



## An Analysis of CAF Values and Ethics on Operations

Major Anas Raja

### JCSP 49

#### Master of Defence Studies

##### Disclaimer

Opinions expressed remain those of the author and do not represent Department of National Defence or Canadian Forces policy. This paper may not be used without written permission.

© His Majesty the King in Right of Canada, as represented by the Minister of National Defence, 2023.

### PCEMI n° 49

#### Maîtrise en études de la défense

##### Avertissement

Les opinions exprimées n'engagent que leurs auteurs et ne reflètent aucunement des politiques du Ministère de la Défense nationale ou des Forces canadiennes. Ce papier ne peut être reproduit sans autorisation écrite.

© Sa Majesté le Roi du chef du Canada, représenté par le ministre de la Défense nationale, 2023.

CANADIAN FORCES COLLEGE - COLLÈGE DES FORCES CANADIENNES

JCSP 49 - PCEMI n° 49  
2022 - 2023

Master of Defence Studies – Maîtrise en études de la défense

**An Analysis of CAF Values and Ethics on Operations**

Major Anas Raja

*“This paper was written by a candidate attending the Canadian Forces College in fulfilment of one of the requirements of the Course of Studies. The paper is a scholastic document, and thus contains facts and opinions which the author alone considered appropriate and correct for the subject. It does not necessarily reflect the policy or the opinion of any agency, including the Government of Canada and the Canadian Department of National Defence. This paper may not be released, quoted or copied, except with the express permission of the Canadian Department of National Defence.”*

*« La présente étude a été rédigée par un stagiaire du Collège des Forces canadiennes pour satisfaire à l'une des exigences du cours. L'étude est un document qui se rapporte au cours et contient donc des faits et des opinions que seul l'auteur considère appropriés et convenables au sujet. Elle ne reflète pas nécessairement la politique ou l'opinion d'un organisme quelconque, y compris le gouvernement du Canada et le ministère de la Défense nationale du Canada. Il est défendu de diffuser, de citer ou de reproduire cette étude sans la permission expresse du ministère de la Défense nationale. »*

## TABLE OF CONTENTS

|   |     |
|---|-----|
| Table of Contents   | ii  |
| Abstract  | iii |
| Chapter   |     |
| 1. Introduction   | 1   |
| 2. Law, Ethics, Value and Morality                                      | 5   |
| Legal Frameworks  | 8   |
| CAF Ethical Frameworks  | 19  |
| 3. Application of Ethics in Combat                                      | 24  |
| Case Study 1  | 26  |
| Case Study 2  | 37  |
| 4. Ethical Frameworks for Deployed Operations                           | 46  |
| Ethics and Values based framework for Operations: Ethics Based Analysis | 47  |
| Ethical Principles  | 54  |
| 5. Evolving Warfare   | 59  |
| Conclusion  | 61  |
| Limitations and Recommendations for Future Study                        | 63  |

## Bibliography

65

## **THE MISSING CHAPTER: AN ANALYSIS OF CAF VALUES AND ETHICS ON OPERATIONS**

### **ABSTRACT**

The intent of this paper is to examine the concept of Canadian Armed Forces (CAF) ethics and values on operations. The current Department of National Defence and Canadian Forces Code of Values and Ethics was released in 2012, and chapter II is titled “Values and Ethics in Operations”, however, to date, the chapter has not been written.

This paper argues that the absence of ethical guidance on operations exposes the CAF to legal and ethical risk. Through an examination of the legal and ethical concepts and frameworks applicable to operations in the CAF, and an analysis of two case studies from the war in Afghanistan: the arrangements for the transfer of detainees between the Governments of Canada and Afghanistan to transfer captured Taliban combatants from Canadian to Afghan custody that were signed in 2005 and 2007 and the Board of Inquiry - Allegation of assault of a civilian by Afghan National Security Forces and the Canadian Forces Response to such incidents, dated 07 October 2008. This paper argues that the CAF is at legal and ethical risk and is putting its members at risk of moral and ethical harm due to a lack of values and ethics-based direction on operations

This paper outlines a proposed ethical framework, the Ethics Based Analysis (EBA) framework, along with three ethical principles to be applied within the context of operational deployments. This framework can fill the gap in ethical guidance, if applied as part of the planning and conduct of operations in the CAF. If implemented correctly this proposed framework enables the CAF to institutionalize an ethics-based perspective in the planning and conduct of operations.

Finally, there is a brief examination of the evolving nature of war and how the need for values based ethical guidance is only going to grow as the nature of combat becomes more complex. The case studies in this paper highlight the ethical risks and harms that result from a lack of values and ethics guidance on operations. The examination of the evolving nature of warfare highlights not only that those risks are still going to be there in the future, but that there are going to be additional complexities on operations that have not adequately been examined or considered through an ethical lens.

The potential for ethical harm and risk to the CAF and CAF personnel on operations is too high to ignore. The CAF cannot afford to fall behind as a contemporary fighting force. It must be ready for the challenges of today and tomorrow, and that includes in the ethical realm.

## CHAPTER 1

### Introduction

The Canadian Armed Forces Ethos: Trusted to Serve is the most essential doctrine in the Canadian Armed Forces (CAF). It must guide our conduct and performance at all times, both on- and off-duty.<sup>1</sup>

In order to work effectively together, DND and the CF must operate from ethical principles, values and expected behaviours that can provide a common basis for the Defence Team, while respecting the unique mandates and terms of services of CF members and DND employees. The Department of National Defence and Canadian Forces Code of Values and Ethics (DND and CF Code of Values and Ethics) provides exactly that.<sup>2</sup>

According to the government of Canada, the role of the Canadian Armed Forces (CAF) is to “defend the values, interest and sovereignty of Canada at home and abroad, by supporting freedom, democracy, the rule of law and human rights around the world.”<sup>3</sup> To guide CAF members on how to uphold these values the CAF has provided two documents that together comprise foundational doctrine on conduct and performance of CAF members: *The Department of National Defence (DND) and Canadian Armed Forces Code of Value and Ethics* (herein referred to as the Code of Values and Ethics) and the *Canadian Armed Forces Ethos: Trusted to Serve* (herein referred to as the CAF Ethos). They cannot be separated; the Code of Values and Ethics explicitly states that it is to be taken in conjunction with the CAF Ethos. Collectively the two function as the framework for the Defence Ethics Programme (DEP), the DND/CAF comprehensive and values-based ethics program. The aim of the program is to enable the practice of ethical decision making of DND/CAF personnel while in the workplace and on while on operations.<sup>4</sup> As the comprehensive and foundational documents on ethical decision making for DND/CAF personnel, these documents are the cornerstone upon which the ethical culture of the CAF is built. However, upon closer examination of the CAF Ethos and Code of Values and Ethics, there are areas of concern that become apparent. Specifically, with regards to the ethical conduct of operations in the CAF, primary function and role of CAF personnel.

The intent of this paper is to examine the concept of ethics and values on operations within the CAF. The current Code of Values and Ethics was released in 2012, and chapter II is

---

<sup>1</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*, 2022, 2, <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/canadian-armed-forces-ethos-trusted-to-serve.html>.

<sup>2</sup> Department of National Defence, ed., *Department of National Defence and Canadian Forces Code of Values and Ethics*, 2020, 3, <https://www.canada.ca/en/department-national-defence/services/benefits-military/defence-ethics/policies-publications/code-value-ethics.html>.

<sup>3</sup> "About the Canadian Armed Forces", Department of National Defence, accessed 26 January 2023 <http://www.forces.gc.ca/en/about/canadian-armed-forces.page>.

<sup>4</sup> "Defence Ethics Programme", Department of National Defence, 17 June 2021, <https://www.canada.ca/en/department-national-defence/services/benefits-military/defence-ethics/about/vision-mission.html>.

titled “Values and Ethics in Operations”, however, the chapter has not been written yet. It simply states “This Chapter is to be developed by the CRS through the Director Defence Ethics Programme in partnership with Level One stakeholders from the Canadian Forces and the Department of National Defence that are significantly involved in military operations at home and abroad.”<sup>5</sup> The Canadian Defence Academy (CDA) has been tasked as the lead organization to draft this chapter, however, as of the writing of this paper, no timeline for release been given.

In light of multiple ethical and legal breaches of conduct by senior leadership, there is a concerted effort being made to change both culture and conduct within the organization. Since 2021, the CAF has launched a new defence ethics training package called conversations in defence ethics (CODE), released a new ethos, and stood up a new level one organization called “Professional Conduct and Culture”.<sup>6</sup> All of this in an effort to change the culture of the organization and re-instill public trust in the institution.<sup>7</sup> The CAF would like Canadians to believe that it is taking a hard look in the mirror and doing what is necessary to fix some deeply rooted challenges that exist within the organization. However, nothing has been done to date to address what seems to be a gap in guidance during deployed operations. It is startling and disconcerting that an elaboration of values and ethics on operations has yet to be written, even 10 years later. Without a holistic examination of all aspects of values and ethics, the CAF is at risk of being short sighted and looking like it is virtue signaling.<sup>8</sup> This would undermine all the effort that has been undertaken to date to redefine the CAF as a trusted institute. All ethical decision making in the CAF is expected to be done in compliance with and subject to the CAF Code and Ethos. However, if there is an absence of clear ethical direction on operations, individuals are left to make ethical decisions individually, opening up the risk for relative applied ethics in operations. This puts the CAF and its members at ethical and legal risk on operations.

This paper argues that the absence of ethical guidance exposes the CAF to legal and ethical risk. Chapter two will first define the terms ethics, law, values and morals, followed by an examination of the legal and ethical frameworks that are applicable to operations in the CAF. Chapter three will then examine the potential harm that can result from a lack of values and ethics-based direction on operations. This will be done through the study of two case studies from the war in Afghanistan: the arrangements for the transfer of detainees between the

---

<sup>5</sup> Department of National Defence, ed., *Department of National Defence and Canadian Forces Code of Values and Ethics*.

<sup>6</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*; National Defence, ‘About the Conversations on Defence Ethics (CODE)’, education and awareness, 11 November 2020, <https://www.canada.ca/en/department-national-defence/services/benefits-military/defence-ethics/prof-dev-day-ethics/aboutpd.html>; National Defence, ‘Chief Professional Conduct and Culture’, 29 April 2021, <https://www.canada.ca/en/department-national-defence/corporate/organizational-structure/chief-professional-conduct-culture.html>.

<sup>7</sup> Charlotte Duval-Lantoine, “Comprehensive Culture Change in the CAF: From Buzzword to Actionable Items”, *Canadian Global Affairs Institute*, May 2021, [https://www.cgai.ca/comprehensive\\_culture\\_change\\_in\\_the\\_caf\\_from\\_buzzword\\_to\\_actionable\\_items](https://www.cgai.ca/comprehensive_culture_change_in_the_caf_from_buzzword_to_actionable_items); Irina Goldenberg, Stéfanie von Hlatky, and Thomas Hughes, “The Many Faces of Diversity in the Military and the Need for Culture Change”, *Journal of Military, Veteran and Family Health* 8, no. s1 (April 2022): 1–3, <https://doi.org/10.3138/jmvfh.8.s1-001>.

<sup>8</sup> Oxford dictionary defines virtue signaling as: “To express oneself or act in a way thought to be motivated primarily by a wish to exhibit one’s good character, social conscience, political convictions, etc., or to garner recognition and approval.” (Oxford English Dictionary, “virtue Signal, v.”, n.d., <https://www.oed.com/view/Entry/90114466?redirectedFrom=virtue+signal>.)

Government of Canada and the Government of the Islamic Republic of Afghanistan to transfer captured Taliban combatants from Canadian to Afghan custody that were signed in 2005 and 2007 and the Board of Inquiry - Allegation of assault of a civilian by Afghan National Security Forces and the Canadian Forces Response to such incidents, dated 07 October 2008. Both of these case studies will examine the ethical harm and risk to CAF personnel of conducting operations in a theatre without a proper ethics framework in place. Chapter four will outline a recommended ethical framework that could be applied as part of the planning and conduct of operations in the CAF. Finally, chapter five will examine the evolving nature of war and how the need for values based ethical guidance is only going to grow as the nature of combat becomes more complex. This chapter will also briefly examine potential future areas of research.



## CHAPTER 2

### Law, Ethics, Values and Morality

In order to properly frame the discussion around values and ethics of the CAF on deployed operations, there must be clarity on what the terms being used in the discussion mean. Therefore, when discussing the concepts of law, ethics, values and morals/morality, the following definitions will be used. Depending on the perspective, one takes, there are many different definitions and interpretation of what the term law means. For the purpose of this paper, the United Nations (UN) security council definition of the rule of law which “refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.”<sup>9</sup><sup>10</sup> Ethics on the other hand, is a branch of philosophy that examines and is concerned with what is right and wrong, good or bad.<sup>11</sup><sup>12</sup>

In discussing values and ethics in the CAF, it is important to note that there is a difference between ethics and law, and ethical behavior and legal behavior in the context of the military and armed conflict. Both are related, in that both outline how things ought to be, and both are put in place to provide rules and principles that are meant to guide the actions of military actors. Additionally, both rely on the reasoning of general principles and value the analysis and judgement of those who have come before and examined the appropriate application of their respective principles.<sup>13</sup>

However, there are differences between the two as well, and it is these differences that best explain why the law in and of itself is insufficient in governing the conduct of armed conflict. The most obvious difference is that law is enforceable through a set of predetermined procedures and institutions to ensure compliance and to outline consequences or penalties for non-adherence. This is missing from ethics in that ethics provide guiding principles, but adherence is typically voluntary and at individual discretion.<sup>14</sup> The two also differ in one key way, in that the law establishes the minimal acceptable standard for behavior, whereas ethics, generally, attempt to draw people to higher standards of conduct that are more than simply meeting the legal threshold requirement.

There are two more concepts that needs to be examined and defined in this discussion: values and morals/morality. The term values is meant to describe standards of acceptable or

---

<sup>9</sup> "What Is the Rule of Law", United Nations and the Rule of Law, accessed 5 May 2023, <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>.

<sup>10</sup> Haxhi Xhemajli, "The Role of Ethics and Morality in Law: Similarities and Differences", *Ohio Northern University Law Review* 48, no. 1 (2022 2021): 81–94.

<sup>11</sup> Xhemajli.

<sup>12</sup> This is a rather simplistic definition of ethics that enables the discussion and comparison between law and ethics. There will be a more detailed discussion of ethics in the next section of this chapter.

<sup>13</sup> Martin Cook L., "Reflections on the Relationship between Law and Ethics", *Adelaide Law Review* 40, no. 2 (January 2019): 485–503, <https://doi.org/10.3316/agispt.20191128020693>.

<sup>14</sup> Some professional regulatory bodies such as those of law and various health care occupations enact ethical codes of conduct which are binding and in which case, breaches of codes of conduct can result in disciplinary action, however, that is not the focus of this paper.

desirable behavior that both direct and set limits on individuals or groups.<sup>15</sup> The concept of morals and morality is a little more difficult to define, and although there are many schools of thoughts and frameworks within which to define the concept of morality, most agree that morals are a social construct that encompass some form code of conduct that is endorsed by an individual or group that is meant to be followed.<sup>16</sup> There is one distinction between these two concepts that is vital to understand in the context of this discussion. Where morals are personal beliefs internalized by individuals or groups, values can be imposed upon people.<sup>17</sup>

Morals and values differ from laws and ethics. Whereas laws and ethics are concerned with establishing and regulating the acceptable conduct of society, values and morals are meant to guide individuals in their own beliefs of right and wrong. The distinction between laws and ethics and morals and values within the context of military operations and armed conflict is important. Based on these definitions morals and values should be influenced by the laws and ethics of the society in which an individual exists. This is important to keep in mind throughout the discussion, as this paper is focused on *how* the CAF can influence individual morals and decision making through the proper understanding and application of values, ethics, and laws.<sup>18</sup> Ultimately, each individual will decide their own morals, however, the CAF through the foundational doctrine of the DEP establishes the organizational values and ethics-based standards that those morals must be compliant with. With this understanding what these concepts mean, this paper will now examine how they interact within the legal and ethical constructs of the CAF.

## Legal Framework

This paper will now examine the foundational documents on ethics and values in the military environment providing a brief synopsis on their content in order to inform the follow-on conversation on ethics and values as they apply to the profession of arms in an operational context.

Although barbaric and often uncivilized, war is not an unregulated affair. On the contrary, armed conflict is highly regulated, with robust national and international laws and conventions governing its conduct. Generally speaking, conflict is governed by the Laws of Armed Conflict (LOAC) which is based on international law, respective national laws which govern military operations, and treaty laws such as the Hague and Geneva Conventions.<sup>19</sup> In

<sup>15</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*.

<sup>16</sup> Andrés Luco, "The Definition of Morality: Threading the Needle", *Social Theory & Practice* 40, no. 3 (July 2014): 361–87, <https://doi.org/10.5840/soctheorpract201440324>; David Wong, "Morality, Definition Of", in *International Encyclopedia of Ethics* (John Wiley & Sons, Ltd, 2019), 1–9, <https://doi.org/10.1002/9781444367072.wbiee671.pub2>; Bernard Gert and Joshua Gert, "The Definition of Morality", in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2020 (Metaphysics Research Lab, Stanford University, 2020), <https://plato.stanford.edu/archives/fall2020/entries/morality-definition/>.

<sup>17</sup> The intent of this paper is a focused examination of law, ethics and values as these are the concepts that are within the control of the CAF to change and shape. Although morals are an important part of what creates an organizations ethical culture, they are not within the control of the CAF to change, as such there will be less of an emphasis on the examination of morals.

<sup>18</sup> Trusted to Serve defines morals as "the beliefs held by a person or community about what is right or good in conduct. Morals can be handed down by tradition; they need not come from a study of ethics, but when parties disagree about morals, ethics become necessary."

<sup>19</sup> Cook, "Reflections on the Relationship between Law and Ethics".

Canada, the military and its conduct is governed through the Constitution of Canada (Constitution) and by Parliament through the National Defence Act (NDA), which in turn governs military regulations such as the Queen's Regulations and Orders (QR&Os), the Defence Administrative Orders and Directives (DAODs) and Canadian Armed Forces Generated Messages (CANFORGENs) among other policies and regulations.. All of these regulations combined, both national and international, provide the legal governing framework for the conduct of military activities within the CAF both within Canada and internationally while on operations. However, armed conflict and war is also governed by values and ethics. In Canada, there are ethical principles that Canadians expect the CAF to abide by. If one is to properly analyze and understand the proper application of values and ethics within the CAF, it is therefore important to understand not just the legal framework, but also the values and principles that underpin this legal framework as well as the values and ethics framework that governs the conduct of CAF personnel while engaging in the activities of war. These frameworks combine to create an operating space which then governs and guides the actions of CAF personnel to ensure that their decisions are line with those that would considered acceptable to Canadian society. The government of Canada and the CAF recognize this and thus created the CAF ethos as the foundational document which governs the actions and decisions of CAF personnel.<sup>20</sup>

The CAF defines Ethos as:

The fundamental character or spirit of a culture; the underlying sentiment that informs the beliefs, customs or practices of a group or society. It is the foundation upon which the legitimacy, effectiveness and trust of the Canadian Armed Forces depend. The military ethos comprises principles, values and expectations that reflect core Canadian values, the imperatives of military professionalism and the requirements of operations.<sup>21</sup>

From the above statement it can be inferred that any action taken by the CAF needs to reflect the core values and beliefs inherent in public service and Canadian society. As previously mentioned, there are several legal documents that collectively form the LOAC for the CAF; however, that is not the subject of this examination. Rather the context of this discussion is the hierarchical examination of the governing documentation on values and ethics in the CAF. There are several documents that collectively form the doctrinal and legal foundation for what are considered CAF values and that govern the application of CAF values in all military contexts. These documents are: the Canadian Constitution and the Canadian Charter of Rights and Freedoms, the Values and Ethics Code for the Public Service, the CAF/DND Code of Values and Ethics and the CAF Ethos. The final two documents form the doctrinal foundation for what is known as the Defence Ethics Program (DEP). This section will examine each of those documents individually, to explore how they contribute to creating what is the current framework for ethics and values-based decision making in the CAF.

---

<sup>20</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*.

<sup>21</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*, 55.

## The Constitution of Canada

The Constitution of Canada consists of the Constitution Act, 1867 and the Constitution Act, 1982, and is the supreme law of Canada. It reaffirms the dual legal system of Canada and lays out the basic principles of democracy in Canada.<sup>22</sup> The Constitution Act, 1867 grants the federal government the authority and responsibility to create and maintain a military force for the defence of Canada.<sup>23</sup>

The second part of the Constitution, the Constitution Act, 1982 is the Canadian Charter of Rights and Freedoms (Charter). The Charter outlines the guaranteed fundamental rights and freedoms of all people (citizens and non-citizens) who reside in Canada. The Charter protects the dignity, security and well-being of all the people of Canada, setting the parameters within which all activities in Canada must operate. As will be examined later in this paper the scope and reach of the Charter has been tested to determine the limitations of its applicability. However, what is key to this discussion is the fact that the CAF as a Government of Canada organization, must operate within its parameters. The key rights enshrined in the Charter are: democracy, equality, individual freedoms (such as the freedom of religion, conscience speech and opinion), mobility rights (the rights to enter, remain in and leave Canada), and language rights (the right to communicate with the federal government in either of the official languages of English or French).<sup>24</sup>

There are two important factors to consider when examining the Charter. Firstly, Charter rights are also not absolute. Under section 1, the reasonable limits clause, rights and freedoms can be limited to protect other rights or national values.<sup>25</sup> Early in the Court's jurisprudence, the Oakes test was established to determine when it is appropriate to limit a charter right.<sup>26</sup> Under Oakes, there must be a pressing and substantial objective, the means used must be both rationally connected and proportional to the objective sought, and finally there any must impair the right as little as possible.<sup>27</sup>

Secondly, that the Charter is meant to be interpreted substantively and purposively in a generous manner and in such a way that the right must be understood in light of the interest that it was meant to protect.<sup>28</sup> Both of these points will be important later in this paper when

---

<sup>22</sup> Department of Justice, "The Canadian Constitution - About Canada's System of Justice", 7 September 2016, <https://www.justice.gc.ca/eng/csj-sjc/just/05.html>. Originally enacted in 1867 by an act of the British Parliament, originally titled the British North America Act, 1867, with the intent of uniting the British Colonies of the United Province of Canada, Nova Scotia and New Brunswick.

<sup>23</sup> Legislative Services Branch, "Consolidated Federal Laws of Canada, THE CONSTITUTION ACTS, 1867 to 1982", 7 August 2020, <https://laws-lois.justice.gc.ca/eng/const/page-12.html>.

<sup>24</sup> Legislated Services Branch.

<sup>25</sup> Canadian Heritage, "Guide to the Canadian Charter of Rights and Freedoms", 23 October 2017, <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>.

<sup>26</sup> R. v. Oakes - SCC Cases [1986] 1 S.C.R. 103, accessed 24 April 2023, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/117/index.do>.

<sup>27</sup> R. v. Edwards Books and Art Ltd. - SCC Cases [1986] 2 S.C.R. 713, accessed 24 April 2023, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/189/index.do>.

<sup>28</sup> R. v. Poulin - SCC Cases [2019] 3 S.C.R. 566, accessed 24 April 2023, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/17964/index.do>.

examining the CAF/DND Code of Values and Ethics on operations, as they must be considered when looking at the ethical framework of the CAF.

However, beyond the legal construct of the Constitution, there is a key judicial interpretation of the Constitution that informs the conversation on values and ethics in the CAF. This judgement is essential to the discussion at hand as it provides, at least partially, an answer to the question: what are Canadian values?

A 1998 Supreme Court judgement in *Reference re Secession of Quebec*, partially answers that question. In rendering their decision in this case, the Court outlined that the Constitution is more than just a written text, it is rather “a global system of rules and principles which govern the exercise of constitutional authority.”<sup>29</sup> The decision goes on to explain that those principles are: federalism, democracy, constitutionalism and the rule of law, and respect for minorities, and that those principles must inform the appreciation of constitutional rights and obligations.<sup>30</sup> In essence, in rendering their decision, Supreme Court determined core foundational values of Canada and Canadian democracy—especially those on which the constitution is effectively silent. This, by extension, is essential to any discussion of values and ethics within the CAF, as when the Ethos states that it reflects Canadian values, it must at a minimum include the principles as they are outlined above.

Of interest to the discussion is not the legal force of either the Constitution or of the Court decision in *Reference re Secession of Quebec*. There are underlying values and ethics that are inherent in the Constitution and in the Court decision. It is important to understand these underlying principles and how they affect the values and ethics of the government of Canada including the CAF.

### The Values and Ethics Code for the Public Service

The Values and Ethics Code for the Public Service sets forth the values and ethics of public service to guide and support public servants in all their professional activities. It will serve to maintain and enhance public confidence in the integrity of the Public Service.<sup>31</sup>

According to the Values and Ethics Code for the Public Service (Public Service Code), there are four fundamental values that all Public Servants must uphold: democratic, professional, ethical, and people values. Democratic values speak to the requirement to serve the public interest in assisting and providing advice federal ministers. Professional values refer to competence, excellence, efficiency, objectivity and impartiality—these values are similar to the values embedded in many professional codes of conduct. Ethical values refer to acting at all times in such a way so as to uphold public trust. Finally, people values refer to acting with respect, fairness, and courtesy when engaging with others<sup>32</sup>. These values are not meant to be

<sup>29</sup> Reference Re Secession of Quebec - SCC Cases [1998] 2 S.C.R. 217, accessed 24 April 2023, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do>.

<sup>30</sup> Reference Re Secession of Quebec - SCC Cases [1998] 2 S.C.R. 217.

<sup>31</sup> Government of Canada, ed., *Values and Ethics Code for the Public Service*. (Ottawa, 2003).

<sup>32</sup> Government of Canada, ed., *Values and Ethics Code for the Public Service*.

seen as distinct, but rather overlapping values that provide an overarching values framework for the federal public service.

This document is the overarching guiding document for values and ethics of all non-elected members of government and the public service writ large. It provides a broad overview of expected norms and a framework for behavior and ethical decision making. However, it is not intended to be a stand-alone document. In addition to this document, Public Service employees must also comply with any specific conduct requirements contained in the governing documentation for their specific department or organization as well as any provisions for conduct that may be laid out in federal legislation such as: the criminal code of Canada, Public Service Employment Act or Public Service Staff Relations Act, to name a few.<sup>33</sup>

As a condition of employment all Public Service employees must acknowledge their understanding of the Public Service Code and that compliance with it is a condition of employment. Additionally, they are required to report any potential violations including conflict of interest violations immediately, but no later than 60 upon appointment to a new position. Additionally, there are various reporting mechanisms built into the system to enable the enforcement and resolution of any violations. Failure to comply with any of the provisions within the Public Service Code, could result in disciplinary actions up to and including termination.<sup>34</sup>

While the Public Service Code outlines additional specific values not listed in the Constitution, there are themes that are similar and as a result one can begin to see recurring ideas developing on what can be viewed as Canadian values. Federalism, democracy and respect of minorities laid out by the Court in the *Reference re Secession of Quebec* decision are in line with principles of competently and professionally serving and upholding public interest that are found in the democratic, professional and people values of the Public Service. They are also in line with the principles of the Canadian Human Rights Act, which protects Canadians from being discriminated against on prohibited grounds such as race, age, gender or sexual orientation.<sup>35</sup> These principles and values (such as professionalism, putting public interest first and protecting individual rights) are the standards of acceptable practice for all public service employees. They also inform and influence the values and ethics of the government of Canada, which in turn influences the values and ethics of the CAF.

#### Department of National Defence and Canadian Forces Code of Values and Ethics

The Department of National Defence (DND) and the Canadian Forces (CF) have a special responsibility for the defence of Canada, its people and its parliamentary democracy. Discharging this responsibility requires, among other things, a commitment by the Department of National Defence and its employees, and the

---

<sup>33</sup> Government of Canada, ed., *Values and Ethics Code for the Public Service*.

<sup>34</sup> Government of Canada, ed., *Values and Ethics Code for the Public Service*.

<sup>35</sup> Legislative Services Branch, 'Consolidated Federal Laws of Canada, Canadian Human Rights Act', 31 August 2021, <https://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html#h-256795>. This is not an exhaustive list of prohibited grounds, there are further grounds listed in the legislation.

Canadian Forces and its members, to apply the highest ethical standards in all decisions and actions, whether at home or abroad.<sup>36</sup>

The Department of National Defence and Canadian Forces Code of Values and Ethics (CAF Code) is meant to reinforce and expand on the expected behaviors that are outlined in the Public Service Code.<sup>37</sup> This document is also one of the two main doctrinal documents that form the foundation of the DEP. The intent is to describe the common values and expected behaviors that guide DND and CAF personnel in the performance of their duties. It outlines three ethical principles in order of priority: respect the dignity and rights of all persons, service to Canada before self, and obedience to and support for lawful authority. Five specific values are outlined: integrity, loyalty, courage, stewardship and excellence. Associated with each of these principles and values are expected behaviors essential to implementing those values and principles. Principles take priority over the values, and in case of doubt or practical application, DND/CAF personnel must use the principles as a guide to the application of values. This provides a comprehensive guiding framework on expected and acceptable behavior of CAF and DND personnel. The document provides detailed guidance on how to manage conflicts of interest, and how to report and disclose any wrongdoings or violations of the code.<sup>38</sup>

Critical to this analysis is the fact that CAF personnel have an obligation to discharge their duties to the highest ethical standards when abroad, raising the question as to whether and how CAF personnel consider ethical standards in decision making during operations. Unfortunately, although identified as a chapter in the CAF Code, this chapter has yet to be written, as such providing no guidance on acceptable behavior during operations. There has been discussion within the DND that the LOAC is sufficient to provide the necessary ethical guidance on deployed operations, and that together with the ethical principles espoused in the CAF DEP there is no need for a separate set of guidelines for operations.<sup>39</sup> The merits of this argument will be examined in Chapter three of this paper as will a counter argument that this approach only opens the CAF to legal and ethical risk while exposing CAF personnel to potential moral and ethical harm.

---

<sup>36</sup> Department of National Defence, ed., *Department of National Defence and Canadian Forces Code of Values and Ethics*, 2020.

<sup>37</sup> Department of National Defence, ed., *Department of National Defence and Canadian Forces Code of Values and Ethics*, 2020.

<sup>38</sup> DAOD 7024 series outlines the process on how DND/CAF personnel are to report any wrongdoings. The responsibilities incumbent upon CAF personnel are also outlined in QR&O 4.02 and 5.01 for officers and NCMs respectively. Additionally, members of the public are also able to report any potential wrongdoings, either to the members immediate supervisor or to their chain of command. There are also provisions in place to protect whistleblowers who come forward to report any violations of the code or wrongdoings.

<sup>39</sup> Stephen Hare, 'Re: Question about Leadership Doctrine', 7 April 2023.

## The Canadian Armed Forces Ethos

The CAF Ethos reflects Canadian values. These values allow our profession to operate with the trust of those within the organization and those we proudly serve; the Government of Canada and Canadians.<sup>40</sup>

The CAF ethos is meant to be a living system that is broad and intended to be applicable across different situations rather than something that is limiting and prescriptive.<sup>41</sup> Where ethics and law are prescriptive, guiding the actions of military personnel to ensure they are both legal and ethical. Values attempt to guide individuals on what are right and wrong decisions. Ethos is supposed to transcend both, and be the connecting piece that brings law, ethics and values together. This, then creates the underlying culture of the CAF as a profession of arms.

The CAF Ethos is the foundational document that outlines the expected acceptable behaviors and practices of all CAF personnel. It is the second document that forms the foundation of the DEP is the CAF Ethos. The most recent version of the *CAF Ethos: Trusted to Serve* was released in 2022, a successor to the previous doctrine, *Duty with Honour*. This shift is significant in that the focus of the ethos in the *Duty with Honour* was on emphasizing what it meant to be in the profession of arms and how to operate within that organizational structure. The current focus is now more on building on a shared organizational understanding of the ethos, and an internalization of the ethos by all CAF personnel so as to improve the application of the ethos in daily service within the profession of arms.<sup>42</sup> This can most easily be seen in the opening chapter: “The importance of trust”, which emphasizes the need to build character and competence while being patient so as to enable the building of trust over time.

The CAF ethos identifies three ethical principles listed in order of priority: respect the dignity of all persons, serve Canada before self and obey and support lawful authority. Together these three principles are intended to create the ethical foundation for all decision making that occurs within the CAF as an organization. Built upon these three principles are six military values: loyalty, integrity, courage, excellence, inclusion, and accountability. They are described within the ethos as the “critical moral requirements for success in the military”. The intention of these values is to create a foundation of character development across the profession of arms that will result in the highest standard of moral and ethical decision making. Built upon those principles and values are seven professional expectations: duty, accepting unlimited liability, fighting spirit, leadership, discipline, teamwork, readiness, stewardship. These are the expectations for conduct and performance that the CAF has placed on all military personnel, and they are meant to be the final piece of what holistically is the CAF Ethos.

The final section of the ethos shifts to leadership and the ethos. Leaders are not only expected to internalize and exemplify the ethos in the behavior and decisions, they are to also mentor and guide others that they have leadership over as they internalize the ethos as well. They are to personify the ethos by internalizing it and then living it out through their service. Furthermore, executive leadership has the responsibility of being the stewards of the ethos,

---

<sup>40</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*, 65.

<sup>41</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*.

<sup>42</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*.



ensuring that all policy and program development is done in line with the ethos.<sup>43</sup> Finally, CAF institutional leadership has a responsibility to ensure that they guide the CAF culture to ensure that it is in line with the CAF ethos. The CAF does not view the ethos as a standalone document, but rather as an overarching one that must pervade all aspects of military culture, and one that is essential to achieving the desired military culture within the CAF.<sup>44</sup>

All of this sounds reasonable on paper, however, there is one challenge that cannot be overlooked when examining the ethos, and that is of enforcement. As has been seen through the challenges of sexual misconduct within the CAF, culture change is not something that can be mandated or ordered. An organization's culture in general terms is defined by shared values and assumptions and tends to be pervasive. It is not something that is made, it is simply something organizations have.<sup>45</sup> The ethos outlines what the culture of the profession of arms *should* look like in Canada but offers no roadmap to achieving it or providing a mechanism of enforcement. Although the code of service discipline is applicable as a tool of enforcement of the policies and directives of the military, there is no way to enforce compliance of culture, and this factor contributes to the challenges faced by the CAF on deployments, something that will be further examined in chapter three.

Before closing this chapter, there is one more topic that needs to be examined. Along with understanding the legal framework surrounding ethics and values in the CAF, there is also a need to understand the ethical framework. As part of an examination of ethics and values within the CAF, it is imperative to examine what ethical frameworks are applied in the development of foundational documents within the CAF.<sup>46</sup>

## CAF Ethical Framework

There is no one way to approach ethics, as a branch of philosophy there are many ethical frameworks and approaches, in turn built on different assumptions of human behaviour and capability. In general, there are five ethical frameworks that influence CAF ethics and values doctrine: utilitarianism, the rights-based ethics, care-based ethics, deontology, and virtue ethics. A brief examination of each and their application within the CAF will inform the discussions later in this paper with regards to the application of values and ethics on deployments.

Utilitarianism works on the premise that the best possible ethical outcome is the one that provides the most utility for the most people, where utility is described as best outcome<sup>47</sup>. This is

---

<sup>43</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*.

<sup>44</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*.

<sup>45</sup> David Collins, *Rethinking Organizational Culture: Redeeming Culture Through Stories* (Milton, UNITED KINGDOM: Taylor & Francis Group, 2023), <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=6512525>; Mats Alvesson, "The Handbook of Organizational Culture and Climate", by pages 11-28, 2nd ed. (Thousand Oaks: SAGE Publications, Inc., 2023), <https://doi.org/10.4135/9781483307961>. Organizational culture can be shaped and can change, but this usually is a slow and deliberate process that occurs over time.

<sup>46</sup> While there are many different ethical philosophies and perspectives, the intent here is not to conduct a comprehensive examination of all ethical philosophies, but rather to examine those that seem to be key influencers of CAF values and ethics doctrine development.

<sup>47</sup> Henry R. West, "Utilitarianism", in *International Encyclopedia of Ethics* (John Wiley & Sons, Ltd, 2013), <https://doi.org/10.1002/9781444367072.wbiee178>.

most easily seen in the CAF when examining the concept of proportionality in targeting. In the targeting process, only targets whose values are deemed high enough to justify any potential collateral damage are prosecuted, thus the outcome must outweigh the cost.

In rights-based ethics, what is considered ethical is an action that respects the rights of all people. Therefore, when those in authority exercise power legitimately they are doing so in such a way so as preserve the rights of all<sup>48</sup>. In this context, the military justice system is an example of rights-based ethics, as it is designed to respect and protect the rights of all CAF personnel as well as to hold them accountable for their actions. Furthermore, it is also seen in how CAF decision making is done, as CAF personnel must weigh and determine when and how to follow orders, determining if they are in fact lawful commands, for example.

Care-based ethics is an ethical framework in which ethical decisions are those which promote health relationships between individuals as well as those that promote interdependence upon one another.<sup>49</sup> This is arguably a foundational concept within the CAF, so much of what the CAF does and believes in is the subservience of the individual to be part of the greater collective. Starting at basic training and continuing throughout their career, CAF personnel are taught to break down their individuality in order to be encompassed into the greater CAF collective whole, in which embracing concepts such as “fire-team partners” and being dependent on one another is key to effectiveness and success within the organization.

Deontology posits that ethical decisions are those which are in line with absolute moral principles, therefore what makes a decision right is that it conforms with a moral universal norm. Deontological ethics are universally applicable and cannot be influenced by situation or context, in this sense, right is right and wrong is wrong based upon a universal standard of right and wrong<sup>50</sup>. On the surface this may sound like the least applicable to the CAF, but on the contrary, this is something that is highly applicable, particularly in the context of military law. There are certain rules and regulations that are in place that cannot be violated regardless of context and if they are violated the one who violated them is subject to service discipline.

Virtue ethics emphasizes the virtue or moral character of people, and that people who are virtuous will make better or “right” decisions versus those who are not virtuous. According to this school of thought a virtue would be considered anything that is an excellent trait of character.<sup>51</sup> As a result people that make virtuous decisions do so because their decisions reflect their view of a particular virtue. In 2022 the CDS endorsed Character Based Leadership (CBL) as the preferred form of transformational leadership for the CAF. This fits well within virtue

---

<sup>48</sup> William Uzgalis, "John Locke", in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta and Uri Nodelman, Fall 2022 (Metaphysics Research Lab, Stanford University, 2022), <https://plato.stanford.edu/archives/fall2022/entries/locke/>; "Hobbes, Thomas: Moral and Political Philosophy | Internet Encyclopedia of Philosophy", accessed 26 April 2023, <https://iep.utm.edu/hobmoral/>.

<sup>49</sup> Daniel Engster and Maurice Hamington, eds., *Care Ethics and Political Theory* (Oxford, New York: Oxford University Press, 2015).

<sup>50</sup> Larry Alexander and Michael Moore, "Deontological Ethics", in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Winter 2021 (Metaphysics Research Lab, Stanford University, 2021), <https://plato.stanford.edu/archives/win2021/entries/ethics-deontological/>.

<sup>51</sup> Rosalind Hursthouse and Glen Pettigrove, "Virtue Ethics", in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta and Uri Nodelman, Winter 2022 (Metaphysics Research Lab, Stanford University, 2022), <https://plato.stanford.edu/archives/win2022/entries/ethics-virtue/>.

ethics, in that, leadership training and decision making is now about developing the character of leaders to ensure that they have the right leadership traits or virtues.

With this understanding of the ethical frameworks, and upon examination of CAF ethics and values doctrine it can be seen that these documents are not influenced by a single ethical philosophy, but rather they take an approach which is a combination of several. This is important as understanding the theoretical ethical framework which shapes CAF ethics doctrine is essential when examining the potential ethical implications faced by CAF personnel on deployments, and when examining any recommendations which will be discussed in chapter four of this paper. Also key to this discussion is the application of the ethical frameworks within the CAF. This paper holds the perspective that there are moral and ethical absolutes that must be adhered to in application of ethics within the CAF, and that moral and ethical relativism in the applications of ethics should be avoided. Ethical relativism is the concept that argues that all ethical and values-based judgements are relative to the context of the situation.<sup>52</sup> Moral relativism is the idea that morality varies across different societies and cultures and is therefore relative to those societies in its application.<sup>53</sup> That is not to argue that these concepts themselves are either good or bad. All individuals bring their backgrounds, cultures, and individual experiences into their moral perspective on the world. It is also important to note that situational ethics is not an ethical philosophy that influences the CAF ethics and values doctrine.<sup>54</sup> Situational ethics posits that ethical decision making should be based upon the situation at hand, and not upon any fixed law or principle.<sup>55</sup> However, the CAF through the Ethos and the CAF Code holds the position that the individual sets beliefs and values that all CAF members bring to the organization are tied together under the commonality of the CAF Code and Ethos.<sup>56</sup> Therefore the application of ethics in the context of the CAF must be done in compliance with and subjugation to the CAF Code and Ethos. This understanding will also be key in the discussion in chapter three regarding the implications of not having an ethical framework in place on operations.

The intent of this chapter was to provide a brief background to the legal and ethical frameworks that shape CAF ethics and values doctrine. With this foundation and understanding in place, it is now time to shift the discussion to the application of this doctrine in combat. In the next chapter this paper will examine, through two case studies from Afghanistan, the shortcomings of the CAF ethics and values doctrine with regards to deployed operations, and how this ethics and values shortcoming is putting Canada at risk of repeating the mistakes of the past.

---

<sup>52</sup> Gael McDonald, "Ethical Relativism vs Absolutism: Research Implications", *European Business Review* 22, no. 4 (2010): 446–64, <https://doi.org/10.1108/09555341011056203>.

<sup>53</sup> Andrew West, "Applying Metaethical and Normative Claims of Moral Relativism to (Shareholder and Stakeholder) Models of Corporate Governance", *Journal of Business Ethics: JBE* 135, no. 2 (May 2016): 199–215, <https://doi.org/10.1007/s10551-014-2453-8>.

<sup>54</sup> It is important to highlight that although situational ethics does not influence CAF values and ethics doctrine, that does not mean it does not influence values and ethics decision making in the CAF. As will be seen later in this paper, it is the application of situational ethics that is a potential area of ethical risk for the CAF.

<sup>55</sup> "Situational Ethics", AllAboutPhilosophy.org, accessed 2 May 2023, <https://www.allaboutphilosophy.org/situational-ethics.htm>.

<sup>56</sup> Department of National Defence, ed., *Department of National Defence and Canadian Forces Code of Values and Ethics*.

## CHAPTER 3

### Application of ethics in combat:

The previous chapter of this paper outlined the legal and ethical framework that forms the foundation of values and ethics within the CAF, including a discussion on what is meant by Canadian values.<sup>57</sup> There was also a brief discussion around the absence of values and ethics direction on deployed operations. This chapter, will examine the implications and the potential for harm that result from a lack of values and ethics direction in deployed settings.

Prior to examining the implications, it is vital to understand how Canada commands and conducts operations on deployments. Foundational to command in the CAF is the philosophy of mission command, which emphasizes decentralized decision making, supporting freedom of action and seizing the initiative in operations. There are three tenants to mission command: understanding the commander's intent, having a clear responsibility to fulfill that intent, and timely decision making.<sup>58</sup> CAF leadership doctrine explicitly outlines that mission command is vital to leadership in the CAF because it enables maximum freedom of action and flexibility allowing subordinates to achieve their operational objectives while being in line with their commander's larger operational intent.<sup>59</sup> Therefore, a lack of ethics based guidance on operations creates an ethical void, in which CAF personnel do not have their commander's ethical intent. The result is CAF personnel making decisions which may or may not align with what the CAF and the Canadian government are trying to project from an ethics perspective in a theatre of operation. This may seem like a benign risk, especially if CAF personnel are expected to act in adherence to the CAF Ethos, but as will be seen in this chapter, decision making on deployments is significantly different than that outside of deployments, and the reality of combat operations is that ethical decision making is messy.

*Strong, Secure, Engaged: Canada's Defence Policy* identifies that one of the roles of the CAF is to "defend Canada and promote Canadian values and interests abroad."<sup>60</sup> Inherent in this expectation is the assumption that the CAF will operate in ethically, reflecting the values and beliefs of Canada when operating around the world. The defence policy suggests that, as an instrument of national power, the CAF has the unique role of advancing national interest, *promoting Canadian values*, and demonstrating leadership in the world.<sup>61</sup> However, it is important to note that as a middle power, Canada very rarely, if ever, engages in military activities unilaterally, preferring instead to engage in military operations as a contributor as part

---

<sup>57</sup> As mentioned previously, this was not an exhaustive list of Canadian values, rather those that can be seen either through framework legislation, such as the constitution or through Supreme Court interpretation of said legislation. There may be other values that could be considered "Canadian" but that cannot be overtly identified in literature and therefore, they have been deliberately left out.

<sup>58</sup> Department of National Defence, ed., *Leadership in the Canadian Forces: Leading People*, 2007, [https://publications.gc.ca/collections/collection\\_2013/dn-nd/D2-313-3-2007-eng.pdf](https://publications.gc.ca/collections/collection_2013/dn-nd/D2-313-3-2007-eng.pdf).

<sup>59</sup> Department of National Defence, ed., *Leadership in the Canadian Forces: Conceptual Foundations*, 2005, [https://publications.gc.ca/collections/collection\\_2013/dn-nd/D2-313-3-2007-eng.pdf](https://publications.gc.ca/collections/collection_2013/dn-nd/D2-313-3-2007-eng.pdf).

<sup>60</sup> Department of National Defence, ed., *Strong, Secure, Engaged: Canada's Defence Policy*, 2017, <https://www.canada.ca/content/dam/dnd-mdn/documents/reports/2018/strong-secure-engaged/canada-defence-policy-report.pdf>.

<sup>61</sup> Department of National Defence, ed., *Strong, Secure, Engaged: Canada's Defence Policy*.

of a multinational coalition.<sup>62</sup> In this context it is thus more challenging to project Canadian values and leadership, and creates a much more complex ethical environment to navigate for CAF personnel. The reality of contribution warfare for states who are not the lead nations is that they have significantly smaller national and political influence in conflict in comparison to the lead nation(s).<sup>63</sup> Conversations surrounding operational deployments invariably gravitate to contribution amounts and what Canada is going to bring to the fight rather than *how* Canada will fight that fight (cite evidence here). This is most evident in the recent discussions around NATO contributions. Canada is recommitting and contributing more to the mission in Latvia and is deploying more staff officers to headquarters positions. The focus on Canada if Canada is doing enough and spending enough, with no discussion on the ethics or impacts of the deployment itself.<sup>64</sup> In most cases, this seems to work, the CAF is deployed as part of a larger multinational force and complete their missions without incident. CAF personnel are seen as professional, capable and competent military practitioners and partners.<sup>65</sup> As such, there has not been pressing demands for further for guidance on ethics and values on operations. However, this is only setting the CAF and ultimately Canada up for failure. Look no further than the combat mission in Afghanistan for evidence of that having happened already.

### **Case Study 1: Arrangement for the Transfer of Detainees between the Government of Canada and the Government of the Islamic Republic of Afghanistan**

In 2006, a University of Ottawa Law professor, Amir Attaran wrote a letter expressing concern that the Arrangement for the Transfer of Detainees (ATD) signed between Canada and Afghanistan did not meet the minimum standards of the Charter. Shortly thereafter Amnesty International and the British Columbia Civil Liberties Association (BCCLA) brought this matter before the federal court for consideration as allegations and evidence began to surface that detainees being transferred from Canadian to Afghan custody were being tortured and/or harmed in other ways that did not conform with Canadian or international law.<sup>66</sup> In the civil case Amnesty International and the BCCLA claimed that detainees being held by the CAF were entitled to the same Charter rights as Canadians and therefore the transfer of these individuals to the Afghan government where there was the potential of being subject to violence and abuse was illegal. Ultimately, the Court ruled Charter rights did not apply to non-Canadians in Canadian

<sup>62</sup> Håkan Edström and Jacob Westberg, "The Defense Strategies of Middle Powers: Competing for Security, Influence and Status in an Era of Unipolar Demise", *Comparative Strategy* 39, no. 2 (3 March 2020): 171–90, <https://doi.org/10.1080/01495933.2020.1718992>.

<sup>63</sup> Jan Ångström, "Contribution Warfare: Sweden's Lessons from the War in Afghanistan", *The US Army War College Quarterly: Parameters* 50, no. 4 (20 November 2020), <https://doi.org/10.55540/0031-1723.2688>.

<sup>64</sup> Bryan Passifume, "Canada Slips Further Away from NATO's 2% Defence Spending Benchmark", *Nationalpost*, 29 June 2022, <https://nationalpost.com/news/canada-slips-further-away-from-natos-2-defence-spending-benchmark>; Murray Brewster, "Canada Still a Long Way from Hitting NATO's Defence Spending Target, Budget Watchdog Says", *CBC*, 9 June 2022, <https://www.cbc.ca/news/politics/nato-canada-defence-spending-pbo-1.6483054>; Richard Shimooka, "As NATO Allies Grow Impatient, Canada May Be Quietly Planning Major Increase in Defence Spending", *The Hub*, 2 May 2023, <https://thehub.ca/2023-05-02/richard-shimooka-as-nato-allies-grow-impatient-canada-may-be-quietly-planning-major-increase-in-defence-spending/>.

<sup>65</sup> Justin Massie and Benjamin Zyla, "Alliance Value and Status Enhancement: Canada's Disproportionate Military Burden Sharing in Afghanistan", *Politics & Policy* 46, no. 2 (2018): 320–44, <https://doi.org/10.1111/polp.12247>; Justin Massie, "Canada's War for Prestige in Afghanistan: A Realist Paradox?", *International Journal* 68, no. 2 (June 2013): 274–88, <https://doi.org/10.1177/0020702013492500>.

<sup>66</sup> Paul Webster, "Canadian Soldiers and Doctors Face Torture Allegations", *The Lancet* 369, no. 9571 (28 May 2007): 1419–20, [https://doi.org/10.1016/S0140-6736\(07\)60651-5](https://doi.org/10.1016/S0140-6736(07)60651-5).

custody.<sup>67</sup> However, the letter and subsequent court case did bring the matter to the attention of the Canadian public, raising many questions about the ethics of entering into such an agreement. Afghanistan was a country with a known questionable human rights record in their detention system.<sup>68</sup>

The Canadian government was initially quick to deny the allegations of abuse, however, as more and more evidence came to light indicating that torture and abuse were known occurrences, the government was quick to cease the transfer of detainees.<sup>69</sup> Eventually the Chief of Defence Staff (CDS) was forced to acknowledge not only the risk that detainees were facing, but also the possibility that detainees transferred from CAF to Afghan custody may have already been abused.<sup>70</sup> While the Afghan Independent Human Rights Commission (AIHRC) was supposed monitor the treatment of detainees in Afghan facilities, Canada did not initially have a provision for the monitoring of detainees upon transfer. By contrast, the UK and Netherlands, addressed this issue in their processes of detainee transfer by adding a provision into the agreement that all transfers were monitored by the AIHRC upon transfer into Afghan detention facilities.<sup>71</sup> Shortly after the information around the court case and the potential detainee abuses came to light, Canada did quickly amend the ATD to include detainee monitoring safeguards.<sup>72</sup> The quick amendment suggests an effort at damage control.<sup>73</sup>

In order to properly understand the ethical issues in this case, it is important to first provide some legal and ethical context surrounding the concept of detainees. All three countries

---

<sup>67</sup> 'Amnesty International Canada v. Canada (Attorney General) - Federal Court [2008] F.C. 336', 12 March 2008, <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/55087/index.do>. For the Charter to apply extra-territorially, there would have had to have been a nexus where Canadians were denied rights and Canadians denying those rights, as was the case of Omar Khadr in Guantanamo Bay ('Canada (Prime Minister) v. Khadr - SCC Cases', accessed 1 May 2023, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7842/index.do>)

<sup>68</sup> John Zarocostas, "Torture of Adults and Children Detained in Afghan Conflict Is Widespread, Finds UN", *BMJ : British Medical Journal (Online)* 343 (18 October 2011), <https://doi.org/10.1136/bmj.d6773>; Omar Sabry, 'Torture of Afghan Detainees Canada's Alleged Complicity and the Need for a Public Inquiry', accessed 27 April 2023, [https://policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2015/09/Torture\\_of\\_Afghan\\_Detainees\\_summary.pdf](https://policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2015/09/Torture_of_Afghan_Detainees_summary.pdf); Omar Babry and Peggy Manson, "How Canada Failed Afghan Detainees", *Open Canada* (blog), 16 October 2015, <https://opencanada.org/how-canada-failed-afghan-detainees/>.

<sup>69</sup> Paul Koring, "AFGHAN MISSION: Charter Doesn't Apply in Detainee-Rights Case, Ottawa Will Argue", *The Globe and Mail* (1936-), 21 April 2007, sec. World; Sabry, "Torture of Afghan Detainees"; Stuart E. Hendin, "Unpunished War Criminals, The Shameful Legacy of Canada's Military Involvement in Afghanistan", *The Liverpool Law Review* 34, no. 3 (November 2013): 291–310, <https://doi.org/10.1007/s10991-013-9136-x>; Mike Blanchfield, "Afghan Detainee Transfers Suspended in November; House Not Told: [National Edition]", *National Post*, 24 January 2008, sec. News; Murray Brewster, "Afghan Humans Rights Commission Hear 'rumours' of Detainee Abuse; Didn't Notify Ottawa", *Canadian Press NewsWire*, 29 April 2007, <https://www.proquest.com/docview/359956741/abstract/D6F69B1A7ACD4B28PQ/1>; Ian Austen, "Canadian General Now Acknowledges Risk to Afghan Detainees: Foreign Desk", *The New York Times*, 2009, Late (East Coast) edition, <https://www.nytimes.com/2009/12/10/world/americas/10canada.html>; Richard Foot, "Military Loses Battle to Kill Policy Fight; Afghan Detainees; Human Rights Groups Win Right to Fight Procedure: [All But Toronto Edition]", *National Post*, 6 November 2007, sec. Canada.

<sup>70</sup> Austen, "Canadian General Now Acknowledges Risk to Afghan Detainees".

<sup>71</sup> Webster, "Canadian Soldiers and Doctors Face Torture Allegations", 28 May 2007.

<sup>72</sup> Foot, "Military Loses Battle to Kill Policy Fight; Afghan Detainees; Human Rights Groups Win Right to Fight Procedure".

<sup>73</sup> Marc Gionet, "Canada the Failed Protector: Transfer of Canadian Captured Detainees to Third Parties in Afghanistan", *Journal of Conflict Studies* 29 (1 April 2009), <https://journals.lib.unb.ca/index.php/JCS/article/view/15229>.

have signed and ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>74</sup> This Convention was adopted by the UN in 1984 as a binding prohibition of torture, and other inhumane treatment of people for signatory states.<sup>75</sup> The Convention is considered *jus cogens* in international law, meaning that it is compelling law.<sup>76</sup> So from an international law perspective any form of cruel treatment of afghan combatants would be viewed as a violation of international law, regardless of which state was perpetrating the torture.

From a military perspective, according to both the LOAC and International Humanitarian Law (IHL), armed combatants are Prisoners of War (PoWs) and their treatment is governed by the Geneva Conventions.<sup>77</sup> This is important because, the treatment and processing of PoWs was dependent upon their recognized status in both IHL and International Human Rights Law (IHRL).<sup>78</sup> However, the conflict in Afghanistan from a legal perspective quickly evolved and by 2002 it had shifted from an international armed conflict to a non-international armed conflict.<sup>79</sup> In spite of this, the United States (US) unsuccessfully attempted to create ambiguity by arguing that the conflict with Al-Qaeda and Taliban was international. While at the same time they also argued that they were non-state actors. In this context as non-state actors in an international conflict they would not be considered PoWs and as such would not be covered under the provisions of LOAC or IHL, an attempt to circumvent LOAC and IHL.<sup>80</sup> Internationally, this was never accepted, and ultimately the US Supreme Court also ruled against this position definitively stating that international conflict required two distinct states to be in conflict. As such, LOAC and IHL provisions for the treatment of these enemy combatants in non-international armed conflict (common article 3 to the Geneva Conventions) should have been applied.<sup>81</sup> This is significant to this case study for several reasons which will be examined.

Although Canada began deploying troops to Afghanistan in December, 2001 and joined the then called “Global War on Terror”, not until 2005 did Canada enter into an ATD with the government of Afghanistan.<sup>82</sup> Prior to 2005, Canada was transferring all detained enemy

<sup>74</sup> Gionet, "Canada the Failed Protector: Transfer of Canadian Captured Detainees to Third Parties in Afghanistan".

<sup>75</sup> H. Danelius and Herman Burgers, *The United Nations Convention Against Torture: A Handbook on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, International Studies in Human Rights (Leiden: Brill | Nijhoff, 1988), <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=3047953>.

<sup>76</sup> Oxford English Dictionary, “jus Cogens, n.”, n.d., <https://www.oed.com/view/Entry/102174?redirectedFrom=jus+cogens>.

<sup>77</sup> Jeff A. Bovarnick, "Detainee Review Boards in Afghanistan: From Strategic Liability to Legitimacy", *The Army Lawyer*, June 2010, 9–49.

<sup>78</sup> Marco Sassòli and Marie-Louise Tougas, "International Law Issues Raised by the Transfer of Detainees by Canadian Forces in Afghanistan", *McGill Law Journal* 56, no. 4 (June 2011): 959–1010, <https://doi.org/10.7202/1005850ar>.

<sup>79</sup> Sassòli and Tougas, "International Law Issues Raised by the Transfer of Detainees by Canadian Forces in Afghanistan". It is generally agreed in the international community that the election of the Karzai government in 2002, and its subsequent request for international assistance constituted a shift in the conflict from international to non-international in nature.

<sup>80</sup> Srividhya Ragavan and Michael S. Jr. Mireles, "The Status of Detainees from the Iraq and Afghanistan Conflicts", *Utah Law Review* 2005, no. 2 (2005): 619–76.

<sup>81</sup> Sassòli and Tougas, "International Law Issues Raised by the Transfer of Detainees by Canadian Forces in Afghanistan".

<sup>82</sup> "Canada and the War in Afghanistan", Canadian War Museum, accessed 13 March 2023, <https://www.warmuseum.ca/learn/canada-and-the-afghanistan-war/>; "Global War on Terror", George W. Bush Library, accessed 27 April 2023, <https://www.georgewbushlibrary.gov/research/topic-guides/global-war-terror>.

combatants to the US for processing.<sup>83</sup> Much has been written on the US position on detainees, and the suspected torture and inhumane treatment of Afghan detainees. However, of significance here is that the position of the US as the lead nation during combat operations in Afghanistan set, in practice, the conditions for the standards of treatment of detained Afghan combatants.<sup>84</sup> By 2005, Canada was aware of the requirement to adhere to LOAC, IHL and IHRL when it entered into a ATD with the Afghan national government.<sup>85</sup>

Initially drafted as a binding agreement between the two states on the humane treatment of detainees upon transfer from Canadian to Afghan custody, the ATD as an arrangement was not a binding agreement and as a result it was viewed more as political assurance rather than an international agreement.<sup>86</sup> Under this arrangement, both states agreed to abide by international law. The arrangement stated: "Detainees would be transferred to Afghan authorities in a manner consistent with international law and subject to negotiated assurances regarding their treatment and transfer."<sup>87</sup> Under international law, a treaty means "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation."<sup>88</sup> However, as an arrangement, this document did not carry the same binding authority that an international agreement or treaty would carry.<sup>89</sup> There were no mechanisms for enforcement built into the agreement. As such, even in the event of non-compliance by one of the parties, there was no way for the other part to enforce compliance or seek redress. There were also insufficient monitoring systems put in place. This made it challenging for either party to ensure compliance before or after transfer of the detainee.<sup>90</sup> The original 2005 arrangement did not allow Canada to monitor detainees upon transfer; this provision was subsequently added in the 2007 arrangement.

The intent here is not to argue the legality of the ATD or the reach and applicability of the Charter or other law and policy frameworks outside of Canadian soil. Rather, the intent is to identify that there was a clear ethical challenge faced by CAF personnel when on operations. The allegations in this case went so far as for some to claim that the CAF and Canada made this agreement in secret and wanted to keep it that way so as to enable maximum flexibility for Canadian interrogators to enable intelligence gathering from detainees. Amir Attaran, in fact, asked the Military Police Complaints Commission (MPCC) to investigate the interrogation of three Afghan men as it was his suspicion that they were tortured while in Canadian custody.<sup>91</sup> Even if these allegations were untrue, this does not negate that there was likely some level of awareness that detainees being handed over to Afghan government were potentially being

---

<sup>83</sup> Gionet, "Canada the Failed Protector".

<sup>84</sup> Ragavan and Mireles, "The Status of Detainees from the Iraq and Afghanistan Conflicts"; Sean D. Murphy, "Decision Not to Regard Persons Detained in Afghanistan as POWs", *The American Journal of International Law* 96, no. 2 (April 2002): 475–80.

<sup>85</sup> It is important to note that the use of the term "detainee" by the US during the Afghan war was viewed by some as the US arguably, attempting to circumvent international law.

<sup>86</sup> Hendin, "Unpunished War Criminals, The Shameful Legacy of Canada's Military Involvement in Afghanistan".

<sup>87</sup> Hendin, "Unpunished War Criminals, The Shameful Legacy of Canada's Military Involvement in Afghanistan".

<sup>88</sup> United Nations, 'Vienna Convention on the Law of Treaties (1969)' (1980), 2, [https://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf).

<sup>89</sup> Sabry, "Torture of Afghan Detainees: Canada's Alleged Complicity and the Need for a Public Inquiry".

<sup>90</sup> Sabry, "Torture of Afghan Detainees: Canada's Alleged Complicity and the Need for a Public Inquiry".

<sup>91</sup> Webster, "Canadian Soldiers and Doctors Face Torture Allegations", 28 May 2007. To date those allegations have never been substantiated and are not the focus of this discussion.



exposed to abuse and torture. There would also have been other considerations to examine, and at a minimum the initial decision by Canada and the CAF indicated a lack of obligation (intentional or not) to investigate or confirm any documented abuse.

Additionally, the operating environment within which CAF personnel were operating also would have played a factor. Military personnel are routinely exposed to stressors and experience chronically high stress levels while deployed on operations.<sup>92</sup> There is often exposure to dead bodies, witnessing of atrocities as well as constant exposure to risk of life. Combined with consistent feelings of hunger, thirst, sleep deprivation and pain this creates a unique and difficult decision-making environment.<sup>93</sup> Understanding these complexities makes examination of any ethical dilemmas much more challenging.

The ethical tensions that exist in operating environments with regards to decision making involving the protection of innocent civilians and partner forces in comparison with enemy forces create an ethical conflict and tension that exists in war and armed conflict that cannot be ignored. This tension is absent in discussing any ethical framework applying to armed forces personnel when they are working and living at home during peacetime. This is also precisely why the CAF recognizes the need for nuanced values and ethics guidance for operations, even though such guidance has yet to be provided. The fog of war is real and decisions made during combat operations cannot be rationalized in the same way that decisions made during peacetime and at home. Studies have shown that exposure to combat operations are linked to both higher incidence of mental health problems, but also higher stress levels, which in turn can evoke visceral responses.<sup>94</sup> Such operational stress can result in heat of the moment thinking, where cognitive functioning is diminished and the risk of unethical decision-making increases.<sup>95</sup>

Therefore, to minimize the ethical tensions that result in decision making that does not reflect the values and ethics of Canada there needs to be amplified theatre specific or at minimum overarching ethical guidance provided to CAF personnel that can be applied during deployed operations. So, what is needed are not just ethics but *applied* ethics. Such an approach may not prevent ethically questionable decisions being made, such as the drafting of the original ATD. However, applied ethics and values-based guidance could enable those individuals who have ethical concerns to bring them forward. An applied ethics framework would *guide* operational decisions, but not determine in advance the outcomes of those decisions.

---

<sup>92</sup> Deanna L. Messervey et al., "Training for Heat-of-the-Moment Thinking: Ethics Training to Prepare for Operations", *Armed Forces & Society*, 25 April 2022, 0095327X221088325, <https://doi.org/10.1177/0095327X221088325>.

<sup>93</sup> This is not to say that there are no instances in the domestic context where there is not exposure to some of these factors, rather it is to identify that the operating environment on deployment is, in general, significantly different than that of in Canada.

<sup>94</sup> Kerry Sudom et al., "Stressors Experienced During Deployment Among Canadian Armed Forces Personnel: Factor Structure of Two Combat Exposure Scales", *Military Psychology* 28, no. 5 (9 June 2016): 285–95, <https://doi.org/10.1037/mil0000108>.

<sup>95</sup> G Loewenstein, "Out of Control: Visceral Influences on Behavior", *Organizational Behaviour and Human Decision Processes* 65, no. 3 (1996): 272–92; Messervey et al., "Training for Heat-of-the-Moment Thinking"; Don Carrick et al., *Ethics Education for Irregular Warfare* (Abingdon, UNITED KINGDOM: Taylor & Francis Group, 2009), <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=446406>; Christopher H. Warner et al., "Effectiveness of Battlefield-Ethics Training during Combat Deployment: A Programme Assessment", *The Lancet* 378, no. 9794 (3 September 2011): 915–24, [https://doi.org/10.1016/S0140-6736\(11\)61039-8](https://doi.org/10.1016/S0140-6736(11)61039-8).

Ethics based decision making is and never will be easy. No checklist and no amount of policy and regulation will enable perfect ethical decision making, nor is that the argument here. In this case, the ethical conflict involved the decision to transfer detainees from Canadian to Afghan custody knowing that there was a possibility—even probability—of harm being inflicted upon them. Afghanistan's history of torturing Taliban insurgents in their custody was well known by this time.<sup>96</sup> However, a deeper examination reveals an underlying ethical conflict, the ethical accountability of Canada for the unethical actions of the Afghan government. As examined in this case study, so much of the questionable ethical conduct was occurring in an operating space outside of CAF control. As a contributing nation to a larger coalition and as requested forces in a host nation in conflict, the CAF had very little direct involvement with or responsibility for the allegations of abuse against captured Afghan combatants. This information would be important in the application of any ethical framework established to apply to deployed operations. Canada must have an ethics framework that parallels the ethics and values established in CAF doctrine, but also recognizes Canada's role as an often-minor partner with a limited sphere of influence over the wider scale of operations.

In this case, the Canadian government entered into an ethically dubious arrangement with an Afghan government with a questionable human rights track record. However, once the issue was brought to public attention, the government and the CAF quickly changed direction and made policy adjustments, demonstrating some understanding of ethically questionable decision making. It should not have taken public outcry and international scrutiny for the CAF to put at least minimal safeguards in place. Yet, what has not yet been discussed, is the impact that this would have had on CAF personnel. As the ones implementing this agreement, this would have had an impact on those who were responsible for the transfer of Afghan captured combatants.

For CAF personnel, by necessity, compliance with this directive required, whether overt or subconscious, ethical compromise. Just as the CAF ethos identifies the requirement to respect the dignity of all people, it also identifies the need to obey lawful commands.<sup>97</sup> At least initially and at the theatre level, from a CAF personnel perspective, this would have been seen as a legal agreement in which case, not complying with this direction would have been disobeying a lawful command. The average member of the CAF is not in a position to debate the finer points of the legality of the agreement, nor even more esoteric questions such as the extra-territorial application of the Charter. CAF members assume, as they should, that the state for which they serve operates within the law, especially Canada's repeated support for a rules-based international order and a state that champions compliance with international law. In effect, this situation resulted in the necessity of CAF personnel to violate the ethos or to question leadership, something that can be extremely challenging in the hierarchical structure of the military. This created an ethical conflict in which duty to Canada and the CAF meant being willing or even a willful blindness in ignoring the possibility of harm to detainees.

---

<sup>96</sup> John Zarocostas, "Torture of Adults and Children Detained in Afghan Conflict Is Widespread, Finds UN", *BMJ: British Medical Journal (Online)* 343 (18 October 2011), <https://doi.org/10.1136/bmj.d6773>.

<sup>97</sup> This paper has already examined and argued that from a legal perspective, this arrangement would not have likely been viewed as legal from a LOAC, IHL, or IHRL perspective. However, this paper will take the perspective, that at the time and in the moment, there may have, at least initially, been an expectation that the order being given was lawful.

By necessity, compliance with this direction required some form of moral disengagement in order for CAF personnel to be compliant. Moral disengagement is a concept within social cognitive theory in psychology, whereby individuals deliberately deactivate their moral self-regulatory process through a series of interrelated cognitive processes. Individuals disassociate with their own internal moral standards in order to behave in ways that violate those standards without feeling any associated guilt.<sup>98</sup> As a result, individuals are capable of acting in ways that they would otherwise deem as unethical if it were another situation. To be complicit in handing over the detainees knowing of the potential harm they might face goes against the very first principle of the CAF Ethos: respect the dignity of all persons. For CAF personnel to do this, it is likely that moral disengagement at some level occurred.<sup>99</sup>

One of the factors directly linked to moral disengagement is the amount of empathy a person feels with regards to the situation. One study showed that it is much more difficult to make ethically questionable decisions if there is a high degree of empathy involved.<sup>100</sup> This is also related to the dehumanization of the adversary.<sup>101</sup> It is likely that there was a much lower degree of empathy from CAF personnel as these detainees would have been viewed as enemies attempting to inflict harm on coalition forces. By adopting a mindset of low empathy towards the detainees or inversely a higher degree of empathy for coalition forces, CAF personnel would have been able to create the cognitive constructs required to morally disengage from the actions that they were participating in. With the likely result being either denial that any torture was taking place, or an internalized justification that these were terrorists who didn't comply with the LOAC or IHL.

A second factor that has been shown to be linked to moral disengagement is locus of control. This same study that examined empathy also found that individuals will tend to morally disengage if they have external loci of control.<sup>102</sup> Once again, CAF personnel were likely to have externalized their locus of control deferring to the orders given to hand the detainees over as part of the ATD. The environment would have enabled CAF personnel to morally disengage and as a result to not question the ethics of the situation. This further demonstrates why it is vital to have, separate and specific to operations, ethics-based guidance for CAF personnel, that can be applied where Canada is a contributing nation in a multinational coalition. In the absence of this direction, CAF personnel are forced to either find the moral and ethical courage to challenge the situation and force change, or as was seen in this example, they are forced morally disengage as way to comply with the directions they are given. The door is then left open for relative moral

---

<sup>98</sup> Alexander Newman et al., "Moral Disengagement at Work: A Review and Research Agenda", *Journal of Business Ethics* 167, no. 3 (2020): 535–70, <https://doi.org/10.1007/s10551-019-04173-0>.

<sup>99</sup> Jerome Klassen and Greg Albo, *Empire's Ally: Canada and the War in Afghanistan* (Toronto, CANADA: University of Toronto Press, 2013), <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=4669882>; Anna Di Lellio and Emanuele Castano, "The Danger of "New Norms" and the Continuing Relevance of IHL in the Post-9/11 Era", *International Review of the Red Cross* 97, no. 900 (December 2015): 1277–93, <https://doi.org/10.1017/S1816383116000138>.

<sup>100</sup> James R. Detert, Linda Klebe Treviño, and Vicki L. Sweitzer, "Moral Disengagement in Ethical Decision Making: A Study of Antecedents and Outcomes.", *Journal of Applied Psychology* 93, no. 2 (20080324): 374, <https://doi.org/10.1037/0021-9010.93.2.374>.

<sup>101</sup> Karen L. Grantz, "Commentary on the Mental Health Advisory Team IV Operation Iraqi Freedom Final Report.", *Traumatology* 13 (2007): 46–49, <https://doi.org/10.1177/1534765607309944>; Lellio and Castano, 'The Danger of "New Norms" and the Continuing Relevance of IHL in the Post-9/11 Era'.

<sup>102</sup> Detert, Treviño, and Sweitzer, "Moral Disengagement in Ethical Decision Making".

and ethical decision making that can often be enabled by the situation itself, which can and already has resulted in decision making that has reflected poorly on the CAF and Canada as a whole.

As bad as moral disengagement seems, there are situations where disengagement is not possible as method to cope with a moral and ethical tension. There are other risks to the CAF personnel and to Canada when the morally or ethically questionable activities are not being conducted by CAF personnel but those we have partnered with. This is the subject of the next case study.

### **Case Study 2: Board of Inquiry – Allegations of Assault of a Civilian by Afghan National Security Forces and The Canadian Forces Response to Such Incidents**

In 2008, a Board of Inquiry (BOI) was launched to investigate allegations of assault of a civilian by Afghan National Security Forces (ANSF) during the CAF deployment in Kandahar in late 2006 and early 2007. The investigation was based on allegations that a CAF member had heard an ANSF member raping a young boy at an outpost outside of Kandahar and then later saw injuries sustained by the child that were in line with those of rape victims.<sup>103</sup> The scope of the BOI was not to determine the truth or to investigate the allegation that was made, but rather to determine if CAF personnel had been told by their superiors to ignore incidents involving sexual assault of young boys by ANSF members or Afghan interpreters. The BOI found that as early as 2006, CAF personnel began reporting up through the chain of command (CoC) allegations sexual assaults of young boys by ANSF members.<sup>104</sup> However, it found no evidence that anyone in the CAF CoC had ever ordered troops to ignore any sexual assault incidents by ANSF member of minors, and in fact found that there was an expectation that CAF members would take action if witnessing any acts of sexual abuse.<sup>105</sup> A simple examination of the BOI results seems to resolve this matter identifying that not only was there no ethical violations in this case, on the contrary the CAF acted correctly with respect to both ethical standards in concert with the principle of mission command. However, upon closer examination, this conclusion quickly falls apart.

The issue of concern in this case is that the allegations were brought to the attention of the CoC in late 2006, early 2007 at the latest. However, not until this information was reported by the mainstream media in Canada in 2008 was the BOI convened, leading to an unanswered question as to the intervening period of time.<sup>106</sup> The BOI seems more a response to the public outcry regarding the incident than a response to the incident itself. The second issue is the time it took for the BOI report to be approved and released. On average it takes a BOI, even a complex BOI, six months to be conducted as the intent is to correct any potential issues and

---

<sup>103</sup> Allan English, "Corruption in the Canadian Military? Destroying Trust in the Chain of Command", *Canadian Foreign Policy Journal* 23, no. 1 (2 January 2017): 32–46, <https://doi.org/10.1080/11926422.2016.1250654>.

<sup>104</sup> English.

<sup>105</sup> Department of National Defence, "Board of Inquiry - Allegation of Assault of a Civilian by Afghan National Security Forces and the Canadian Forces Response to Such Incidents", 12 April 2016, <https://www.canada.ca/en/department-national-defence/news/2016/04/board-of-inquiry-allegation-of-assault-of-a-civilian-by-afghan-national-security-forces-and-the-canadian-forces-response-to-such-incidents.html>.

<sup>106</sup> Allan English, "Cultural Dissonance: Ethical Considerations from Afghanistan", *Canadian Foreign Policy Journal* 22, no. 2 (3 May 2016): 163–72, <https://doi.org/10.1080/11926422.2016.1176937>.

minimize the risk and harm that instigated the BOI initially.<sup>107</sup> In this case, the initial report was not submitted to the CDS for review until 2010. What is even more disconcerting is that the BOI report then remained with the CDS office unapproved for six years, until it was eventually approved and released on January 18, 2016, by then CDS General Jonathan Vance.<sup>108</sup> The length of time for approval and release is hard to explain, absent considering a political desire to bury the findings or bring embarrassment onto the Afghan government.<sup>109</sup> Another possible explanation is that the government did not want to leave room for CAF personnel to bring further incidents forward from events after the convening of the BOI that would require additional investigation. The only explanation provided by the DND was that the complex nature of the investigation was the cause of the delayed release.<sup>110</sup> However, regardless of the reason for delay, the report did outline several steps that had been taken during the time that Canada was in Afghanistan to address these and other similar issues. However, none of this addresses the larger ethical concern: that the BOI did not address the allegations themselves nor was it within the BOI scope to do so.

The initial incident that led to the establishment of a BOI was the claim by a CAF member that they had witnessed a sexual assault of a child and were now seeking care for treatment due to the resulting mental harm. The member took their story to the media, which eventually resulted in the BOI.<sup>111</sup> The intent of the BOI was to determine the culpability of the CAF in suppressing the reporting of these type of incidents, however, it completely ignored the incidents themselves.

In Afghanistan, there is strong evidence that validates the fact that sexual assault of children is an ongoing issue.<sup>112</sup> The term “bacha bazi” is a well-known Afghan term which refers to men of wealth and power, including police and military, sexually abusing young boys.<sup>113</sup> Although a wide-spread practice, it is prohibited under Islam in Afghanistan, making it

---

<sup>107</sup> English, "Cultural Dissonance: Ethical Considerations from Afghanistan".

<sup>108</sup> Department of National Defence, "Board of Inquiry - Allegation of Assault of a Civilian by Afghan National Security Forces and the Canadian Forces Response to Such Incidents".

<sup>109</sup> Amalendu Misra, "Men on Top: Sexual Economy of Bacha Bazi in Afghanistan", *International Politics* 60, no. 2 (1 April 2023): 350–70, <https://doi.org/10.1057/s41311-022-00401-z>.

<sup>110</sup> Rick Westhead, "Canadian Military Still Investigating Afghanistan Sex Assault Claim", *Toronto Star*, 4 July 2013, sec. World, [https://www.thestar.com/news/world/2013/07/04/canadian\\_military\\_still\\_investigating\\_afghanistan\\_sex\\_assault\\_claim.html](https://www.thestar.com/news/world/2013/07/04/canadian_military_still_investigating_afghanistan_sex_assault_claim.html).

<sup>111</sup> Department of National Defence, "Board of Inquiry: Allegation of Assault of a Civilian - Executive Summary", Executive Summary, 2016, [https://www.canada.ca/content/dam/dnd-mdn/migration/assets/FORCES\\_Internet/docs/en/about-reports-pubs-boards-inquiry/about-reports-pubs-boards-inquiry.pdf](https://www.canada.ca/content/dam/dnd-mdn/migration/assets/FORCES_Internet/docs/en/about-reports-pubs-boards-inquiry/about-reports-pubs-boards-inquiry.pdf).

<sup>112</sup> Brian P. Adams, "Confronting Allegations of Sexual Violence in Afghanistan", *Transnational Law & Contemporary Problems* 27, no. 2 (Summer 2018): 223–47; Simone Borile, "Bacha Bazi: Cultural Norms and Violence against Poor Children in Afghanistan", *International Review of Sociology* 29, no. 3 (2 September 2019): 498–507, <https://doi.org/10.1080/03906701.2019.1672346>; Emily Ausubel, "An Untold Story: The Need to Address Sexual Abuse and Exploitation of Refugee Boys", *Kennedy School Review* 19 (2019): 79–84; Jovana Andelkovic, "Bacha Bazi - Severe Child Abuse Disguised as an Afghani Custom", *Humanium*, 13 September 2022, <https://www.humanium.org/en/bacha-bazi-severe-child-abuse-disguised-as-an-afghani-custom/>; Mohammad Yasir Essar et al., "Rethinking ‘Bacha Bazi’, a Culture of Child Sexual Abuse in Afghanistan", *Medicine, Conflict and Survival* 37, no. 2 (3 April 2021): 118–23, <https://doi.org/10.1080/13623699.2021.1926051>; Misra, 'Men on Top'.

<sup>113</sup> Essar et al., "Rethinking ‘Bacha Bazi’, a Culture of Child Sexual Abuse in Afghanistan". Bacha Bazi is a dari term that literally translated means boy play.

a difficult practice to identify and investigate.<sup>114</sup> Yet, it is a flourishing practice in private where the wealthy and powerful view the “owning” of young boys as a status symbol.<sup>115</sup> In exchange, the young boys, who are often impoverished are able to provide financial support to sustain their families.<sup>116</sup> Beyond bacha bazi, there are also reports and allegations of Afghan men in positions of lower authority, such as local police and ANSF members raping young boys and girls who they encounter.<sup>117</sup>

The BOI report identified that several allegations of oral sex and genital fondling were reported to the chain of command. It also identified that CAF medical personnel had treated children, both male and female, for rectal damage likely caused by sexual assault. The report went further on to state that sufficient information existed as early as 2006 that would have warranted investigations into alleged sexual abuse of children.<sup>118</sup> Yet because it was outside the scope of the BOI, the report used this information to highlight what did and did not work in the reporting mechanisms in the chain of command while leaving the issues of sexual misconduct in Afghanistan by the ANSF unaddressed.<sup>119</sup> In many cases, CAF personnel did report suspected incidents, but actions taken, if any, were limited to the unit level as the information was not reported to higher levels of command. The fact that there was nothing that CAF personnel could do to stop the incidents from occurring is a much bigger and unaddressed problem.

Drawing back to the Ethos and the CAF Code, the ethical principle in question is clear, to respect the dignity of all people. Looking beyond that initial assessment, it is also clear, that there was not enough sufficient guidance applicable this mission specific problem. The challenge was not that the actions of CAF personnel were not in line with the CAF Code and Ethos, on the contrary, the fact that CAF personnel were attempting to follow the Ethos and the CAF Code were contributing factors to the resulting harm sustained by CAF personnel. The ethical challenge in this scenario is trying to resolve how to work with partners who do not share the same values as those of Canada and the CAF and what can be done in this imperfect scenario. As the previous study demonstrated a lack of values-based direction on operations can result in moral disengagement, this case study clearly outlines that there is a serious risk to the force when working with other nations who allow or encourage behaviours contrary to Canadian laws and values. The result is not only moral hazard in terms of action, but moral injury to actual personnel. It is to this moral injury that this paper now turns.

Research shows that one of the causal factors of PTSD is exposure to trauma combined with a helplessness to prevent or mitigate said trauma.<sup>120</sup> In this case, there was a moral conflict

---

<sup>114</sup> Essar et al.; Andelkovic, "Bacha Bazi - Severe Child Abuse Disguised as an Afghani Custom". It is important to note that bacha bazi as a specific practice was not defined as illegal under Afghan law until January 2017.

<sup>115</sup> Misra, "Men on Top".

<sup>116</sup> Essar et al., "Rethinking “Bacha Bazi”, a Culture of Child Sexual Abuse in Afghanistan".

<sup>117</sup> Adams, "Confronting Allegations of Sexual Violence in Afghanistan".

<sup>118</sup> "Canada's Military Failed to Act on Afghan Child-Sex Abuse: Report", *The Hamilton Spectator*, 12 April 2016, sec. World, <https://www.thespec.com/news/world/2016/04/12/canada-s-military-failed-to-act-on-afghan-child-sex-abuse-report.html>; Department of National Defence, "Board of Inquiry: Allegation of Assault of a Civilian - Executive Summary".

<sup>119</sup> Department of National Defence, "Board of Inquiry: Allegation of Assault of a Civilian - Executive Summary".

<sup>120</sup> Cheuk Yan Lee, Adrian Furnham, and Christopher Merritt, "Effect of Directness of Exposure and Trauma Type on Mental Health Literacy of PTSD", *Journal of Mental Health* 26, no. 3 (4 May 2017): 257–63, <https://doi.org/10.1080/09638237.2016.1276531>. There is likely more research you can cite on this.

that CAF members faced in that, they were exposed to incidents that are not line with the acceptable ethical and moral standards that the CAF, without any means to risk mitigate or challenge/change such behaviours. This was exacerbated by the perceived centralized control of authority in this situation. Typically, the CAF exercises delineated command authority where decision making is always deferred to the lowest level possible.<sup>121</sup> In this case, because the decision-making authority was removed, there was a resultant impact on CAF personnel who knew that this was occurring but felt helpless to intervene beyond reporting any incidents to their CoC.

Morally injurious experiences are defined as “the lasting psychological, biological, spiritual, behavioral, and social impact of perpetrating, failing to prevent, or bearing witness to acts that transgress deeply held moral beliefs and expectations.”<sup>122</sup> The BOI report itself *did* acknowledge the historical evidence of the practice of men in power and authority using boys and younger men for sex. The report also acknowledged that such practices are illegal under international, Afghan and Islamic law.<sup>123</sup> However, beyond reporting incidents to the chain of command, the report offered no solution to the problem of exposure to these incidents by CAF personnel. While here was no disputing the legitimacy of the concerns, there was no harm mitigation solution provided either. This could/might invariably open the door for the potential for CAF personnel to feel guilt and/or shame if they became aware of such incidents but did nothing to stop them, or if they felt that all they could do was report to the chain of command, only to have the chain of command be unresponsive.

This should significantly concern CAF leadership, as exposure to moral injury in the military context occurred where the norms of military culture were violated without any mitigation possible.<sup>124</sup> Furthermore, exposure of military personnel to potentially morally injurious events (PMIEs) is strongly linked to mental health injuries, including self-injuries or self-injurious thoughts and behaviours (SITBs).<sup>125</sup> The BOI report identified that the CAF Code, although robust, does not provide adequate direction when it comes to complex cases such as these.<sup>126</sup> This lack of direction with regards to values and ethics on operations means that CAF personnel will enter into future analogous situations inadequately trained and prepared, increasing the risk of exposure of CAF personnel to PMIEs. The creation of operations specific values-based direction, either mission specific or for operations in general, is therefore essential in minimizing the potential for harm to CAF personnel.

These two case studies are by no means an exhaustive study of the possible ethical and moral scenarios that CAF personnel can find themselves in operations, nor are moral

---

<sup>121</sup> Department of National Defence, ed., *Leadership in the Canadian Forces: Conceptual Foundations*.

<sup>122</sup> Brett T. Litz et al., "Moral Injury and Moral Repair in War Veterans: A Preliminary Model and Intervention Strategy", *Clinical Psychology Review*, Posttraumatic Stress Disorder and the Wars in Afghanistan and Iraq, 29, no. 8 (1 December 2009): 695–706, <https://doi.org/10.1016/j.cpr.2009.07.003>.

<sup>123</sup> Department of National Defence, "Board of Inquiry: Allegation of Assault of a Civilian - Executive Summary".

<sup>124</sup> Lewis Jeffery Lee, *Moral Injury Reconciliation: A Practitioner's Guide for Treating Moral Injury, PTSD, Grief, and Military Sexual Trauma Through Spiritual Formation Strategies* (London, UNITED KINGDOM: Jessica Kingsley Publishers, 2018), <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=5261514>.

<sup>125</sup> Gadi Zerach and Yossi Levi-Belz, "Intolerance of Uncertainty Moderates the Association Between Potentially Morally Injurious Events and Suicide Ideation and Behavior Among Combat Veterans", *Journal of Traumatic Stress* 32, no. 3 (2019): 424–36, <https://doi.org/10.1002/jts.22366>.

<sup>126</sup> Department of National Defence, "Board of Inquiry: Allegation of Assault of a Civilian - Executive Summary".

disengagement and moral injury the only potential implications that can result from not having the proper values and ethics-based direction on operations. They are meant to highlight that, without values-based direction, the CAF risks creating an environment of ambiguous ethical decision making and higher ethical risk. Both of these case studies demonstrate that the government of Canada and the CAF committed and required their members to commit actions that were in contradiction of the CAF Ethos for operational reasons. By doing so, the CAF has signaled to its members that the application of values and ethics-based decision making is secondary to the achievement of operational objectives. This becomes a dangerous precedent as it introduces into the minds of CAF personnel whether overtly or subconsciously that the application of the CAF Ethos and Code of Values is situational and not absolute.

As mentioned previously in this paper, the application of the CAF Ethos cannot be relative. The values and principles of the CAF are standards which govern conduct.<sup>127</sup> When examined in any other light, the potential is for a situational application of ethics, in which individuals are making decisions based on their own determinations of right and wrong which may not align with CAF principles. Take, for example, the incident involving Captain Robert Semrau in which he fatally shot a wounded Taliban fighter in what was seen as a “mercy killing”.<sup>128</sup> The member acted out in accordance with their own moral code, which was in violation of LOAC, IHL and IHRL.

This chapter has examined that the context and application of ethics and values on deployments is significantly different when on deployed operations. Through these two case studies, the intent was to demonstrate that, on operations, the exposure to complex situations under high stress circumstance is common. This often results in challenging ethical situations with no clear right way forward. To resolve this, there needs to be ethical guidance in place that provides direction to CAF personnel on deployments. It is the examination of what that ethical guidance could look like that is the subject of the next chapter.

## CHAPTER 4

### Ethical Frameworks for Deployed Operations

When the CAF fails to make an ethical decision there is the potential that it forces its own members into unethical positions and into making ethically questionable decisions. In order to avoid these situations, there must be robust governance structure that considers and balances strategic goals, risk management, and ethical implications.<sup>129</sup> The CAF is required to respond to highly uncertain situations where undecidable situations are a baseline of normal. In these situations, in order for the CAF to maintain credibility, there must be a value and ethics-based framework in place that will guide the decision making of the actors within the organization.

---

<sup>127</sup> Department of National Defence, ed., *Department of National Defence and Canadian Forces Code of Values and Ethics*.

<sup>128</sup> Canadian Army, "Is Battlefield Mercy Killing Morally Justifiable?", 21 September 2021, <https://www.canada.ca/en/army/services/line-sight/articles/2021/09/is-battlefield-mercy-killing-morally-justifiable.html>.

<sup>129</sup> David Weitzner and James Darroch, "The Limits of Strategic Rationality: Ethics, Enterprise Risk Management, and Governance", *Journal of Business Ethics: JBE* 92, no. 3 (March 2010): 361–72, <https://doi.org/10.1007/s10551-009-0159-0>.



The previous chapter demonstrated that ethical decision making on operational deployments is significantly different from all other forms of military activities. The ethical framework governing military activities on deployments should therefore be applicable and useful in navigating and resolving ethical complexities that exist in deployed settings. This chapter examines a potential ethical framework for deployed operations that could be implemented by the CAF.

The profession of arms in the CAF requires that all members are ethical decision makers. As a values-based organization, the CAF relies on self-discipline and sound judgement to ensure that standards of conduct and professionalism are maintained.<sup>130</sup> CAF philosophy of Mission Command requires that members are not trained to blindly follow order, but to analyze and understand the intent of the orders they are given so as to achieve their objectives in such a way so as to achieve their commander's intent. Trusting service members as decision makers is foundational to the leadership philosophy of the CAF.<sup>131</sup> Furthermore, literature shows that ethical thinking is not necessarily something that is innate, rather is something that can be taught and trained.<sup>132</sup> Therefore, the solution is not to take the decision-making capabilities away from service members. It is to ensure that the CAF as an organization leads by example by adhering to ethical guidance and principles, and to ensure that the appropriate guidance, direction and training is in place to enable decision making. This will make mission command more ethically empowered and effective by training members to make decisions that are in line with the organizational culture as established through proper organizational policy, guidance, and training.<sup>133</sup> Without this guidance the CAF risks perpetuating the same situational ethical decision making which is dependent on the relative ethics of the decision maker. Exposing the organization to potential ethical risk.<sup>134</sup>

### **Ethics and Values based framework for Operations: Ethics Based Analysis**

In order to mitigate ethical risk while on deployment, there needs to be an understanding of the theatre of operations from an ethics perspective. In order to develop this understanding of the context of the operation a thorough analysis of the theatre of operations as well as potential ethical challenges must be conducted. An ethics based analysis (EBA) of the theatre could be a mechanism to enable this understanding. Under this approach the CAF would examine the mission specific ethical factors for the theatre of operation in which the CAF operates. This approach would be similar to the way that a Gender Based Analysis plus (GBA+) is conducted. GBA+ is a tool utilized by the CAF during operational planning to ensure that planning is done in a manner that considers inclusivity factors during the operational design process.<sup>135</sup> Applying

---

<sup>130</sup> Department of National Defence, ed., *Canadian Armed Forces Ethos: Trusted to Serve*.

<sup>131</sup> Department of National Defence, ed., *Leadership in the Canadian Forces: Conceptual Foundations*.

<sup>132</sup> Stéphanie A. H. Bélanger and Daniel Lagacé-Roy, *Military Operations and the Mind: War Ethics and Soldiers' Well-Being* (Montreal, CANADA: McGill-Queen's University Press, 2016), <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=4556271>.

<sup>133</sup> Bélanger and Lagacé-Roy.

<sup>134</sup> It is important to differentiate between operational and ethical objectives on deployment. As it possible, and in some cases perhaps easier to meet operational objectives without meeting ethical ones.

<sup>135</sup> Department of Justice, "Policy on Gender-Based Analysis Plus", 16 November 2018, <https://www.justice.gc.ca/eng/abt-apd/pgbap-pacsp.html>; Department of National Defence, "Canadian Forces Joint Publication 5.0: The Canadian Forces Operational Planning Process (OPP) Change 2" (Department of National Defence, 2008),

a GBA+ lens to the operation, a systematic assessment of the theatre, actors and the operation itself is conducted with the intent of identifying gender and other cross-cutting inclusivity factors that need to be considered as part of the planning process.<sup>136</sup>

A similar approach could be taken with regards to ethics and values principles. An analysis of the theatre of operations could be conducted utilizing an ethics lens. During the operational planning process (OPP) as part of the preparation and planning phases an EBA could be conducted. This would involve responsible parties, including legal advisors, planning staff and a dedicated ethics advisor conducting an analysis to identify potential ethical conflict and risk factors.<sup>137</sup> This analysis, along with identifying risk factors, could also recommended mitigation measures that could be implemented. Figure 1 below outlines a proposed ethical framework that could be implemented as part of an EBA.



Figure 1: Proposed EBA framework

This EBA framework was created through the examination of existing ethical frameworks available in academic literature along with an examination operations-based ethics literature.<sup>138</sup> In reviewing the literature, the above framework was created through the

<sup>136</sup> Department of Justice, "Policy on Gender-Based Analysis Plus".

<sup>137</sup> Department of National Defence, "Canadian Forces Joint Publication 5.0: The Canadian Forces Operational Planning Process (OPP) Change 2".

<sup>138</sup> David Whetham, *Ethics, Law and Military Operations* (London, UNITED KINGDOM: Bloomsbury Publishing Plc, 2010), <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=4763179>; Carrick et al., *Ethics Education for Irregular Warfare*; Pharmacy Connection, "A Framework for Ethical Decision-Making", *Pharmacy Connection*, 22 March 2019, <https://pharmacyconnection.ca/framework-decision-making-winter-2019/>; Nigel De Lee, Paul Robinson, and Professor Paul Robinson, *Ethics Education in the Military* (Abingdon, UNITED KINGDOM: Taylor & Francis Group, 2008), <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=438281>; US Department of Army, "Moral Leadership", 27 November 2020,

identification of the common factors from the ethics literature and frameworks as well as an analysis of how a framework could be applied in this CAF specific context.

It is important note that an EBA, similar to a GBA+ does not only have to be conducted during the OPP and prior to Canada entering a theatre of operation. Although this is the ideal time, so as to identify and mitigate risk prior to deployment, an EBA can be conducted at any time during an operation. It is more important that the CAF adopt the practice of institutionalizing an EBA perspective and applying an EBA lens as a normal way to examine operations. This paper will now examine each step of the framework in detail.

The first step would be to examine all relevant actors. Primarily, there are three main actors that need to be considered: host nation, partner nations and Canada. In the case studies presented previously, both scenarios involved ethical conflict either internal to Canada or between Canada and another partner or host nation. Understanding how those partners view values and ethics and how those could potentially be in conflict with CAF values and ethics is a key first step in conducting an ethical analysis. However, on operations there are other actors that need to be considered. Adversaries and their views on values and ethics must also be examined. Concepts such as how the actors view private armies or child soldiers must be considered when examining the ethical considerations. An example of these actors can impact operations is the recently publish CAF doctrine note on child soldiers. Understanding the challenge and potential harm that exposure to child soldiers on operations can be, this document provides guidance to mitigate the harm to CAF personnel.<sup>139</sup> This doctrine was developed as a response to exposure of CAF personnel to child soldiers and the impact it had on operations.<sup>140</sup>

Once all relevant actors have been identified along with their understood perspectives on ethics, the next step would be to identify any potential ethical risk factors. This is where the analysis examines potential ethics-based conflict and friction points between the CAF and either partner nations or the adversary. As an example, there can often be conflict between Canada and the host nation with regards to culturally accepted practices. In the second case study, the Afghan cultural practice of bacha bazi was in direct conflict with IHL and Canadian law and ethics. Had an EBA assessment been conducted either prior to deployment or early on during the mission, this ethical risk could have been identified much earlier in the mission. However, identifying ethical risk should not just be limited to conflict and friction between the CAF and other actors. There is also the requirement to examine the potential for CAF values to collide with other CAF values, or for potential contradictions of CAF values with Charter or Canadian values. The first case study did not just identify a conflict between the CAF and other nations, but also an internal to Canada conflict. The decision to enter into a non-binding arrangement with the government of Afghanistan put Canada in the position of creating and acting on a policy

---

[https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/ARN31337-PAM\\_165-19-001-WEB-2.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN31337-PAM_165-19-001-WEB-2.pdf); United Nations Office of Drug and Crime, "Integrity Ethics Module 4 Key Issues", accessed 7 May 2023, [//www.unodc.org](http://www.unodc.org).

<sup>139</sup> Department of National Defence, "Canadian Forces Joint Doctrine Note: Child Soldiers", 2017,

<sup>140</sup> Department of National Defence, 'Canadian Armed Forces Sets Precedent with Child Soldier Doctrine', news releases, 2 March 2017, [https://www.canada.ca/en/departement-national-defence/news/2017/03/canadian\\_armed\\_forcessetsprecedentwithchilsoldierdoctrine.html](https://www.canada.ca/en/departement-national-defence/news/2017/03/canadian_armed_forcessetsprecedentwithchilsoldierdoctrine.html).

that was in violation of IHL.<sup>141</sup> What is vital is that all risk factors regardless of source are identified.

After all the relevant ethical risk factors have been identified, the next step is to identify any training requirements and other mitigation strategies. Implicit to this step is the assumption that ethical behavior and thinking can be modified through education and training, something which the academic literature on ethics has demonstrated.<sup>142</sup> Also important is to note that not all ethics training is the same, and for ethics training and education to be effective it must be applicable to the specific context in which the ethical risk is likely to occur. CAF values and ethics training focuses on character development of CAF personnel to enable adherence to ethical values and principles.<sup>143</sup> However, as discussed previously, one of the main causes of unethical behaviours is operational stress.<sup>144</sup> Ethics training must address operational stress and how to cope with it as there is evidence to suggest that proper ethics based training is associated with improved ethical decision making.<sup>145</sup> Our case studies demonstrated that CAF personnel were not adequately trained to manage the ethical complexities that they faced. This was demonstrated by the fact that the CAF changed its pre-deployment training package for Afghanistan to include human rights violations scenarios involving women and children after the allegations against the ANSF came to light.<sup>146</sup> Outside of training other mitigation factors must also be identified at this time. In the case of the transfer of Afghan detainees, had an ethics lens been applied to the handling of enemy combatants in advance of the operation, there is a possibility that a better approach could have been taken. The intent of this step is to identify all possible strategies to mitigate ethical risk identified in the analysis.

Upon identifying the mitigation strategies, this step in the process is to select and recommend the most effective ones that can be implemented based on the resources available. As the analysis is being conducted early in the OPP, all resources may not yet be identified, however, this step is vital, as it may identify resource gaps that must be filled. In the case of the BOI case study, the additional training that was provided after the allegations came to light could have been put in place at the beginning of the operation had the EBA identified this as a risk factor. These EBA allows the operational commander to have a full picture of the operating environment, including the ethical factors and considerations. The recommendations provide the commander with mitigation options that can then be imbedded into the operational plan. Both of these case studies demonstrated that there were multiple options that could have been put in place to resolve the ethical conflict. In the case of the detainees, a decision was made to redraft the arrangement to include provisions for the monitoring of detainees after the transfer to Afghan authorities.<sup>147</sup>

---

<sup>141</sup> Gionet, "Canada the Failed Protector".

<sup>142</sup> Carrick et al., *Ethics Education for Irregular Warfare*; Lee, Robinson, and Robinson, *Ethics Education in the Military*; Whetham, *Ethics, Law and Military Operations*.

<sup>143</sup> Department of National Defence, ed., *Department of National Defence and Canadian Forces Code of Values and Ethics*.

<sup>144</sup> Carrick et al., *Ethics Education for Irregular Warfare*.

<sup>145</sup> Carrick et al.; Lee, Robinson, and Robinson, *Ethics Education in the Military*.

<sup>146</sup> Department of National Defence, "Board of Inquiry - Allegation of Assault of a Civilian by Afghan National Security Forces and the Canadian Forces Response to Such Incidents".

<sup>147</sup> Paul Webster, "Canadian Soldiers and Doctors Face Torture Allegations", *The Lancet* 369, no. 9571 (28 May 2007): 1419–20, [https://doi.org/10.1016/S0140-6736\(07\)60651-5](https://doi.org/10.1016/S0140-6736(07)60651-5). This is not to say that this course of action was

Once the recommendations have been developed, the final step is to reflect and reassess as required. A re-examination of the operation upon completion of the analysis may bring to light factors and risks that were missed. As the planning process proceeds there may be new information and considerations that come to light that require a reassessment of the ethical risks to the mission. This is similar to the CAF After Action Review (AAR) process in training. The AAR process is an iterative one identifies deficiencies with the intent of resulting in improved outcomes at the training is occurring.<sup>148</sup> This step is meant to be ongoing and iterative, one that continues throughout the planning process as well as throughout the conduct of the operation.

This approach would integrate values and ethics thinking directly into the OPP similar to the way that GBA+ has done for gender and inclusivity factors. It would be a comprehensive approach that would require a shift in mindset of CAF personnel to one where all aspects of decision making have ethical considerations factored in. The risk is that this process gets treated as a standalone one. That it is considered a task that once the assessment is completed, it requires no further consideration. Operations are always changing and evolving and with it so are the ethical and moral implications. It is vital that the process not fall into this trap, otherwise the potential for exposure to ethical risks increases. Furthermore, although the EBA framework provides the mechanism for ethics-based analysis in operations, it does not address that there are specific ethical principles that are unique to operations that must be considered. It is to those ethical principles that the discussion now turns.

## **Ethical Principles**

The primary challenge when discussing values and ethics on deployments tends to be the challenge around implementing CAF and Canadian values when working in partnership with other nations. As discussed earlier, as a contributing nation in a larger coalition based multinational operation, the ability to have influence is limited. In this type of environment, multiple nations with their own priorities attempt to work collaboratively to coordinate the application of force and achieve a combined, joint effect. The nations bringing the larger contribution of forces tend to dictate the terms of the operations, and have more influence over the conduct of activities. However, the influence of larger nations is often mitigated through the implementation of national caveats. Regarding the application of force in operations, national caveats are a means for states to ensure respect of their sovereignty and independent decision making.<sup>149</sup> States enter into coalitions already aware of what they are not willing to do from an operational perspective, ensuring that their contributions to operations are not outside the bounds of their national interests and principles.<sup>150</sup> This same approach could be taken with regards to the application of values and ethics on operation. The CAF could develop a set of principles meant to provide national guidance to CAF personnel on proper application of CAF values and

---

the correct one, but to demonstrate that there were other options available to the CAF, this is simply the one that was chosen.

<sup>148</sup> M Eric Boivin and Dr Marielle Mokhtari, 'A Canadian After-Action Review Process Improvement Roadmap', April 2011.

<sup>149</sup> Gunnar Fermann and Per Marius Frost-Nielsen, "Conceptualizing Caveats for Political Research: Defining and Measuring National Reservations on the Use of Force during Multinational Military Operations", *Contemporary Security Policy* 40, no. 1 (2 January 2019): 56–69, <https://doi.org/10.1080/13523260.2018.1523976>.

<sup>150</sup> Basil Germond, "Multinational Military Cooperation and Its Challenges: The Case of European Naval Operations in the Wider Mediterranean Area", *International Relations* 22, no. 2 (1 June 2008): 173–91, <https://doi.org/10.1177/0047117808089894>.

ethics both in action and decision making while on deployments. These principles would then become key tools that enable the EBA process.

There are three principles recommended for inclusion as guidance on operations:

- When the actions or expectations of another state or non-state actor are in conflict with the values or values-based principles of the CAF, the values outlined in the CAF Ethos and CAF Code take precedence;
- Respect the ethics and values of all partner nations; and
- CAF personnel have the responsibility to report any violations of CAF values and ethics to their respective chains of command.<sup>151</sup>

These principles are to be applied within the construct of the EBA framework. When conducting the first four steps of the EBA framework, principles one and two must be a part of the analysis. When conducting the reflect and reassess step, there may be an opportunity to consider principle three to examine if there have been any reports or violations of ethics either past or present. These principles are to be applied in concert with the EBA framework not instead of it.

The first and primary principle outlines that adherence to CAF values and ethics principles takes precedence when operational actions could result in CAF members compromising those values. The intent of this principle is to ensure that CAF personnel understand adherence to the CAF Ethos and CAF Code on deployment takes primacy, and that in no circumstances is there an expectation for CAF personnel to act in contradiction to them. In the event that CAF personnel are asked to decide on an issue where the values of the CAF and Canada are in contradiction with those of either a coalition partner or the host nation, then the values of the CAF and Canada supersede all others. This principle will give CAF personnel the guidance they need to avoid being placed in an ethically compromised position. This principle would also apply should it be the CAF or government of Canada that is creating the ethical conflict. In the case of the Afghan detainee case study, had this principle been in place, within the EBA framework there would have been a mechanism to review and identify the ethical risk of transferring detainees at risk of torture. This would have also triggered the EBA assessment to offer alternative mitigating strategies. In the case of the BOI case study, the application of this principle would have enabled an EBA assessment that at the very least would have mitigated the lack of communication issue. The EBA assessment would have identified the ethical risk and mitigations and would have been reported to the operational level ensuring their awareness.<sup>152</sup>

The second principle to respect the ethics and values of partner nations is a conditioned principle. CAF personnel are expected to respect the beliefs of all people, even if those beliefs do not align with their own or of those of the CAF and Canada. However, if those beliefs violate IHL, IRHL or LOAC, or if they would be considered service offences under the Code of Service

---

<sup>151</sup> There are circumstances where it may be appropriate to not report violations. In the case of sexual misconduct, the CAF has changed the requirement to report by victims due to the traumatic nature of the events, and to support victims. In this case, the same provisions would need to be in place for especially sensitive matters.

<sup>152</sup> Department of National Defence, "Board of Inquiry - Allegation of Assault of a Civilian by Afghan National Security Forces and the Canadian Forces Response to Such Incidents".

Discipline, they should report this to their CoC. In the case studies examined, this principle would have been less applicable as they examined ethical breaches that were also violations of IHL. However, that does not negate the importance of this principle as part of an ethical framework. As a contributor within a coalition, respecting the values and beliefs of other parties is vital to enable interoperability. It is also key in ensuring building relationships and credibility as well as setting the conditions for ethical conduct on operations. One of the criticisms of Canada's conduct in Afghanistan was a lack of understanding of culture and the way that civil society operated.<sup>153</sup> During the reconstruction period, Canada focused on working with NGOs ignoring the institutions in place in Afghan civil society. This ultimately, became a hinderance to the establishment of democratic institutions in the country as civil society groups were hindered in participating in establishing and participating in democratic institutions.<sup>154</sup>

The final principle outlines that if CAF personnel see, or become aware of, actions or activities that are in violation of CAF values and ethics, they have the responsibility to report it, even if it is not a violation of IHL, IHRL or LOAC. This includes reporting back to a CAF chain of command if the members chain of command in theatre is not Canadian. In the case of alleged sexual assault of civilians by ANSF, the BOI was convened because of allegations that CAF personnel were told not to report incidents of assault by ANSF personnel of young boys.<sup>155</sup> Although the report ultimately found no evidence of this and case studies outlined that there was ambiguity on the obligation of CAF personnel to report misconduct by ANSF personnel. Although the outcome of the BOI was that there was no suppression of reporting, the BOI did find that information was not getting passed up beyond unit level, resulting in limited actions being taken.<sup>156</sup> The case of the ATD, the requirement to report may not have prevented the initial transfers from taking place, but within the context of an EBA, it would have identified the ethical risk sooner. This along with potential mitigation strategies could have prevented further IHL violations as a result of the transfers between the CAF and the government of Afghanistan.

Establishing an ethical framework for operations is a complex challenge, which is likely why it has not been completed to date. The intent of this chapter was to outline an ethical framework along with ethical principles that could be applied by the CAF while on operations. Applying ethical framework in operations requires a shift in mindset. Not having a framework has resulted in the CAF being exposed to ethical risk. There is a need for that operational ethics-based direction to enable ethical decision-making during operations. Creating an ethical framework that is flexible to the evolving scope of operational needs allows members in deployed operations to work within an ethics-based value system that minimizes risk both to themselves as individuals and to the CAF as a whole.

---

<sup>153</sup> Rishita Apsani, Bipasha Baruah, and Jennifer Shaw, "“Just One of Many Donors”: Canada's Engagement with Civil Society in Afghanistan", *Canadian Foreign Policy Journal* 25, no. 3 (2 September 2019): 305–24, <https://doi.org/10.1080/11926422.2019.1640122>.

<sup>154</sup> Apsani, Baruah, and Shaw.

<sup>155</sup> Department of National Defence, "Board of Inquiry - Allegation of Assault of a Civilian by Afghan National Security Forces and the Canadian Forces Response to Such Incidents".

<sup>156</sup> Department of National Defence. "Board of Inquiry - Allegation of Assault of a Civilian by Afghan National Security Forces and the Canadian Forces Response to Such Incidents".

## CHAPTER 5

### Evolving Warfare

The CAF exists to conduct operations, everything else that it does from recruiting to procurement to training and development is done with this end state in mind: the operational readiness of a capable fighting force. The nature of war is changing, and with it the ethics of combat only get more complex. Having examined a potential ethical framework for operations, this chapter now turns to the evolving nature of warfare, and the implications this has on ethics on operations.

The manner in which militaries engage in kinetic operations is evolving. Consider the rapidly evolving world of unmanned vehicle platforms, the discussions around the use of Artificial Intelligence (AI) in the kinetic targeting process, or the evolving world of cyberwarfare as examples. These types of operations create a floodgate of ethical and legal questions and complexities that must be considered. There is now ambiguity in terms such as combatant and theatre of operations. The lines have been greyed between what operations need to be conducted by military professionals and what can now be conducted by civilians. Civilian contractors can now conduct offensive military cyber operations, resulting in questions around their status and protections on IHL and LOAC.<sup>157</sup> Prior to the advent of the unmanned aerial vehicle (UAV) the air force targeting process was limited to platforms that were either manned or operated from the theatre of war. This has now changed with UAV platforms now able to operate within a theatre of operations but controlled from elsewhere. There are discussions around the ethical use of drones and whether the use of drones lowers the threshold for accepting collateral damage, makes killing easier, and is inherently escalatory in nature by reducing the human risk and cost of war.<sup>158</sup> Additionally there are concerns about the mental health harms that may result from operators who conduct kinetic strikes during the day, then return home for dinner in the evening. Military operations have traditionally focused on the deployment concept. Military professionals are removed from their domestic context enabling them to transition into the combat environment. There are now questions being asked about the implications on the mental health of operators by removing this physical separation.<sup>159</sup>

Cyber warfare and the use of AI are also raising new ethical questions. There are concerns about the risk of disproportionate harm to civilians through cyber warfare as the effects of cyber-attacks are often difficult to control or predict.<sup>160</sup> There is also the increased risk of targeting civilian infrastructure as has been seen in the recent Russia-Ukraine conflict. Cyber-attacks are viewed as non-lethal and non-direct attacks and so there are questions around what is legal and illegal targeting under the laws governing armed conflict.<sup>161</sup> Regarding targeting, AI

---

<sup>157</sup> Edward T. Barrett, "Warfare in a New Domain: The Ethics of Military Cyber-Operations", *Journal of Military Ethics* 12, no. 1 (1 April 2013): 4–17, <https://doi.org/10.1080/15027570.2013.782633>.

<sup>158</sup> Peter Burt, "Out of Sight, Out of Mind? Ethical Issues Relating to the Use of Autonomous Armed Drones in Promotional Videos", *Journal of War & Culture Studies* 15, no. 4 (2 October 2022): 388–407, <https://doi.org/10.1080/17526272.2022.2119662>.

<sup>159</sup> D. Wallace and J. Costello, "Eye in the Sky: Understanding the Mental Health of Unmanned Aerial Vehicle Operators", *Journal of Military and Veterans' Health*. 25, no. 3 (2017): 36–41.

<sup>160</sup> Barrett, "Warfare in a New Domain".

<sup>161</sup> Barrett. Additional to the questions around the legality of cyber targeting, there is still legal debate as to whether cyber activities can be deemed attacks from a legal perspective.



can process information faster and more efficiently than a human. However, the targeting and data collection algorithms for AI autonomous targeting are human designed. There are concerns that errors in the algorithm could result in improper targeting or unintended consequences.<sup>162</sup> Additionally, the use and scope of use of AI is growing at an exponential rate. With this explosive growth comes unanswered and underexamined ethical questions about the use of AI in the military.<sup>163</sup>

These are all complex ethical issues that must be addressed by the CAF. The ethical risks and challenges of the future are not always going to be same as those of the past. The case studies in this paper highlighted the ethical and risks and harms that have resulted from a lack of values and ethics guidance on operations. This section highlights not only that those risks are still going to be there in the future, but that there are going to be additional complexities on operations that have not adequately been examined or considered through an ethical lens. The potential for ethical harm and risk is too high to ignore. The EBA framework could be applied in this domain. The framework allows for the CAF to examine what the potential ethical risks are, both to the operation and to the people, and allows for the consideration of mitigation strategies. The CAF cannot afford to fall behind as a contemporary fighting force. It must be ready for the challenges of today and tomorrow, and that includes in the ethical realm. The EBA framework could be a part of that process.

## Conclusion

The CAF Ethos and Code of Values and Ethics are the foundational documents of the ethical code of conduct for CAF personnel. The ethical principles found within are meant to reflect those of Canada and to guide the conduct of CAF personnel. Yet, it has been 10 years since the CAF Code of Ethics and Values was published, and there is still no direction on the application of values and ethics in operations. Whether intended or not, that has the potential to send a message: that values and ethics aren't a priority. When viewed in the context of the case studies examined, the lack of ethical guidance is problem that cannot be ignored. The subjective application of ethical principles by the CAF in operations has resulted in both moral injury and more disengagement and exposes the CAF to ethical risk in the future. Ethical relativism with insufficient governance will invariably lead to decision making that is not in alignment with CAF values and ethics.

This paper outlined an ethical framework and principles which can fill this gap in ethical guidance on operations. The framework, if implemented, enables a thorough ethical analysis within an operational context. This can provide CAF personnel with the guidance needed to ensure that moral and ethical decision making while on operations is in line with the CAF values and ethics. However, in order to implement the framework, the CAF must embrace an institutionalized ethics-based perspective and lens when planning and conducting operations. Most importantly, the framework also provides a process for continuous ethical reflection and

---

<sup>162</sup> Bérénice Boutin, "State Responsibility in Relation to Military Applications of Artificial Intelligence", *Leiden Journal of International Law* 36, no. 1 (March 2023): 133–50, <https://doi.org/10.1017/S0922156522000607>.

<sup>163</sup> Filippo Santoni de Sio and Jeroen van den Hoven, "Meaningful Human Control over Autonomous Systems: A Philosophical Account", *Frontiers in Robotics and AI* 5 (2018), <https://www.frontiersin.org/articles/10.3389/frobt.2018.00015>.

reassessment. With this framework in place the CAF has the ability to provide guidance on the overarching application of ethics and values while on operations.

Finally, there was an examination of the ethical implications that have to be considered because of the changing nature of warfare. With the advent of cyberspace as a domain of combat and the introduction of UAVs and AI into combat activities, the conduct of war today is significantly different than any other time in human history. With these new capabilities come new ethical questions. It is still unknown what the ethical implications are going to be of these new emerging capabilities in combat. The CAF will need a values and ethics framework that is both robust enough and agile enough to be able to adapt to the rapidly evolving nature of war. The EBA framework has the potential to do just that.

The CAF is at a crossroads. As a fighting force, it needs to modernize, and with the announcement of new procurements such as the F35 and the new Canadian Surface Combatant Ship, it seems that CAF is trying to do just that.<sup>164</sup> The CAF also wants to modernize from a personnel perspective to a diverse fighting force that better reflects the demographics of Canada.<sup>165</sup> To do that the CAF needs to clearly set out what the institution feels are the standards of values and ethics, both in Canada and abroad. This is an ideal time for the CAF to fill the gap that the unwritten chapter II of the CAF code of values and ethics leaves.

### **Limitations and Recommendations for Future Study**

This paper only focused on two case studies: the transfer of Afghan detainees to the Afghan government and the BOI as a result of allegations of assault of a civilian by ANSF. Additionally, only the concepts of moral disengagement, moral injury and moral risk were examined. This paper was by no means intended to be an exhaustive examination of values and ethics or of ethical concepts. Nor was it intended to be an exhaustive analysis of the cases themselves. Further analysis of these cases could be done for other purposes, additionally there are other case studies that could be examined with other ethical implications that could further build on and identify ethical issues that can result due to a lack of proper values and ethics governance.

It is recommended that a further examination of the impact of moral injury, moral disengagement on the combat effectiveness of a force be conducted. This examination could better enable and inform the discussion around values and ethics as it will better quantify in the impact that insufficient or unclear governance has on the combat capability of a force.

Having identified a potential ethical framework, there is now need for further study on the applicability of this framework on operations. It is recommended that the EBA framework

---

<sup>164</sup> Department of National Defence, "Announcement Regarding the F-35 Acquisition", speeches, 9 January 2023, <https://www.canada.ca/en/department-national-defence/news/2023/01/announcement-regarding-the-f-35-acquisition.html>; Department of National Defence, "Canadian Surface Combatant", education and awareness, 13 March 2013, <https://www.canada.ca/en/department-national-defence/services/procurement/canadian-surface-combatant.html>.

<sup>165</sup> Jacques Gallant, "Too White and Too Male, Canadian Armed Forces Are Rethinking Recruiting as Staffing Slides, Senior Officers Say", *Toronto Star*, 23 March 2022, sec. Federal Politics, <https://www.thestar.com/politics/federal/2022/03/23/too-white-and-too-male-canadian-armed-forces-are-rethinking-recruiting-as-staffing-slides-senior-officers-say.html>.

and principles be further examined to determine the framework's applicability in an operational setting. As a theoretical framework, without practical application trials, the effectiveness of the framework is difficult to assess.

Finally, it is recommended that further research be done into the far reaching and long-term impacts on the ethical plane of rapidly evolving technology in war. There is still very little known or understood from an ethical perspective on the long-term impact of emerging technologies such as AI and unmanned platforms and their implementation on the battlespace. Furthermore, an examination of what the potential ethical implications are of cyber warfare needs to be conducted. The space between kinetic actions on military objectives and those on civilian ones becomes increasingly grey and there are certainly ethical implications that need to be examined regarding targeting in this domain.

## BIBLIOGRAPHY

- Adams, Brian P. "Confronting Allegations of Sexual Violence in Afghanistan". *Transnational Law & Contemporary Problems* 27, no. 2 (Summer 2018): 223–47.
- Alexander, Larry, and Michael Moore. "Deontological Ethics". In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Winter 2021. Metaphysics Research Lab, Stanford University, 2021. <https://plato.stanford.edu/archives/win2021/entries/ethics-deontological/>.
- AllAboutPhilosophy.org. "Situational Ethics". Accessed 2 May 2023. <https://www.allaboutphilosophy.org/situational-ethics.htm>.
- Alvesson, Mats. "The Handbook of Organizational Culture and Climate". by pages 11-28, 2nd ed. Thousand Oaks: SAGE Publications, Inc., 2023. <https://doi.org/10.4135/9781483307961>.
- "Amnesty International Canada v. Canada (Attorney General) - Federal Court [2008] F.C. 336", 12 March 2008. <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/55087/index.do>.
- Andelkovic, Jovana. "Bacha Bazi - Severe Child Abuse Disguised as an Afghani Custom". Humanium, 13 September 2022. <https://www.humanium.org/en/bacha-bazi-severe-child-abuse-disguised-as-an-afghani-custom/>.
- Ångström, Jan. "Contribution Warfare: Sweden's Lessons from the War in Afghanistan". *The US Army War College Quarterly: Parameters* 50, no. 4 (20 November 2020). <https://doi.org/10.55540/0031-1723.2688>.
- Apsani, Rishita, Bipasha Baruah, and Jennifer Shaw. "'Just One of Many Donors': Canada's Engagement with Civil Society in Afghanistan". *Canadian Foreign Policy Journal* 25, no. 3 (2 September 2019): 305–24. <https://doi.org/10.1080/11926422.2019.1640122>.
- Austen, Ian. "Canadian General Now Acknowledges Risk to Afghan Detainees: Foreign Desk". *The New York Times*, 2009, Late (East Coast) edition. <https://www.nytimes.com/2009/12/10/world/americas/10canada.html>
- Ausubel, Emily. "An Untold Story: The Need to Address Sexual Abuse and Exploitation of Refugee Boys". *Kennedy School Review* 19 (2019): 79–84.
- Barrett, Edward T. "Warfare in a New Domain: The Ethics of Military Cyber-Operations". *Journal of Military Ethics* 12, no. 1 (1 April 2013): 4–17. <https://doi.org/10.1080/15027570.2013.782633>.
- Bélanger, Stéphanie A. H., and Daniel Lagacé-Roy. *Military Operations and the Mind: War Ethics and Soldiers' Well-Being*. Montreal, Canada: McGill-Queen's University Press, 2016. <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=4556271>.
- Blanchfield, Mike. "Afghan Detainee Transfers Suspended in November; House Not Told: [National Edition]". *National Post*, 24 January 2008, sec. News.
- Boivin, M Eric, and Dr Marielle Mokhtari. "A Canadian After-Action Review Process Improvement Roadmap", April 2011.

- Borile, Simone. "Bacha Bazi: Cultural Norms and Violence against Poor Children in Afghanistan". *International Review of Sociology* 29, no. 3 (2 September 2019): 498–507. <https://doi.org/10.1080/03906701.2019.1672346>.
- Boutin, Bérénice. "State Responsibility in Relation to Military Applications of Artificial Intelligence". *Leiden Journal of International Law* 36, no. 1 (March 2023): 133–50. <https://doi.org/10.1017/S0922156522000607>.
- Bovarnick, Jeff A. "Detainee Review Boards in Afghanistan: From Strategic Liability to Legitimacy". *The Army Lawyer*, June 2010, 9–49.
- Bradley, Peter. "Is Battlefield Mercy Killing Morally Justifiable?", *Canadian Military Journal* 11, no. 1 (21 September 2021). <http://www.journal.forces.gc.ca/vol11/no1/doc/04-bradley-eng.pdf>.
- Branch, Legislative Services. "Consolidated Federal Laws of Canada, Canadian Human Rights Act", 31 August 2021. <https://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html#h-256795>.
- . 'Consolidated Federal Laws of Canada, The Constitution Acts, 1867 to 1982', 7 August 2020. <https://laws-lois.justice.gc.ca/eng/const/page-12.html>.
- Brewster, Murray. "Afghan Humans Rights Commission Hear 'rumours' of Detainee Abuse; Didn't Notify Ottawa". *Canadian Press NewsWire*, 29 April 2007. <https://www.proquest.com/docview/359956741/abstract/D6F69B1A7ACD4B28PQ/1>.
- . "Canada Still a Long Way from Hitting NATO's Defence Spending Target, Budget Watchdog Says". *CBC*, 9 June 2022. <https://www.cbc.ca/news/politics/nato-canada-defence-spending-pbo-1.6483054>.
- Burt, Peter. "Out of Sight, Out of Mind? Ethical Issues Relating to the Use of Autonomous Armed Drones in Promotional Videos". *Journal of War & Culture Studies* 15, no. 4 (2 October 2022): 388–407. <https://doi.org/10.1080/17526272.2022.2119662>.
- "Canada and the War in Afghanistan". Canadian War Museum. Accessed 13 March 2023. <https://www.warmuseum.ca/learn/canada-and-the-afghanistan-war/>.
- Canadian Heritage. "Guide to the Canadian Charter of Rights and Freedoms", 23 October 2017. <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>.
- Carrick, Don, James Connelly, Paul Robinson, Mr. Don Carrick, Professor James Connelly, Professor George Lucas, and Professor Paul Robinson. *Ethics Education for Irregular Warfare*. Abingdon, UNITED KINGDOM: Taylor & Francis Group, 2009. <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=446406>.
- Collins, David. *Rethinking Organizational Culture: Redeeming Culture Through Stories*. Milton, United Kingdom: Taylor & Francis Group, 2023. <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=6512525>.
- Connection, Pharmacy. "A Framework for Ethical Decision-Making". *Pharmacy Connection* (blog), 22 March 2019. <https://pharmacyconnection.ca/framework-decision-making-winter-2019/>.

- Cook, Martin, L. "Reflections on the Relationship between Law and Ethics". *Adelaide Law Review* 40, no. 2 (January 2019): 485–503.  
<https://doi.org/10.3316/agispt.20191128020693>.
- Department of Justice. "Policy on Gender-Based Analysis Plus", 16 November 2018.  
<https://www.justice.gc.ca/eng/abt-apd/pgbap-pacsp.html>.
- . "The Canadian Constitution - About Canada's System of Justice", 7 September 2016.  
<https://www.justice.gc.ca/eng/csj-sjc/just/05.html>.
- Department of National Defence. "About the Canadian Armed Forces", Accessed 26 January 2023. <http://www.forces.gc.ca/en/about/canadian-armed-forces.page>.
- . "About the Conversations on Defence Ethics (CODE)". Education and awareness, 11 November 2020. <https://www.canada.ca/en/department-national-defence/services/benefits-military/defence-ethics/prof-dev-day-ethics/aboutpd.html>.
- . "Announcement Regarding the F-35 Acquisition". Speeches, 9 January 2023.  
<https://www.canada.ca/en/department-national-defence/news/2023/01/announcement-regarding-the-f-35-acquisition.html>.
- . "Board of Inquiry: Allegation of Assault of a Civilian - Executive Summary". Executive Summary, 2016. [https://www.canada.ca/content/dam/dnd-mdn/migration/assets/FORCES\\_Internet/docs/en/about-reports-pubs-boards-inquiry/about-reports-pubs-boards-inquiry.pdf](https://www.canada.ca/content/dam/dnd-mdn/migration/assets/FORCES_Internet/docs/en/about-reports-pubs-boards-inquiry/about-reports-pubs-boards-inquiry.pdf).
- . "Board of Inquiry - Allegation of Assault of a Civilian by Afghan National Security Forces and the Canadian Forces Response to Such Incidents", 12 April 2016.  
<https://www.canada.ca/en/department-national-defence/news/2016/04/board-of-inquiry-allegation-of-assault-of-a-civilian-by-afghan-national-security-forces-and-the-canadian-forces-response-to-such-incidents.html>.
- , ed. *Canadian Armed Forces Ethos: Trusted to Serve*, 2022.  
<https://www.canada.ca/en/department-national-defence/corporate/reports-publications/canadian-armed-forces-ethos-trusted-to-serve.html>.
- . "Canadian Armed Forces Sets Precedent with Child Soldier Doctrine". News releases, 2 March 2017. [https://www.canada.ca/en/department-national-defence/news/2017/03/canadian\\_armed\\_forcessetsprecedentwithchildsoldierdoctrine.html](https://www.canada.ca/en/department-national-defence/news/2017/03/canadian_armed_forcessetsprecedentwithchildsoldierdoctrine.html).
- . "Canadian Forces Joint Doctrine Note: Child Soldiers", 2017.
- . "Canadian Forces Joint Publication 5.0: The Canadian Forces Operational Planning Process (OPP) Change 2". Department of National Defence, 2008.
- . "Canadian Surface Combatant". Education and awareness, 13 March 2013.  
<https://www.canada.ca/en/department-national-defence/services/procurement/canadian-surface-combatant.html>.
- . "Chief Professional Conduct and Culture", 29 April 2021.  
<https://www.canada.ca/en/department-national-defence/corporate/organizational-structure/chief-professional-conduct-culture.html>.

- . "Defence Ethics Programme". Program descriptions, 17 June 2021.  
<https://www.canada.ca/en/department-national-defence/services/benefits-military/defence-ethics/about/vision-mission.html>.
- , ed. *Department of National Defence and Canadian Forces Code of Values and Ethics*, 2020. <https://www.canada.ca/en/department-national-defence/services/benefits-military/defence-ethics/policies-publications/code-value-ethics.html>.
- , ed. *Leadership in the Canadian Forces: Conceptual Foundations*, 2005.  
[https://publications.gc.ca/collections/collection\\_2013/dn-nd/D2-313-3-2007-eng.pdf](https://publications.gc.ca/collections/collection_2013/dn-nd/D2-313-3-2007-eng.pdf).
- , ed. *Leadership in the Canadian Forces: Leading People*, 2007.  
[https://publications.gc.ca/collections/collection\\_2013/dn-nd/D2-313-3-2007-eng.pdf](https://publications.gc.ca/collections/collection_2013/dn-nd/D2-313-3-2007-eng.pdf).
- , ed. *Strong, Secure, Engaged: Canada's Defence Policy*, 2017.  
<https://www.canada.ca/content/dam/dnd-mdn/documents/reports/2018/strong-secure-engaged/canada-defence-policy-report.pdf>.
- Detert, James R., Linda Klebe Treviño, and Vicki L. Sweitzer. "Moral Disengagement in Ethical Decision Making: A Study of Antecedents and Outcomes." *Journal of Applied Psychology* 93, no. 2 (20080324): 374. <https://doi.org/10.1037/0021-9010.93.2.374>.
- Duval-Lantoine, Charlotte. "Comprehensive Culture Change in the CAF: From Buzzword to Actionable Items". Canadian Global Affairs Institute, May 2021.  
[https://www.cgai.ca/comprehensive\\_culture\\_change\\_in\\_the\\_caf\\_from\\_buzzword\\_to\\_actionable\\_items](https://www.cgai.ca/comprehensive_culture_change_in_the_caf_from_buzzword_to_actionable_items).
- Edström, Håkan, and Jacob Westberg. "The Defense Strategies of Middle Powers: Competing for Security, Influence and Status in an Era of Unipolar Demise". *Comparative Strategy* 39, no. 2 (3 March 2020): 171–90. <https://doi.org/10.1080/01495933.2020.1718992>.
- English, Allan. "Corruption in the Canadian Military? Destroying Trust in the Chain of Command". *Canadian Foreign Policy Journal* 23, no. 1 (2 January 2017): 32–46.  
<https://doi.org/10.1080/11926422.2016.1250654>.
- . "Cultural Dissonance: Ethical Considerations from Afghanistan". *Canadian Foreign Policy Journal* 22, no. 2 (3 May 2016): 163–72.  
<https://doi.org/10.1080/11926422.2016.1176937>.
- Engster, Daniel, and Maurice Hamington, eds. *Care Ethics and Political Theory*. Oxford, New York: Oxford University Press, 2015.
- Essar, Mohammad Yasir, Christos Tsagkaris, Hujjatullah Ghaffari, Shoaib Ahmad, Abdullahi Tunde Aborode, Hashim Talib Hashim, Attaullah Ahmadi, Rafael Mazin, and Don Eliseo Lucero-Prisno. "Rethinking "Bacha Bazi", a Culture of Child Sexual Abuse in Afghanistan". *Medicine, Conflict and Survival* 37, no. 2 (3 April 2021): 118–23.  
<https://doi.org/10.1080/13623699.2021.1926051>.
- Fermann, Gunnar, and Per Marius Frost-Nielsen. "Conceptualizing Caveats for Political Research: Defining and Measuring National Reservations on the Use of Force during Multinational Military Operations". *Contemporary Security Policy* 40, no. 1 (2 January 2019): 56–69. <https://doi.org/10.1080/13523260.2018.1523976>.

- Foot, Richard. "Military Loses Battle to Kill Policy Fight; Afghan Detainees; Human Rights Groups Win Right to Fight Procedure: [All But Toronto Edition]". *National Post*, 6 November 2007, sec. Canada.
- Gallant, Jacques. "Too White and Too Male, Canadian Armed Forces Are Rethinking Recruiting as Staffing Slides, Senior Officers Say". *Toronto Star*, 23 March 2022, sec. Federal Politics. <https://www.thestar.com/politics/federal/2022/03/23/too-white-and-too-male-canadian-armed-forces-are-rethinking-recruiting-as-staffing-slides-senior-officers-say.html>.
- Germond, Basil. "Multinational Military Cooperation and Its Challenges: The Case of European Naval Operations in the Wider Mediterranean Area". *International Relations* 22, no. 2 (1 June 2008): 173–91. <https://doi.org/10.1177/0047117808089894>.
- Gert, Bernard, and Joshua Gert. "The Definition of Morality". In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Fall 2020. Metaphysics Research Lab, Stanford University, 2020. <https://plato.stanford.edu/archives/fall2020/entries/morality-definition/>.
- Gionet, Marc. "Canada the Failed Protector: Transfer of Canadian Captured Detainees to Third Parties in Afghanistan". *Journal of Conflict Studies* 29 (1 April 2009). <https://journals.lib.unb.ca/index.php/JCS/article/view/15229>.
- "Global War on Terror". George W. Bush Library. Accessed 27 April 2023. <https://www.georgewbushlibrary.gov/research/topic-guides/global-war-terror>.
- Goldenberg, Irina, Stéfanie von Hlatky, and Thomas Hughes. "The Many Faces of Diversity in the Military and the Need for Culture Change". *Journal of Military, Veteran and Family Health* 8, no. s1 (April 2022): 1–3. <https://doi.org/10.3138/jmvfh.8.s1-001>.
- Government of Canada, ed. *Values and Ethics Code for the Public Service*. Ottawa, 2003.
- Grantz, Karen L. "Commentary on the Mental Health Advisory Team IV Operation Iraqi Freedom Final Report." *Traumatology* 13 (2007): 46–49. <https://doi.org/10.1177/1534765607309944>.
- H. Danelius and Herman Burgers. *The United Nations Convention Against Torture : A Handbook on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. International Studies in Human Rights. Leiden: Brill | Nijhoff, 1988. <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=3047953&site=ehost-live&scope=site>.
- Hare, Stephen. "Re: Question about Leadership Doctrine", 7 April 2023.
- Hendin, Stuart E. "Unpunished War Criminals, The Shameful Legacy of Canada's Military Involvement in Afghanistan". *The Liverpool Law Review* 34, no. 3 (November 2013): 291–310. <https://doi.org/10.1007/s10991-013-9136-x>.
- "Hobbes, Thomas: Moral and Political Philosophy". Internet Encyclopedia of Philosophy. Accessed 26 April 2023. <https://iep.utm.edu/hobmoral/>.
- Hursthouse, Rosalind, and Glen Pettigrove. "Virtue Ethics". In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta and Uri Nodelman, Winter 2022. Metaphysics Research Lab, Stanford University, 2022. <https://plato.stanford.edu/archives/win2022/entries/ethics-virtue/>.



- Klassen, Jerome, and Greg Albo. *Empire's Ally : Canada and the War in Afghanistan*. Toronto, CANADA: University of Toronto Press, 2013.  
<http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=4669882>.
- Koring, Paul. "AFGHAN MISSION: Charter Doesn't Apply in Detainee-Rights Case, Ottawa Will Argue". *The Globe and Mail*, 21 April 2007, sec. World.
- Lee, Cheuk Yan, Adrian Furnham, and Christopher Merritt. "Effect of Directness of Exposure and Trauma Type on Mental Health Literacy of PTSD". *Journal of Mental Health* 26, no. 3 (4 May 2017): 257–63. <https://doi.org/10.1080/09638237.2016.1276531>.
- Lee, Lewis Jeffery. *Moral Injury Reconciliation: A Practitioner's Guide for Treating Moral Injury, PTSD, Grief, and Military Sexual Trauma Through Spiritual Formation Strategies*. London, UNITED KINGDOM: Jessica Kingsley Publishers, 2018.  
<http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=5261514>.
- Lee, Nigel De, Paul Robinson, and Professor Paul Robinson. *Ethics Education in the Military*. Abingdon, UNITED KINGDOM: Taylor & Francis Group, 2008.  
<http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=438281>.
- Lellio, Anna Di, and Emanuele Castano. "The Danger of "New Norms" and the Continuing Relevance of IHL in the Post-9/11 Era". *International Review of the Red Cross* 97, no. 900 (December 2015): 1277–93. <https://doi.org/10.1017/S1816383116000138>.
- Litz, Brett T., Nathan Stein, Eileen Delaney, Leslie Lebowitz, William P. Nash, Caroline Silva, and Shira Maguen. "Moral Injury and Moral Repair in War Veterans: A Preliminary Model and Intervention Strategy". *Clinical Psychology Review*, Posttraumatic Stress Disorder and the Wars in Afghanistan and Iraq, 29, no. 8 (1 December 2009): 695–706. <https://doi.org/10.1016/j.cpr.2009.07.003>.
- Loewenstein, G. "Out of Control: Visceral Influences on Behavior". *Organizational Behaviour and Human Decision Processes* 65, no. 3 (1996): 272–92.
- Luco, Andrés. "The Definition of Morality: Threading the Needle". *Social Theory & Practice* 40, no. 3 (July 2014): 361–87. <https://doi.org/10.5840/soctheorpract201440324>.
- Massie, Justin. "Canada's War for Prestige in Afghanistan: A Realist Paradox?" *International Journal* 68, no. 2 (June 2013): 274–88. <https://doi.org/10.1177/0020702013492500>.
- Massie, Justin, and Benjamin Zyla. "Alliance Value and Status Enhancement: Canada's Disproportionate Military Burden Sharing in Afghanistan". *Politics & Policy* 46, no. 2 (2018): 320–44. <https://doi.org/10.1111/polp.12247>.
- McDonald, Gael. "Ethical Relativism vs Absolutism: Research Implications". *European Business Review* 22, no. 4 (2010): 446–64. <https://doi.org/10.1108/09555341011056203>.
- Messervey, Deanna L., Jennifer M. Peach, Waylon H. Dean, and Elizabeth A. Nelson. "Training for Heat-of-the-Moment Thinking: Ethics Training to Prepare for Operations". *Armed Forces & Society*, 25 April 2022, 0095327X221088325.  
<https://doi.org/10.1177/0095327X221088325>.
- Misra, Amalendu. "Men on Top: Sexual Economy of Bacha Bazi in Afghanistan". *International Politics* 60, no. 2 (1 April 2023): 350–70. <https://doi.org/10.1057/s41311-022-00401-z>.

- Murphy, Sean D. "Decision Not to Regard Persons Detained in Afghanistan as POWs". *The American Journal of International Law* 96, no. 2 (April 2002): 475–80.
- Newman, Alexander, Huong Le, Andrea North-Samardzic, and Michael Cohen. "Moral Disengagement at Work: A Review and Research Agenda". *Journal of Business Ethics* 167, no. 3 (2020): 535–70. <https://doi.org/10.1007/s10551-019-04173-0>.
- Oxford English Dictionary. "jus Cogens, n.". n.d. <https://www.oed.com/view/Entry/102174?redirectedFrom=jus+cogens>.
- . "virtue Signal, v.". n.d. <https://www.oed.com/view/Entry/90114466?redirectedFrom=virtue+signal>.
- Passifiume, Bryan. "Canada Slips Further Away from NATO's 2% Defence Spending Benchmark". *National Post*, 29 June 2022. <https://nationalpost.com/news/canada-slips-further-away-from-natos-2-defence-spending-benchmark>.
- "R. v. Edwards Books and Art Ltd. - SCC Cases [1986] 2 S.C.R. 713". Accessed 24 April 2023. <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/189/index.do>.
- "R. v. Oakes - SCC Cases [1986] 1 S.C.R. 103". Accessed 24 April 2023. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/117/index.do>.
- "R. v. Poulin - SCC Cases [2019] 3 S.C.R. 566". Accessed 24 April 2023. <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/17964/index.do>.
- Ragavan, Srividhya, and Michael S. Jr. Mireles. "The Status of Detainees from the Iraq and Afghanistan Conflicts". *Utah Law Review* 2005, no. 2 (2005): 619–76.
- "Reference Re Secession of Quebec - SCC Cases [1998] 2 S.C.R. 217". Accessed 24 April 2023. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1643/index.do>.
- Sabry, Omar, and Peggy Manson. "How Canada Failed Afghan Detainees". *Open Canada* (blog), 16 October 2015. <https://opencanada.org/how-canada-failed-afghan-detainees/>.
- Sabry, Omar. "Torture of Afghan Detainees Canada's Alleged Complicity and the Need for a Public Inquiry". Accessed 27 April 2023. [https://policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2015/09/Torture\\_of\\_Afghan\\_Detainees\\_summary.pdf](https://policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2015/09/Torture_of_Afghan_Detainees_summary.pdf).
- Santoni de Sio, Filippo, and Jeroen van den Hoven. "Meaningful Human Control over Autonomous Systems: A Philosophical Account". *Frontiers in Robotics and AI* 5 (2018). <https://www.frontiersin.org/articles/10.3389/frobt.2018.00015>.
- Sassòli, Marco, and Marie-Louise Tougas. "International Law Issues Raised by the Transfer of Detainees by Canadian Forces in Afghanistan". *McGill Law Journal* 56, no. 4 (June 2011): 959–1010. <https://doi.org/10.7202/1005850ar>.
- Shimooka, Richard. "As NATO Allies Grow Impatient, Canada May Be Quietly Planning Major Increase in Defence Spending". *The Hub*, 2 May 2023. <https://thehub.ca/2023-05-02/richard-shimooka-as-nato-allies-grow-impatient-canada-may-be-quietly-planning-major-increase-in-defence-spending/>.
- Sudom, Kerry, Kimberley Watkins, Jennifer Born, and Mark Zamorski. "Stressors Experienced During Deployment Among Canadian Armed Forces Personnel: Factor Structure of Two

- Combat Exposure Scales". *Military Psychology* 28, no. 5 (9 June 2016): 285–95. <https://doi.org/10.1037/mil0000108>.
- The Hamilton Spectator*. "Canada's Military Failed to Act on Afghan Child-Sex Abuse: Report". 12 April 2016, sec. World. <https://www.thespec.com/news/world/2016/04/12/canada-s-military-failed-to-act-on-afghan-child-sex-abuse-report.html>.
- United Nations. Vienna Convention on the Law of Treaties (1969) (1980). [https://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf).
- United Nations. "What Is the Rule of Law". United Nations and the Rule of Law. Accessed 5 May 2023. <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>.
- United Nations Office of Drug and Crime. "Integrity Ethics Module 4 Key Issues". Accessed 7 May 2023. [//www.unodc.org](http://www.unodc.org).
- US Department of Army. "Moral Leadership", 27 November 2020. [https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/ARN31337-PAM\\_165-19-001-WEB-2.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN31337-PAM_165-19-001-WEB-2.pdf).
- Uzgalis, William. "John Locke". In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta and Uri Nodelman, Fall 2022. Metaphysics Research Lab, Stanford University, 2022. <https://plato.stanford.edu/archives/fall2022/entries/locke/>.
- Wallace, D., and J. Costello. "Eye in the Sky: Understanding the Mental Health of Unmanned Aerial Vehicle Operators". *Journal of Military and Veterans' Health*. 25, no. 3 (2017): 36–41.
- Warner, Christopher H., George N. Appenzeller, Angela Mobbs, Jessica R. Parker, Carolyn M. Warner, Thomas Grieger, and Charles W. Hoge. "Effectiveness of Battlefield-Ethics Training during Combat Deployment: A Programme Assessment". *The Lancet* 378, no. 9794 (3 September 2011): 915–24. [https://doi.org/10.1016/S0140-6736\(11\)61039-8](https://doi.org/10.1016/S0140-6736(11)61039-8).
- Webster, Paul. "Canadian Soldiers and Doctors Face Torture Allegations". *The Lancet* 369, no. 9571 (28 May 2007): 1419–20. [https://doi.org/10.1016/S0140-6736\(07\)60651-5](https://doi.org/10.1016/S0140-6736(07)60651-5).
- Weitzner, David, and James Darroch. "The Limits of Strategic Rationality: Ethics, Enterprise Risk Management, and Governance". *Journal of Business Ethics: JBE* 92, no. 3 (March 2010): 361–72. <https://doi.org/10.1007/s10551-009-0159-0>.
- West, Andrew. "Applying Metaethical and Normative Claims of Moral Relativism to (Shareholder and Stakeholder) Models of Corporate Governance". *Journal of Business Ethics: JBE* 135, no. 2 (May 2016): 199–215. <https://doi.org/10.1007/s10551-014-2453-8>.
- West, Henry R. "Utilitarianism". In *International Encyclopedia of Ethics*. John Wiley & Sons, Ltd, 2013. <https://doi.org/10.1002/9781444367072.wbiee178>.
- Westhead, Rick. "Canadian Military Still Investigating Afghanistan Sex Assault Claim". *Toronto Star*, 4 July 2013, sec. World. [https://www.thestar.com/news/world/2013/07/04/canadian\\_military\\_still\\_investigating\\_a\\_fghanistan\\_sex\\_assault\\_claim.html](https://www.thestar.com/news/world/2013/07/04/canadian_military_still_investigating_a_fghanistan_sex_assault_claim.html).

- Whetham, David. *Ethics, Law and Military Operations*. London, UNITED KINGDOM: Bloomsbury Publishing Plc, 2010. <http://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=4763179>.
- Wong, David. "Morality, Definition Of". In *International Encyclopedia of Ethics*, 1–9. John Wiley & Sons, Ltd, 2019. <https://doi.org/10.1002/9781444367072.wbiee671.pub2>.
- Xhemajli, Haxhi. "The Role of Ethics and Morality in Law: Similarities and Differences". *Ohio Northern University Law Review* 48, no. 1 (2022 2021): 81–94.
- Zarocostas, John. "Torture of Adults and Children Detained in Afghan Conflict Is Widespread, Finds UN". *BMJ: British Medical Journal (Online)* 343 (18 October 2011). <https://doi.org/10.1136/bmj.d6773>.
- Zerach, Gadi, and Yossi Levi-Belz. "Intolerance of Uncertainty Moderates the Association Between Potentially Morally Injurious Events and Suicide Ideation and Behavior Among Combat Veterans". *Journal of Traumatic Stress* 32, no. 3 (2019): 424–36. <https://doi.org/10.1002/jts.22366>.