

# The New ICMM Reference Centre On Humanitarian Law and Ethics. The Evolution of the Course on the Law of Armed Conflict in Spiez (Switzerland)

Hans U. Baer<sup>1</sup>

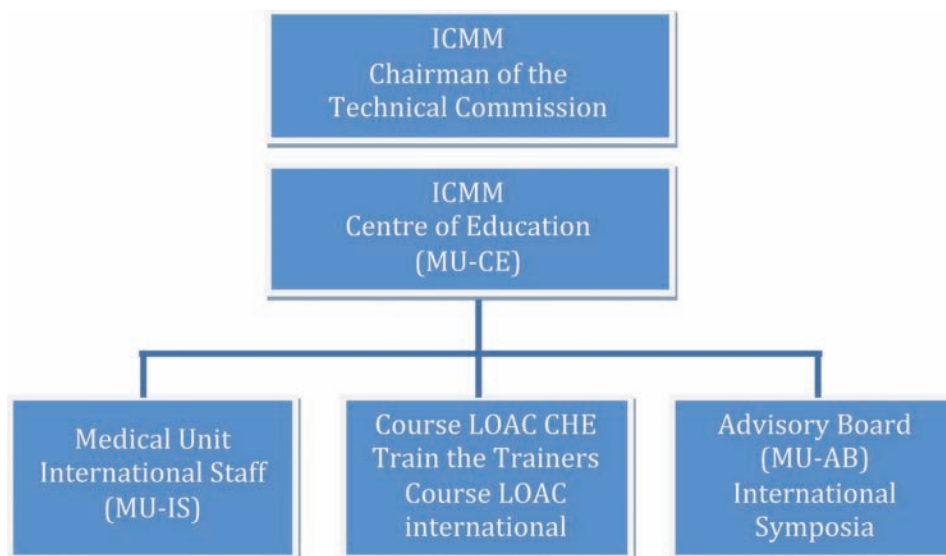
*Sanid. mil. 2010; 66 (3): 176-180; ISSN: 1887-8571*

The International Committee of Military Medicine decided at its 32nd World Congress in Vienna to mandate the organisation of international courses on the law of armed conflict (LOAC) for military medical officers to Switzerland. This honourable task has been awarded to Switzerland because of its strict neutrality and because it is the depositary state of the Geneva Conventions. Since its implementation 12 years ago the course has been financed by the Swiss government.

According to the statutes of the ICMM the director of this course is the Surgeon General of the Swiss Armed Forces, Major-General Andreas Stettbacher. He works in close collaboration with the Chief of International Relations of defence, Brigadier General Erwin Dahinden. He and his staff are responsible for the LOAC teaching content and the strict neutrality of teaching. The excellent collaboration between the two services led to the successful implementation and further development of the course. The need and timely introduction of the course can be measured by the fact that after a modest beginning the course

attracted about 30 to 40 officers in the last years coming from all corners of the world. While the course first was created to teach young officers today we have delegates from the rank of lieutenant to lieutenant general as well as civilian officials and chaplains. The LOAC is being taught in English and French by expert professional teachers with a vast theoretical and practical knowledge coming from Canada, France, Germany, South Africa, Switzerland, the United Kingdom and the United States of America. The content of the LOAC teaching is being adjusted by the teaching experts to reflect experiences of the recent developments of deployments of military medical services in peace supporting missions all over the world. In fact the demands from these recent deployments have risen over the last years so that more and more specific questions regarding legal and ethical dilemmas in deployments have been brought to the attention of the course staff in Spiez.

Therefore as the commander of this course in Spiez I have widened the scope of subjects being discussed to ethical questions



**Figure 1.** Organigram of the ICMM Reference Centre for Humanitarian Law and Ethics.

<sup>1</sup> Col. Jurídico. Director ICMM Reference Centre Humanitarian Law and Ethics

**Dirección para correspondencia:** hbaer@cimm-icmm.org or phone +41 44 387 30 70.

Recibido: 13 de julio de 2010

Aceptado: 20 de julio de 2010

and discussions of ethical dilemmas in times of piece and times of war. In my view, subjects beyond pure medical problems like human behaviour in times of conflict and war, aspects of the dual obligations of the medical officer toward military order and humanitarian rights, aspects of assistance with torture or problems

of confidentiality and informed consent of soldiers and civilians are important issues for military physicians as well. These developments led to a changed face of the course. It developed from pure specialised teaching of the LOAC to a course that is addressing in addition to the former important questions of civilian ethics, military ethics, military medical ethics and humanitarian law, too.

The importance of the course has been proven by demands of various surgeon generals asking to have similar courses in their respective countries with the help of the Spiez staff. Thus, more officers could possibly be trained. This led to the creation of a new Technical Commission for Education approved by the General Assembly of the ICMM in Tunis. The task of the new chairman, who is the commander of the Spiez Course, is to help to establish regional LOAC courses with the educational concept and high level of teaching reached by the Spiez course. The first new courses have been conducted in Cameroon, the Republic of South Africa and the Kingdom of Saudi Arabia. We envisage to have other Regions or countries to follow very shortly. The teaching content and a possible working program for regional LOAC courses are shown in Figure 3 (Fig. 3). The demands for possible organisers of international courses of the ICMM are described in the Practical Guide «Organization of ICMM International Courses (May 2008) and can be found on the ICMM home page (<http://www.cimm-icmm.org/> Official documents, Practical Guide, International course).

Another important development led to the idea that in addition to the teaching analysis of relevant theoretical and practical questions should be undertaken by the experts of the course. After intense discussions over the last years among the teaching staff, the commander and participant senior generals we concluded that our courses should also engage in the analysis of important questions and dilemmas arising from deployments of medical troops. During a visit of our course, the Surgeon General of the United Kingdom, Major-General Lilywhite, has submitted three real questions from his services to be presented and discussed in our course. It is clear that the staff of the course in Spiez would not have enough resources to fulfill all of the new obligations.

This led to the realisation that in addition to the courses we would need a forum where such questions could be addressed by an international body of specialists.

Switzerland has therefore submitted a formal proposal to the ICMM world congress in Kuala Lumpur for an enlargement of its role and support for the LOAC and military medical ethics teaching and analysing activities. These proposals have been thoroughly discussed in roundtable discussions with the heads of delegations and have been approved by the ICMM general assembly.

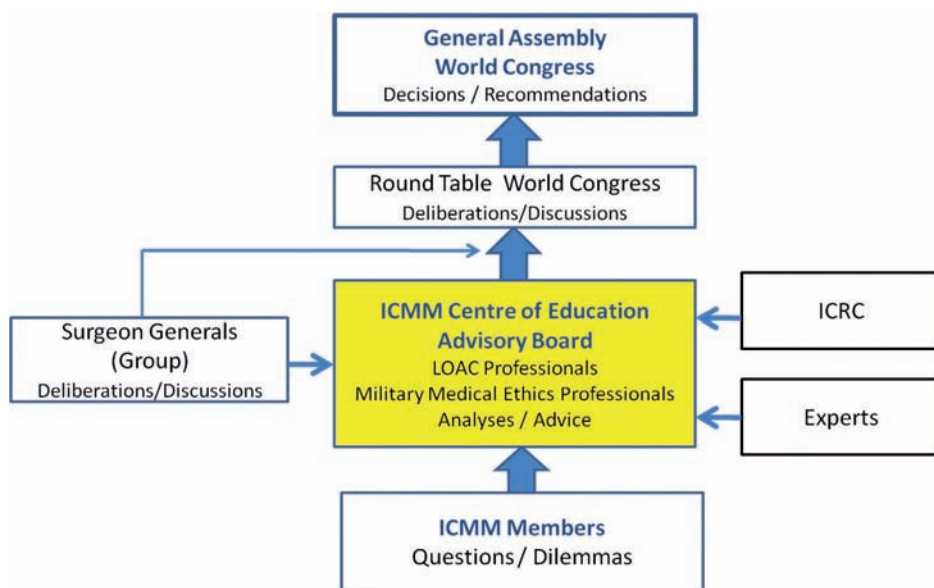


Figure 2. Organigram and work flow of questions submitted to the Advisory Board

## THE NEW REFERENCE CENTRE OF HUMANITARIAN LAW AND ETHIC

This new ICMM reference centre is organized within the military structure of the Swiss Armed Forces as a «Medical Unit Centre of Education (MU-CE)». It reports to the Surgeon General of the Swiss Armed Forces and for matters of the LOAC to the Chief of International Relations Defence of Switzerland. In the ICMM organisation at present the new centre is directed by the Chairman of the Technical Commission for Education. The Reference Centre consists of a directorate with three subordinated units: one teaching staff, one course of reference LOAC in Spiez with a support staff and one advisory board (figure 1). The tasks of these four entities have been defined.

### The directorate

The directorate is led by Colonel Hans U. Baer (MD, Prof.) as director and Colonel Martin Bächtold as deputy director. They work in close collaboration with the members of the secretariat consisting of Dr. Daniel Messelken (PhD. professional ethicist) and Ms Sabrina Jost responsible for the administration. They are supported by Major Beat Jost, director of finances of the Swiss Armed Forces medical services. They are also responsible for the secretariat of the Advisory board.

### The international Teaching staff

The existing international teaching staff with expert teachers already teaching in Spiez has to be enlarged and organized more formally to be able to support the Reference LOAC Course in Spiez and the decentralised existing (Republic of South Africa, Kingdom of Saudi Arabia) and planned new LOAC courses. Today

<p>Goals of the Courses</p> <ul style="list-style-type: none"><li>• Humanitarian Law</li><li>• International law of armed conflict</li><li>• Opportunities and limitations</li><li>• Relevance for medical services</li><li>• Crystallize the responsibilities<ul style="list-style-type: none"><li>– Medical Doctor</li><li>– Medical Officer</li><li>– Medical Official</li></ul></li><li>• Demonstrate<ul style="list-style-type: none"><li>– Relationships</li><li>– Responsibilities</li><li>– Interdependencies</li></ul></li><li>• Expert functions<ul style="list-style-type: none"><li>– Medical Services</li><li>– Humanitarian Law</li></ul></li><li>• Military Medical Ethics<ul style="list-style-type: none"><li>– Ethical principles as basis of law</li><li>– Ethical dilemmas in military action</li></ul></li><li>• Opportunity<ul style="list-style-type: none"><li>– share experiences</li><li>– promote international understanding</li><li>– gain mutual respect</li><li>– help building confidence</li></ul></li></ul>
---

**Figure 3.** *The teaching content and goals of LOAC courses*

the senior members of the LOAC teaching staff Colonel Johan Crouse (Lawyer, Republic of South Africa), Max Zahnd (Lawyer, Switzerland), Colonel Thorsten Shaay (Lawyer, Germany) and Lieutenant Colonel (ret.) Sylvain Fournier (Canada) are responsible for the expert LOAC teaching. They are inviting new future teachers from ICMM countries to join this staff. Candidates would have to attend the Reference LOAC course in Spiez for training and could then be teachers in the regional courses. In addition to the teachers Swiss reserve officers are being incorporated into this staff to support the international and regional courses. We plan to be able to have the course of reference in Switzerland and four to six regional courses per year.

### **The Reference Course LOAC in Spiez, Switzerland**

This course is responsible for the teaching of participants from all over the world in English and French. It will serve as the centre of reference for the teaching of all courses and serves for the training of future LOAC teachers (Train the Trainers). The LOAC teaching will be done by the international teaching staff for the participants and by senior LOAC teachers for the train the trainers syndicates. Future teachers have been invited by the Swiss Surgeon General to attend our course in Spiez this year. The attendance of these

officers is of utmost importance to guarantee the future teaching in the decentralised courses. The Surgeon Generals of the ICMM member states are invited to make proposition for candidates for this task.

The existing Swiss support staff is being reorganised to give even better support to the course of reference in Spiez and its various obligations.

### **The Advisory Board**

The Advisory Board consists of a Secretariat that is equal to the directorate of the ICMM Reference Centre, editorial members and associate members. The task of this Advisory Board is to analyse legal questions of the Law of Armed Conflict, ethical questions of military ethics, military medical ethics and dilemmas of deployments of medical forces. The Secretariat is to attend to questions that have been submitted for analyses to the Advisory Board (Fig. 2). These questions will then be sent to members of the editorial board and thus to various specialists from the field of ethics, military ethics, medical ethics, law of armed conflict, humanitarian law, religious ethics, but also to officers with field experience, war surgeons and other interested parties. Suitable persons have already been invited to become members of the editorial board and associate members. We have taken care to invite members of the editorial board coming from all continents, areas and regions, a diversity of various beliefs and ethical backgrounds. They will be invited to state their opinion in submitted questions and contribute written statements or articles. Associate members are specialists working in a more loose contact within the scope of special questions in their respected field of expertise. Once questions have been analysed and written comments have been obtained by the secretariat, statements will be prepared by summarising the various points of view and suggesting how dilemmas could be solved. These statements propose at the same time recommendations for the solution of existing problems. These recommendations will be sent for approval to the general assembly of the ICMM for possible approval and distribution to the military services of the ICMM member states. Recommendations may be published after approval or as recommendations of the Advisory Board.

Close contact of the Advisory Board with the International Committee of the Red Cross is mandatory to make sound statements when the Geneva Conventions are involved. Collaboration is therefore sought. Specialists from military ethical backgrounds are included in the editorial board.

### **OUTLOOK INTO THE FUTURE OF THE LOAC COURSES**

It is certainly an honour and a privilege for me to be the director of the ICMM Reference Centre for Humanitarian Law and Ethic. We have important work to do in areas of military and ethical dilemmas facing our military medical commanders and their forces especially in deployments in peace missions. With the new Reference Centre that has been mandated to Switzerland we also face a substantial obligation. The quality of the future work of the teaching and the

POSSIBLE WORKING PROGRAM LOAC-DICA / ICMM-CIMM Course												Form 6.17 07.03.2010		
Time	Sunday		Monday		Tuesday		Wednesday		Thursday		Friday		Time	Remarks
	Participants	Spec.	Participants	Spec.	Participants	Spec.	Participants	Spec.	Participants	Spec.	Participants	Spec.		
0400													0400	<b>Legend</b> <b>Meetings:</b> CM Course Cdr Meeting followed by Teaching Staff  <b>Guest speakers:</b> (I) Welcome, Introduction Why are you here Reference Course (II) LOAC Introduction Special Examples Cours Commander (III) Understanding Human Behaviour in Times of War Reference Course (IV) Dual Obligation (V) Actual Challenge in the LOAC and Human Rights (VI) Medical Confidentiality and Informed Consent in War and Peacekeeping (VII) Torture and Humiliation Reference Course (VIII) Special Lecture Guest speaker  Co Course Commanders Col NN Col Reference Course
0500												0500		
0600												0600		
0700	Breakfast												0700	
0800													0800	
0900	Meeting Service Personnel		Welcome (I) Presentation		Lecture: Protection of Medical Personnel		Lecture: Civilian, Civil Population		Lecture: Prisoners of War, Internees		EX "TACTICUS"		0900	
1000			(II) Presentation		Case Studies		Case Studies		Case Studies				1000	
1100	Meeting of Course Cdr and Teaching Staff	CM			Case Studies		Case Studies		Case Studies		EX "TACTICUS"		1100	
1200	Course Arrangement		Ice Breaking and Knowing the Conventions in Syndicates		Protection of Medical Personnel		Civilian, Civil Population		Prisoners of War, Internees				1200	
1300	Lunch												1300	
1400	Check-in Military Participants	CM		CM		CM		CM		CM		CM	1400	
1500			Lecture: Wounded, Sicks and Shipwrecks		(III) Presentation						(VII) Presentation		1500	
1600	Registration		Case Studies		(IV) Presentation		Freetime		EX "TACTICUS"		Course Evaluation		1600	
1700			Case Studies		(V) Presentation						Preparation for Ceremony		1700	
1800	Preparation for the Opening Ceremony		Wounded, Sicks and Shipwrecks		(VI) Presentation						Closing Ceremony		1800	
1900	Dinner												1900	
2000													2000	
2100	Opening Ceremony Drinks						Dinner Course Cdrs and Syndicate Leaders						2100	
2200													2200	

Figure 4. Possible working program for regional LOAC courses

analyses of the Advisory Board has to be guaranteed, but that is not the only obligation. Switzerland has put its resolve and also financial and organisational resources in this important task. The funding for the various activities have been granted by the Swiss Armed Forces and we are certain that the resources we put into this new centre will

be of benefit not only for the ICMM but for other troops in deployment as well. With the close collaboration established with Professor Peter Schaber, Head of Applied Ethics of the Centre of Ethics of the University of the Zurich and his team with Dr. Daniel Messelken we are certain that the academic ethical reflection of military medical



Figure 5. Syndicate of the first regional LOAC Course in the Republic of South Africa



Figure 6. Course Picture of the first regional LOAC Course in the Kingdom of Saudi Arabia

dilemmas will be a cornerstone of our future work. We hope that in the very near future we can invite interesting partners to our first military medical ethical ICMM Symposium in Switzerland.

I am very pleased that the ICMM course on LOAC in Switzerland has developed into an ICMM Reference Centre with new tasks for the teaching and analysing of questions of LOAC for military medical officers. At the same time it is now in a position with its expert teaching staff of very experienced officers to form future teachers responsible for the LOAC and ethical teaching in the Reference Course and the decentralised courses. In addition

to the main emphasis of the LOAC for military medical officers and officials we have further included aspects of ethic and especially military medical ethic in our teaching because ethical considerations are playing an increasing part in the conduct of medical personnel and military medical officers. With the new ICMM Reference Centre on Humanitarian Law and Ethics we are certain to be able to give a working platform for many specialists that can contribute to analyse important questions in military medical dilemmas of deployment and give guidelines in moral and ethical issues.