations. Our training and leadership have proved to be successful from the perspective of applying force where and when it is needed in a manner that supports the long-term goal of providing stability to the people of Afghanistan. The veracity of oft quoted phrase that 'the people are the prize' should be obvious. As noted in the Manley Report in 2008,

> For these reasons, ISAF and Afghan commanders must take every precaution to respect local culture, and to prevent civilian casualties in military operations. These unintended civilian casualties cause deplorable suffering among innocent victims while undercutting the essential objective of securing public support. The numbers of Afghan civilians killed in conflict have doubled since 2005. Whether they die from suicide bombers, improvised explosives or ISAF bombing, the effect on public sentiment is inevitably demoralizing. In addition, insurgents exploit deaths caused by ISAF operations in Taliban propaganda.[157]

Canada committed its forces to the more dangerous Kandahar region and empowered them to take on any mission assigned by ISAF. The Use of Force Directives, given to deployed forces for self-defence and as part of their ROE authorities, allows JTF-Afg to accomplish its mission. These Use of Force Directives require considerable judgment by those on the ground. In training, the deploying forces gain experience, but they will continue to gain experience and need to turn observations into lessons learned while involved in operations. The AAR process used in training has proved valuable on

[157]Independent Panel on Canada's Future Role in Afghanistan, *Final Report...*,15.

operations. As the battlespace changed so did TTPs; JTF-Afg successfully adapted to a new battlespace in Spring 2007.

As noted in 2007 by Commander JTF-Afg, the battlespace changed from one where the Taliban directly confronted ISAF and where suicide bombers were a large threat to one where the Taliban were less direct and where IEDs became the weapon of choice. The deployed forces had to change their TTPs to ensure that they were not protecting their own forces at the expense of the very people that suffering the insurgency. This meant that CF members had to accept greater short-term risk for better long-term security. JTF-Afg displayed a clear understanding of the principles of responsibility, discrimination and proportionality. Although it may have been a somewhat difficult transition, the deployed forces understood the reasoning and future rotations trained for this new battlespace. The new manner in which Canadians conducted themselves maintained public support in Canada and, as importantly, the support of local nationals.

Although not without its challenges, JTF-Afg has been operating in a manner that supports the political objective of defeating the insurgency in Afghanistan and that has gained the attention of Commander ISAF in 2009. As was highlighted by a former unit CO above, the actions of our junior leaders have and will continue to have a strategic impact; these junior leaders understand command intent and the second/third order effects of their actions. The CF needs to ensure that it provides sound leadership and continues to prepare these young leaders for operations in a complex battlespace where their long-term security is directly impacted by the manner in which they make decisions regarding their own security.

CONCLUSION / CF ETHICAL DECISION-MAKING IN AFGHANISTAN

CHAPTER 5

Canada's deployment of the CF and other Whole of Government elements to Afghanistan to combat terrorism and to help the people of Afghanistan shows significant commitment. The people of Canada have committed their force of last resort to the UN-supported and NATO-led operation in Afghanistan. Canadians expect their CF members to act in accordance with the law and the best of Canadian values. The CF, for their part, uses their resources to prepare their troops prior to deployment and to support them while on operations. As JTF-Afg continues to try to improve overall security in the Kandahar region, it can expect its members to have to continue to make critical decisions that will have long-range effects. The degree to which our deployed soldiers make sound ethical decisions will determine the level of public support, in Canada and Afghanistan, and of mission success.

This thesis argued that CF members often exhibit a unique understanding of the difference between moral obligations and lawful permissions, even adapting and applying consideration of second and third order effects of action in tactical operations in Afghanistan. A review of related literature was used to explain the theoretical basis for the development of professional and ethical leaders. General readiness, pre-deployment training and leadership were explained as enablers to ethical decision-making. Lastly, the manner in which Canada and the CF have approached the mission in Afghanistan was covered to demonstrate the level of success in applying the theory; questionnaires were used to bridge the gap in available unclassified information between the manner in which

force was applied during Winter 2006/2007, where suicide bombers were a great threat, and more recently, where IEDs seem to be the greatest physical threat.

As the country's representatives, the CF should openly reflect Canadian values. The CF has incorporated the need to exemplify these values. The theory has been explained through a comprehensive series of publications that are available to its members and are introduced, reviewed and reinforced at different levels in training, and by the chain of command. Other complementary publications, such as Gabriel's The Warrior's Way, help all leaders understand why ethical decision-making matters. Deploying soldiers must have a very clear understanding of the LOAC and the underlying principles of discrimination, proportionality and responsibility. Their understanding of the underlying principles are specifically addressed as part of general readiness, repeatedly exercised as part of pre-deployment training, and often discussed and exercised in theatre. Over the past decade, this information has been made widely available to CF members and more widely discussed, in one part due to the availability of the information on the Internet and DND Intranet, but in another, because Canada has committed forces to Afghanistan. The Canadian Army, for example, recently published their new Army Ethics Programme on the Internet.

Ethical decision-making must be embodied in good leadership, but it must be developed and exercised. All deploying members become leaders because they are charged with making ethical decisions not only on their own behalf, but also on behalf of other soldiers and perhaps civilians, with potential long-term effects. Some leaders are given command and they are responsible to clearly explain their command intent so that organizational goals are met. Greater long-term security and mission success are

dependent upon near-term ethical decisions and actions. Leadership plays an extremely large part in mission success.

Afghanistan has tested the theory. Members of JTF-Afg have demonstrated an ability to turn values into action, and have proved much of the theory. They have employed and adapted the TTPs from training to operations. They have also maintained a learning environment, through the use of AARs and investigations, to continue to adapt to their ever-changing and complex battlespace. As the conditions on the ground changed after Operation MEDUSA, JTF-Afg followed their Commander's Intent and adapted their TTPs to their then new battlespace. The changes had to be placed in a larger context as the new TTPs required considerable trust in the chain of command and an appreciation that short-term risks would lead to greater longer-term security. Two years later, ISAF adopted an approach very similar to that of JTF-Afg to achieve better overall security and mission success. COIN operations in Afghanistan have demanded low-level and rapid decision-making. The ethical decision-making by JTF-Afg soldiers on the ground has maintained a decent level of public support both in Canada and Afghanistan. If poor decisions had been made by the leadership and other members of JTF-Afg, it is unlikely that there would be the same level of support for the deployed forces. In this way, support for and success to date in Afghanistan has been more dependent on CF actions and reactions than on those of the Taliban; it has been more of an 'us versus us' issue.

When he was Commander 1 CMBG in Edmonton, Major-General Beare used to stress the need for all of his soldiers to be, "tactically expert, operationally focused and

strategically aware."[158] His point was clearly that all soldiers must be aware that everything they do, they do in a much larger context; CF members who have deployed seem to understand that concept. The ethical component of general readiness should be clearly understood not only by the chain of command and those who have recently deployed, but also throughout the organization. With mission termination in 2011, additional anecdotal and 'lessons learned' information on the application of force should be more available to enhance all ethics training. By consolidating observations from Operation ATHENA and making them the key 'hands-on' component of general readiness training across the CF, the military will have succeeded in turning nicely presented theory into institutional 'lessons learned' that should endure and can be readily adapted to future operations.

This paper demonstrated that the CF has incorporated both ethics and law into their doctrine and the training of forces for Afghanistan. The second/third order effects of related decision-making are greatest borne by those making those daily decisions in Afghanistan. The use of force is authorized and controlled by law, but its application is dependent of those most closely involved. The related use of force direction and laws are authorities, not obligations. Could doesn't mean should, and it has been demonstrated that the CF have prepared their members to appreciate this distinction and that deployed members have largely been making sound ethical decisions in Afghanistan.

[158]Author worked directly for then Colonel Beare as G4 1 CMBG from 2001 to 2003.

LIST OF ACRONYMS

1 CMBG	1 Canadian Mechanized Brigade Group
AAR	After Action Report
AEP	Army Ethics Programme
CF	Canadian Forces (also known as Canadian Armed Forces)
CFC	Canadian Forces College (in Toronto)
CFJP	Canadian Forces Joint Publication
CLS	Chief Land Staff (also known as the Commander of the Army or of Land Forces Command)
CO	Commanding Officer
COE	Contemporary Operating Environment
CoE/COE	Centre of Excellence
COIN	Counter-Insurgency
CT	Collective Training
DDE	Doctrine of Double Effect
DND	Department of National Defence
EOF/EoF	Escalation of Force
FE	Force Employer
FG	Force Generator
HR	High Readiness
IAW	In Accordance With
IBTS	Individual Battle Task Standard
ISAF	International Security Assistance Force (in Afghanistan)
JTF-Afg	(Canada's) Joint Task Force Afghanistan
LFWA	Land Forces Western Area
LOAC	Laws of Armed Conflict
MCpl	Master-Corporal
NATO	North Atlantic Treaty Organization
NSE	National Support Element
OMLT	Operational Mentoring and Liaison Team
OODA	(Boyd's) Observe, Orient, Decide, and Act (Decision Cycle)
PD	Professional Development
ROE	Rules of Engagement
Sgt	Sergeant
Sr NCO	Senior Non-Commissioned Officer (or Sergeant)
TFK	Task Force Kandahar
TTPs	Tactics, Techniques and Procedures
WO	Warrant Officer
UN	United Nations
USA	United States of America

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