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The Law of Armed Conflicts as a Question of Leadership



Ulrich Zwygart*

Let me briefly elaborate the role of the soldier in modern societies and in today's armed forces, followed by the leadership challenges faced by senior military leaders.

Soldiers have several things in common:

- They serve their country,
- They secure peace and stability,
- They share common values and laws,
- They are democratically controlled.

Soldiers serve their country, their elected political leaders, and the men, women and children of their homeland. Soldiers' prior mission is helping to secure peace, freedom and stability for their country in a given region. Soldiers are bound by the laws and regulations of their country. Different states certainly have different political goals, as they might have different rules and procedures; but they do not have different basic values: no country or culture tolerates murder, theft or torture. We all share these basic values, regardless of which country or religion we belong to. We do have common values which are written in the Law of Armed Conflicts. Our political ancestors agreed on these common laws because they knew that they reflect basic human rights and values being so important for mankind as to be observed even in the case of war. And finally, soldiers are controlled by the legally elected members of parliament and government. Democratic control of armed forces is an important political asset and instrument ensuring that international law is respected.

It is important to highlight what soldiers have in common. The common values and laws foster mutual understanding between nations and make armed conflicts less likely a solution to international problems. This is also evident in the age of "new wars" (according to German Professor Herfried Münkler), where, instead of soldiers of different nations, warriors and mercenaries fight each-other on behalf warlords who do not respect the Law of Armed Conflict who wage wars merely for ideological or financial reasons, unlike national soldiers who in principle fight for a legitimate cause.

Leaders have to ensure that missions given by the legitimate political leaders are fulfilled while respecting the Law of Armed Conflict. As a student at the Command and General Staff College of the U.S. Army at Fort Leavenworth in 1992/3 I attended, as everybody else, courses in the Law of

Armed Conflict. We even had to pass a final test. A fellow foreign officer asked me, why we, as foreign students had to pass this test as well. I answered that this international law applies to every soldier on earth. He countered that this could not be true because when he is fighting insurgents in the jungle he – the commanding officer – is the law... He is certainly not alone in this misconception. Officers sharing his view were responsible for the atrocities that were committed for example

- in Somalia, where members of a Canadian elite regiment violated laws and values and were therefore severely punished by their government;
- in Srebrenica, where members of the regular army of Yugoslavia killed hundreds of innocent men and boys;
- in Abu Ghraib, where members of reserve units of the U.S. Armed Forces maltreated prisoners.

It may be part of human nature that men lose their control while under pressure in war, facing death and seeing wounded comrades. Obviously, this triggers many emotions and causes much stress. Although understandable, this is not tolerable. Soldiers may succumb to weakness, but never their leaders. Leaders must be examples of integrity and moral courage. They may fail in

tactical decisions, but never in values. Leaders who fail here not only violate the Law of Armed Conflict but will be court-martialled. They also lose their self-respect and the respect of the people they are fighting for.

In analysing violations of the Law of Armed Conflict, we almost always come to the same conclusion. Violations occur for three reasons:

- Lack of control by the immediate leader;
- failure in the chain of command;
- lack of education.

Lack of control: Trust and mutual confidence are vital for the relations between leaders and their soldiers. However it does not mean that leaders cannot go out and check on the troops. "Management through immediate contact with the troops" is necessary to show the subordinates that one cares about what soldiers do and to ensure that orders and values are observed. To control means that leaders are in charge and take charge. It is not a question whether a leader trusts his subordinates, but that he takes full responsibility.

Failure in the chain of command: Senior leaders are responsible for planning and

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Sauf avis contraire, les cours d'histoire ont lieu au Pavillon ouest du Centre Général Guisan à Pully.

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overall direction. Daily troop business is usually not their primary focus. But they have to visit units from time to time, and they must pay attention to reports from subordinate officers or outside sources. "No smoke without fire", says an old proverb. It is not a question of overreacting. But failure to read reports or take appropriate measures due to an overwhelming daily workload is no excuse for inaction or ignoring a fault.

Education: First of all, leaders have to be taught the Law of Armed Conflict right from the beginning of their career. It must be a part of their curriculum. On their way up the career-ladder they must be reminded again and again of their important role as example for values and laws. And we, the senior leaders and teachers, have to make sure that they understand the following: Leaders act the way they think and speak. They must know how important it is to win the hearts and minds of soldiers. We must confront them with case studies from military history, to give them the opportunity to train with their troops for example how to handle POWs or civilians under stressful conditions where sleep and food is lacking, and many tactical and ethical decisions have to be made. ■

Gelesen

in der NZZ vom 7. Dezember 2004 unter dem Titel «Abschied von der Strukturpolitik» von Dr. Bruno Lezzi:

«Entspricht reines Kosten-Nutzen-Denken der Milizarmee, die ja auf Verwurzelung in der Bevölkerung angewiesen ist? Modellrechnungen, wie sie dem jetzigen Standortkonzept zugrunde liegen, können wissenschaftlich noch so gut abgestützt sein, die menschlichen Befindlichkeiten vermögen sie nicht einzufangen.» G.

Historische Funkstationen der Armee

Ausstellung der Interessengemeinschaft Übermittlung im Flieger-Flab-Museum in Dübendorf

Seit dem 16. November 2004 zeigt das Flieger-Flab-Museum in Dübendorf eine Sonderausstellung «Historische Funkstationen der Armee». Die ausgestellten Geräte zeigen anschaulich den Beginn und die Entwicklung eines der wichtigen Gebiete der elektronischen Kommunikation. Zudem legen sie Zeugnis der damals hoch entwickelten schweizerischen Fernmeldeindustrie ab.

Aussteller ist die **Interessengemeinschaft Übermittlung (IG Uem)**, ein Verein mit etwa 120 Mitgliedern aus der ganzen Schweiz. Die IG Übermittlung

- sammelt Uem-Geräte und -Systeme mit den zugehörigen technischen Dokumentationen sowie Informationen über die Führung von Uem-Formationen und -netzen
- ist Partner für Gerätebesitzer, die ihre Geräte oder Sammlungen der Nachwelt erhalten möchten, alleine dazu aber nicht in der Lage sind

- repariert und restauriert ausgewählte Geräte, damit sie wenn möglich funktionsfähig sind

- inventarisiert das gesamte Material, um dadurch einen lückenlosen Überblick über das Sammelgut zu gewinnen

- lagert das Sammelgerät sachgerecht ein und stellt dieses für Ausstellungen und Anlässe zur Verfügung.

Die Ausstellung im Flieger-Flab-Museum in Dübendorf kann bis April 2005 besucht werden. Die Öffnungszeiten des Museums: Dienstag bis Freitag von 13.30 bis 17.00; am Samstag von 9 bis 17 Uhr und am Sonntag von 13 bis 17 Uhr. Auf Wunsch und bei Voranmeldung können Gruppen beim Besuch begleitet werden.

Interessenten für die Ausstellung oder für die IG Übermittlung wenden sich bitte an: Hugo Berger, Präsident IG Uem, Weissenbachstrasse 277, 5623 Boswil; Telefon 056 666 34 46; praesident@ig-uem.ch LÄ



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