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Autor: Lecea Dezcallar, Fernando de
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The NATO Defence College's approach to the Law of Armed Conflict

Don Fernando de Lecea Dezcallar

For 48 years, since its inception by General Eisenhower when he was the first Supreme Allied Commander Europe, the NATO Defence College (NDC) has hosted more than 6000 officers and civilians (Defence civil servants and foreign office diplomats) from NATO and lately from Partnership for Peace (PfP) countries. The initial aim of the NDC was to develop the mutual understanding of selected officers and officials in the politico-military concepts of the Alliance and the challenges that it faces. Since the ending of the Cold War, like all other NATO institutions, the College has undergone a major re-appraisal, as it adjusted its clientele, its curriculum and its attitude to the emerging new order in Europe.

This year, the College mission has broadened to specify the need to prepare course members to take up senior appointments in NATO or NATO-related positions. Furthermore, it has deepened the syllabus by incorporating a number of new Study Periods. Prime amongst these is one devoted to International Organizations, their individual aims, their relationships with each other and with NGOs, and their political or military «clout» on the world scene.

■ Today the College continues to run the six-month «Senior Course» that is the mainstay of its workload. The Senior Course is open to PfP members and approximately 15% of the attendance is from these countries. Imbedded in this course is a two-week «PfP/OSCE Course» (IPOC) whose members join those of the Senior Course in all lectures seminars and committee work; it can be appreciated that, by keeping this disparate band

together in what could be described – literally – as a hot-house atmosphere, rapid growth and close relationships result.

Apart from the Senior Course, the College sponsors many other activities and events.

■ The two-week «General and Flag Officer Courses» open to NATO, PfP and Mediterranean Dialogue countries, give the participants – including diplomats – an ideal opportunity to discuss matters of mutual interest in an academic environment.

■ The «International Research Seminars», co-hosted by PfP and Mediterranean countries, bring many distinguished speakers to take stock of the present and to explore the future. The two Research Fellowships which we offer each year bring fresh ideas into the mainstream curriculum and are of mutual benefit both to the Fellow and to the College.

■ A yearly «Conference of Commandants», chaired by the Commandant NDC and attended by commandants from national and international colleges in NATO, PfP and OSCE countries, gives the participants a unique opportunity to exchange ideas on higher level defence-related curricula.

■ The bi-annual «NATO Reserve Officers' Course» brings a refreshingly open-minded group of attendees who, whilst being successes in their individual fields, have defence matters close to their hearts, and their ability to bring a civilian approach to a military debate is invigorating for all.

To turn now to the subject of The Law of Armed Conflict, I wish to explain how the NDC introduces it into its main syllabus? I use the word «introduce» advisedly as the College is not a training or teaching organization and there is no specific lecture dedicated to this subject.

However, the College provides an environment in which this, and related topics, can be explored in depth. Its curriculum contains lectures, seminars and discussion periods covering, among other topics, the main interna-

tional organizations in the world and their impact and role in international security; the role of NGOs, especially when operating in the same theatre as armed forces; arms limitation and nonproliferation treaties; human rights; peace support operations; some study of historical and recent military operations; and areas of geo-strategic importance (implicitly the current «flash points»).

From this collection of «global» topics fall opportunities for follow-on work. The Course Members may take as their subject for their main paper one which touches on the legal aspects of armed conflict, and they have access to extensive material on this subject alone in the library. They may discuss the issues, either in plenary session or in smaller committees or team groups, and this is where different views are aired and the perceptions of the individual are tempered by the diversity of those held by the reminder. Finally, in the last days of the course, they take part in a negotiating and mediating exercise in which the legal aspects of any military action must be included.

Thus it can be seen that the broad, geo-strategic picture, which the Senior Course Members review during their six-month stay at the College, is interlaced with an awareness of the legalities of the use of military power. Without this awareness, «the last arbiter of kings» is, and historically always has been, unsupportable in a civilized society.



Spanish Army Lieutenant General Don Fernando de Lecea Dezcallar is Commandant of the NATO Defence College in Rome. ■