

# ETHICS EDUCATION OF UKRAINIAN BORDER GUARDS: CODE OF CONDUCT AND MORAL CHALLENGES OF WAR

**Olha Honcharenko<sup>1</sup>, Yuliya Adamchuk<sup>2</sup>**

<sup>1</sup>Doctor of Sciences, Associate Professor of the of Psychology, Pedagogy and Socio-economic disciplines Department, the Bohdan Khmelnytskyi National Academy of the State Border Guard Service of Ukraine, olgegoncharenko@gmail.com, Khmelnytskyi, Ukraine

<sup>2</sup>Yulia Adamchuk: PhD in Educational, Pedagogical Sciences, Senior Lecturer of the Psychology, Pedagogy and Socio-Economic Disciplines Department, the Bohdan Khmelnytskyi National Academy of the State Border Guard Service of Ukraine, ginger\_2004@ukr.net, Khmelnytskyi, Ukraine

**Abstract.** *The article offers to consider the experience of teaching professional ethics to future Ukrainian border guard officers. The purpose of the article is: a) to analyse the Code of conduct of Ukrainian border guards; b) to determine the purpose and ethical basis of ethics education of Ukrainian border guards; c) to describe its features due to the moral challenges of the Russian-Ukrainian war (2014 – ). The article concludes that: a) the peculiarity of the Code of Conduct for Ukrainian border guards is their focus on the formation of professional autonomy; b) the purpose of ethics education of Ukrainian border guards is to implement this Code of Conduct in the specific conditions of professional activity of the State Border Guard Service of Ukraine on the basis of modern ethical theories; c) the moral challenges of the Russian-Ukrainian war are reflected in the course of professional ethics for future Ukrainian border guard officers in the form of consideration of such issues of ethical theory as just and unjust wars, moral justifications for war, violence, as well as the identification and assimilation of moral aspects of the combat experience of Ukrainian border guards.*

**Keywords:** *border guards, code of conduct, ethics education, war, Ukraine.*

## Introduction

The issue of ethics education of border guards is not often raised in academic circles. The experience of different countries in developing codes of conduct for border guards and finding ways to implement them in the specific conditions of their profession would greatly contribute to resolving this issue. The professional ethics training of future Ukrainian border guards is based on the Code of Conduct for employees whose functional responsibilities include border management. This Code of Conduct is used by Ukrainian border guards in their professional activities. During the Russian-Ukrainian war (2014 – ), compliance with the Code takes on a new meaning – military. The moral challenges of the Russian-Ukrainian war (2014 – ) also lead to changes in the course of professional ethics for the future Ukrainian border guard officers, namely, consideration of its issues in the context of

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### **The Code of Conduct for Ukrainian border guards**

In their professional activities, Ukrainian border guards are guided by the Code of Conduct for employees whose functional responsibilities include border management (hereinafter referred to as the Code of Conduct). The norms of this Code are general and apply to military personnel, civil servants, employees of the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the State Customs Service, the State Migration Service, the State Border Guard Service of Ukraine, whose functional duties include border management (Act, 2011).

When employees whose functional duties include border management are hired, they shall be acquainted with this Code and a note shall be made in their personal file. Compliance with the norms of this Code shall be taken into account when conducting an annual assessment, appraisal, enrolment in the personnel reserve, appointment to a new position, providing characteristics or recommendations. Employees shall take the necessary measures in accordance with the requirements set out in this Code.

The Code of Conduct provides for compliance with the following ethical values:

- service to the Ukrainian people,
- patriotism
- social justice, priority of human and civil rights,
- legality,
- efficiency
- transparency and openness,
- corporate identity,
- neutrality and impartiality,
- fairness.

The Code of Conduct also stipulates compliance with certain ethical principles, including :

- ethical rules of conduct for managers,
- restrictions on the authority use,
- restrictions on combining employment and other activities,
- restrictions on receiving gifts (donations),
- restrictions on the employment of close relatives,
- receiving instructions that contradict the law,
- use of information about the activities of public authorities,

- protection of employee rights,
- work with the public,
- presence and performance of work,
- determining the conflict of interest,
- settlement of conflicts of interest,
- prevention of violations of this Code.

The norms of this Code are in some ways consistent with the ethical values and principles of the national codes of conduct for the European Union's border guards. Many of them refer to respect for and protection of fundamental human rights and freedoms, equal treatment of people, integrity, confidentiality and respect for confidentiality, prohibition of torture and cruel or degrading treatment of people, image, and restraint in the use of force. Also, as in many EU countries, this Code is offered not only to border guards, but also to other military personnel, civil servants and employees involved in border management (Frontex, 2010).

The peculiarity of this Code of Conduct is its focus on professional autonomy. It does not simply provide the 'sum' of expert knowledge necessary for the daily performance of professional activities, but promotes loyalty to the profession, develops faith in the validity of one's own judgements, and increases sensitivity to unethical behaviour and misconduct. This is evidenced by the descriptions of the norms of this Code. Let us consider some of them.

*Service to the Ukrainian people.* For border guards, the oath to the Ukrainian people means not only a demonstration of ethical behaviour, but also the realisation that their service implies: loyalty to the Ukrainian people, the obligation to act in the interests of the state and defend national interests, affirming basic social values; conscious subordination of personal interests to public requirements and interests and state priorities; professional, conscientious performance of official duties in accordance with the Constitution of Ukraine, laws of Ukraine, other regulatory legal acts; respect for human dignity and humane treatment; understanding that the position held is a manifestation of the people's trust.

*Social justice, priority of human and civil rights.* Adherence to these ethical values requires border guards to constantly improve the organisation of their work on the basis of justice. By their actions and behaviour, they should strengthen the faith of citizens in the legitimacy of actions and decisions of the body in which they serve or work to ensure the inviolability of the state border and protect the sovereign rights of Ukraine. At the same time, border guards should avoid formalism in their work, especially when considering citizens' appeals; within the limits of their competence, they should facilitate the full and prompt resolution of issues raised by citizens.

*Efficiency.* The Code of Conduct motivates border guards to constantly work on improving their professional level, as well as to perform their duties with initiative, creativity and integrity.

*Receiving orders that contradict the law.* A border guard shall independently determine the legitimacy of the orders given by his/her superiors and the possible damage that will be caused to the interests of society, a person, or the state in case of fulfilment of an unlawful order. In the event of receiving an order (written or oral) that contradicts the current legislation of Ukraine, border guards are obliged to immediately notify the official who gave the order in writing, and in case of insistence on its execution - to inform a higher-ranking person.

Border guards are obliged to prevent unethical behaviour of subordinate personnel by organising systematic work on the development of their professional ethics and monitoring compliance with the norms of this Code.

This Code is part of the morale of Ukrainian border guards. It plays an important role in ensuring the continuity of moral development in the State Border Guard Service of Ukraine and maintaining the order and sustainability of its moral values, norms and principles. The value of this Code lies in motivating border guards to behave ethically and deterring them from committing so-called 'crimes of obedience'. In doing so, it helps them to resolve the moral dilemma of what is really right: the instructions of their superiors or their own conscience, their own interest or the public interest. In this case, the border guards undergo a professional integrity test. Obviously, these tests begin during the training.

### **Ethics education for Ukrainian border guards**

Not much has been written about the ethics that should guide border guards. The only exceptions are publications authored or commissioned by Frontex. We agree with Dr Peter Olsthoorn and Michelle Schut that these publications are more for practitioners than for academic audiences (Olsthoorn & Schut, 2018).

The Bohdan Khmelnytskyi National Academy of the State Border Guard Service of Ukraine (hereinafter referred to as the National Academy) provides border guard training in the higher education system of Ukraine. In the ethics education of the National Academy's cadets, we focus on their implementation of the Code of Conduct for employees whose functional responsibilities include border management in the specific conditions of the professional activities of the State Border Guard Service of Ukraine. For us, this means creating the conditions for professional autonomy. We are trying

to achieve this goal, in particular, in the course of teaching the discipline 'Professional Ethics'.

Ethics education at the State Border Guard Service of Ukraine is not aimed at regulating the behaviour of cadets. It aims to develop in cadets the ability to maximise their moral orientation and take an independent position in making moral decisions. We look for the basis for this in modern ethical theories. Without pretending to provide an exhaustive description of ethics education for future Ukrainian border guard officers, we will focus on its main points.

*Autonomy of morality.* We appeal to the idea that morality is a certain way of acting. In searching for the empirical foundations of ethical values, we pay tribute to modern ethics, since it is this ethics that denies the metaphysical nature of morality. From the perspective of modern ethics, morality is not something mysterious and incomprehensible to a person, but only experience - the canon of the public good - that helps him or her to orientate themselves in their actions and deeds. From this perspective, the cadets begin to realise that a person has the right and duty to construct his or her own moral ideal, to change and improve it as necessary. At the same time, we emphasise to them that the creation of moral values is not some arbitrary and unreasonable figment of human thought, but rather a necessary and logical process of distinguishing between right and wrong. Therefore, the creation of ethical values requires knowledge and intuition. We believe this will help cadets in the future, especially when it comes to their moral behaviour at the border.

*The principle of propriety.* We explain to the cadets that ethics cannot be expected to provide general and unconditional rules of moral behaviour, because the situations in which people live and act are, if not unique, then still variable. Accepting the thesis of the relativity and subjectivity of the moral behaviour rules, we do not, however, exclude their generality. The repeatability of individual rules leads to this position. It is experience, based on the causal relationships and results of moral actions, that helps a person to learn repeatedly appropriate actions and, accordingly, to formulate certain general rules of moral behaviour. We point out to the cadets that it is not known whether the morality of people who follow general rules is better than the morality of those who create their own rules of behaviour every time. Even if the general rules have certain limitations, they are useful both for those who do not yet know how to create their own moral rules for themselves and for those who need help in creating them. In this way, cadets understand that reality is changing, and the moral behaviour rules are changing with it. The principle of moral behaviour is the principle of righteousness. If people are capable of learning and implementing positive values, they do not need guidance from above, but only assistance in finding

the right action. Extreme conditions are obviously one of the professional tests of integrity for border guards.

*Virtue ethics.* The purpose of our professional ethics course is to cultivate ethical virtues, not to impose them. The main issue of border guard ethics, in our opinion, is how to carry out your service with dignity. After all, only decent behaviour deserves respect. In this regard, we try to work with the cadets to find out the signs of decent behaviour. Firstly, heroes who endure physical pain and other suffering with great effort and do not lose heart, always remaining true to themselves, deserve respect. Secondly, people who are selfless and good to others deserve respect. Thirdly, honesty is valued most of all as truthfulness and fidelity to the word. Fourth, people who are able to control themselves are valued. Fifth, people who are noble are respected. After that, we ask the cadets to find the opposites of decent human behaviour. They contrast courage with cowardice, kindness with selfishness and cruelty, truthfulness with deceitfulness, self-control with lack of will, and nobility with lowliness. In the process of finding these opposites, we draw the cadets' attention to the fact that their profession should not be about breaking records for decent behaviour, but about not calling into question the professionalism of border guards. In this context, it becomes clear to them that it is impossible to learn border guard ethics as an established discipline: the voice of one's own conscience cannot replace someone else's. Among the virtues desirable for border guards, we also discuss with the cadets the following: perfectionist demands, internal discipline, tolerance, criticism, resilience, responsibility, etc.

Modern ethical theories such as the ethics of responsibility and the ethics of discourse also seem to be fruitful for the formation of the moral character of future border guard officers.

*The ethics of responsibility* seeks to ensure that every step a person takes that is necessary to fulfil the requirements of goodness and justice, he or she thinks about the effect of this step, as if this step had already been taken. Therefore, the process of making decisions and choosing certain options for action is becoming crucial in people's lives. In the context of advanced technologies, a single mistake by a particular person can lead to man-made disasters or generate the so-called domino effect, when the initial cause of a failure can generate a chain of consequences far greater in scale. All this contributes to the formation of a mindset in cadets in which they feel involved in general processes and are ready to take actions aimed at localising their negative consequences.

*Discourse ethics* involves free and responsible communication between two or more individuals. The requirement of 'intersubjective understanding' is used to justify the ethical norms of such communication. The merit of communicative ethics is its reasoned opposition to widespread attempts to

relativise ethics and defend the principles of rationality. This is also applied in the border guard service, where the procedure of discourse can be seen as the basis of bilateral symmetrical communication.

### **Ethics education of Border Guards and Moral Challenges of the Russian-Ukrainian War (2014 –)**

The moral challenges of the Russian-Ukrainian war (2014 –) led to the consideration of such issues of ethical theory as just and unjust wars, moral justifications for war, violence, as well as the identification and assimilation of moral aspects of the combat experience of Ukrainian border guards in the professional ethics course.

In the process of introducing the theories of just and unjust wars, we draw the cadets' attention to the fact that an armed aggression is illegal. Such a war is not against a single nation, it is against humanity, because humanity is trying to live in peace. Such a war has no boundaries in evil. It can only be resisted together. It is no coincidence that Michael Walzer emphasises that aggression is a crime against society as a whole, so the victim of aggression defends not only himself, he fights in the name of society. States can rightfully join the victim's resistance against the aggressor. They have the right not only to repel the aggressor's attack, but also to punish it: 'Someone must be responsible, for someone decided to break the peace of the society of states. No war [...] can be just on both sides' (Walzer, 1977).

When considering the question of *moral justifications for war*, we analyse the problem of moral distortion, namely the hypocrisy of those who fight. By hypocrisy, we mean the pretence of truthfulness, but in reality, the concern for self-interest. We emphasise that this hypocrisy should be concerned not so much with the lies of the warring parties as with the self-deception that arises from their inability to see the difference between the selfish and the moral good. In the context of political manipulation, hypocrisy is impossible without self-deception. Today, political technologies are aimed at deceiving the majority. Bots, trolls and fake news factories impose a reality on people in which they tend to pass off political lies as their own judgements and beliefs. This gives rise to the illusion that political lies are reality. In such a reality, the ability to make rational judgements is lost. War is peace, and peace is war. Hypocrisy leads to moral relativism. This is especially dangerous for history. One nation can use history to legitimise its political ideas (Honcharenko, 2024).

We consider *violence* in the context of concept definition, the lack of moral sanctions for violence, forms of limiting violence and the problem of attitudes towards violence.

It is also important to familiarise cadets with examples of moral behaviour, moral decisions and actions of Ukrainian border guards in the Russian-Ukrainian war (2014 -). In this sense, the Code of Conduct takes on a new meaning – a military one. Its interpretation from the perspective of militarisation is primarily facilitated by the experiences of teachers and cadets of the National Academy who became combatants, interviews of border guards about military operations and military captivity (Yurchak, 2024), military diaries of border guards (Subotina, 2024), as well as memoirs of their colleagues.

## Conclusions

The peculiarity of the Code of Conduct for Ukrainian border guards is its focus on the formation of professional autonomy. The purpose of ethics education of Ukrainian border guards is to implement this Code of Conduct in the specific conditions of professional activity of the State Border Guard Service of Ukraine on the basis of modern ethical theories. The moral challenges of the Russian-Ukrainian war are reflected in the ethics education of Ukrainian border guards in the form of consideration of such issues of ethical theory as just and unjust wars, moral justifications for war, violence, as well as the identification and assimilation of moral aspects of the combat experience of Ukrainian border guards.

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