Australian Defence Force Cadet Scheme Review Community Submission

Introduction
We welcome the Government's Independent Review of the Australian Defence Force Cadet Scheme and acknowledge its endeavours to ensure the appropriate community context for the Australian Defence Force Cadet Scheme (ADFCS) and its efficient and accountable operation.

This submission addresses the stated Review objectives giving priority to the appropriate age bracket for participants and the community context of the ADFCS to which matters of efficiency and accountability, though essential, are subordinate.

Review Considerations

1. Appropriate age bracket for participation in the Scheme.

We interpret this term of reference as a question relating to such factors as will determine the age of participants in the ADFCS.

At present the ADFCS accepts cadets, males and females, aged from 12.5 to 20 years and is described as a …youth development program. Participants, undertake a variety of training curricular aimed at achieving a range of learning outcomes which introduce cadets inter alia to military skills, knowledge, technologies and culture.

In 1990 Australia became a signatory to the United Nations Covenant on the Right of the Child (UNCROC). Its 52 Articles outline the rights of children and young people and is regarded as the benchmark for treating children and young people as citizens with human rights.

In Article 1, of the UNCROC a child is defined as a person under age 18 years.

Accordingly, in Australia law a range of legal protections apply to minors – those under the age of 18 years.

In Article 3 of the UNCROC it is stated that in all matters pertaining to children, a priority is to be placed upon their best interests - as children, … in all actions regarding children …. the best interest of the child shall be the primary consideration. How this priority should be implemented in respect of the relationship between the child and the state is considered in varying degrees of detail throughout the UNCROC.

In respect of children and the armed forces, Article 38.3 of the UNCROC stipulates that ………..States shall refrain from recruiting any person who has
not attained the age of fifteen years into the armed forces. In recruiting among those persons who have attained the age of 18 years State parties shall endeavour to give priority to those who are oldest.

This Article conforms with the amendment to the Geneva Convention (1949) stipulating 15 years as the minimum age at which a young person ought to be recruited into the armed forces.

These Articles of the UNCROC and amendment to the Geneva Convention are directly relevant to any consideration of the appropriate age bracket for participation in the ADFCS.

While not formally considered part of the Australian Defence Force, the ADFCS does share with the ADF, and defence forces in similar societies, sufficient core common features as to warrant the ADFCS being identified as military training.

That is to say among and within the ADFCS curricular is a military training program.

The participation of children, those aged 12.5 to 18 years, in the ADFCS sanctions the military training of children, and recruitment from this age bracket by the ADFCS places the Australian Government in breach of the UNCROC.

ADFCS policies and programs that allow for the recruitment of those under the age of 18 years and for the allocation of Government resources for the training of those cadets, provides material evidence of Government approval of the military training of children.

It is to be noted that the Australian Government has condemned the involvement of children in military activities in a number of specific instances in recent times, including: - the Democratic Republic of Congo, Rwanda, Sudan, the Central African Republic and perhaps most significantly, Afghanistan where the ADFCS is currently deployed. The vastly different historical and political circumstances notwithstanding, principles articulated in the UNCROC apply equally to the training of children as soldiers, as they do to the deployment of children as soldiers.

Current ADFCS practice also breaches the UNCROC is respect to Article 12 which refers to the right of children and young people who are capable of forming their own views to be able to express those view on matters that directly relate to them, and also to have those views given due weight. That is to say, the consent given by a parent or guardian is not sufficient consent but must be accompanied by the formal consent of the young person.
UNCROC Article 12 seeks to provide protection against all forms of coercion and is relevant to military training wherein, the wishes of a parent or guardian might override the wishes of the young person. The understanding of sufficient consent contained in Article 12 identifies the inherent vulnerability of the child to coercion arising from within the family context, or the community context such as a school or other institution.

Further to the provisions of Article 12 it is noted that the current Review of the ADFCS the stated aim of which to consider the interests of children and young people, does not include representation from the age bracket 12.5 to 18 years on the Review Committee. There is a compelling logic to the argument that – if a young person 12.5 to 18 years is deemed competent to make an informed decision about their recruitment into the ADFCS, a representative of this age group must then be regarded as competent enough to participate on the relevant review panel.

Fidelity to treaty obligations aside, a number of other consequences ensue from a breach of UNCROC provisions and these consequences are relevant to the second declared objective of the Independent Review of the ADFCS - the appropriate community context of the scheme.

2. The appropriate community context of the Scheme

We interpret this term of reference as a question concerning the suitability of the ADFCS, understood as a youth development program, for contemporary ‘Australian values’.

As discussed above the recruitment of children, those below the age of 18 years, to the ADFCS is to place those children into a military training program. There is considerable historical, psychological and current social evidence why the involvement of children in military training programs is contrary to the principle identified by UNCROC as ….the best interests of the child.

Typically the evidence suggests that whatever disciplines were acquired through such training, a disposition towards violence as a form of conflict resolution is also acquired. That is to say, the impact of such training and experience renders violence in the mind of young participants an appropriate and necessary form of conflict resolution. Whereas weaponry might not be included in ADFCS training curricula, the program is predicated upon simulating combat conditions and responses.

It is important to appreciate that the salient point here is not that violence is per se inappropriate, but that children be given all and every opportunity to develop alternative conflict resolution skills during the formative years of education.
Training in a military program precludes that opportunity and compromises the effectiveness of alternative conflict resolution taught in parallel educational contexts.

Currently, in Australia, there is wide community concern about the exposure of young people to violence through TV programs, electronic games, movies, and through participation in sporting activities and social events, (Collins, Noble, Poynting and Tabar 2000, Evers 2006). This concern has reached such a level of intensity that a discernable shift is evident in community sensitivities towards exposing young people to violence and impatience with longstanding rationalisations of violent behaviour.

There is now a broad community acceptance of the view that simulations depicting violent acts encourage young people to accept aggression, in themselves and/or in others, as appropriate behaviour. State Government responses include new censorship legislation aimed at reducing the exposure of young people to violence as entertainment and more stringent regulation of public social and sporting activities.

3. Remaining terms of reference

Consideration of the remaining terms of reference presupposes acceptance of the current age qualifications 12.5 to 18 years for recruitment into the ADFCS.

It follows therefore that discussion of the efficient administration of the ADFCS, its accountability framework and related matters, is contingent upon compliance with Australia's formal treaty obligations. As discussed in this submission, these obligations attribute rights to children and young people and, identify specific protections from military training - as they do from military service.

4. Conclusion

In summary the recruitment of minors – those below the age of 18 years into the ADFCS constitutes a breach of Australia’s treaty obligations in respect of the UNCROC. The breach is not constituted by the fact that, recruitment is not full-time or requires cadets to leave their home. Nor is it constitutes by the fact that cadets in the ADFCS are not renumerated. The breach is constituted by the fact that the recruitment of cadets under the age of 18 years sanctions the military training of children by the Australian Government. A breach to Australia’s treaty obligations of this order is of concern to be broad Australian community. Contemporary Australian values place the rights of and protections for children and young people as an absolute.

5. Recommendations

It is recommended that:
Australia complies with international law, specifically United Nations Covenant on the Right of the Child (UNCROC) to which it is a signatory, in restricting recruitment to the Australian Defence Force Cadet Scheme (ADFCS) to males and females who have reached the age of 18 years.

To support this recommendation it is further recommended that:

- Independent and formal research is commissioned in relation to identifying, and making explicit, the common features between the Australian Defence Force (ADF) and the Australian Defence Force Cadet Scheme (ADFCS).

- Independent and formal research is commissioned in relation to contemporary community attitudes towards the involvement of children in a military training program.

- Independent and formal research be commissioned in relation to the design of curricula that provides opportunities for children and young people to develop values, skills and attitudes such as loyalty, team work, independence, comradery and alternative conflict resolution.