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# Proceedings of the 4th ICMM Workshop on Military Medical Ethics

edited by D. Messelken and D. Winkler

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## Introduction

*Daniel Messelken & David Winkler*

### About the workshop

The annual ICMM Workshops on Military Medical Ethics, which are organized by the Swiss Armed Forces Medical Services Directorate together with the *ICMM Centre of Reference for Education on International Humanitarian Law and Ethics* (<http://www.melac.ch/>), have become a regular and appreciated forum for discussions.

The *idea* of this workshop series, which started in 2011, is to bring together people from different professional backgrounds and to offer them a space to exchange on topical issues and dilemmas from the field of military medical ethics. The participants of the workshops not only include medical officers serving in armed forces all over the world, but also academic experts in international humanitarian law or military medical ethics, and representatives from several international organizations like the ICRC and MSF. As a result, discussions during the past workshops were not only led on a high academic level, but were also grounded in practice and enriched with reports and case studies from the field.

The *goal* of these three day workshops is to facilitate an open discussion and to agree on common positions on how to (re)act in future situations comparable to the cases and problems discussed during the sessions. The conferences therefore give large room for group and plenary discussions, formally and informally.

### The Contributions of this Volume

The first three chapters of this volume treat the questions of medical neutrality and the role of medical personnel in the armed forces from different points of view: a philosophical analysis of the principle of neutrality is complemented by the case reports of an officer who reflects on the challenges that medical officers may face in the real world. The third chapter provides again a theoretical analysis of so-called medical assistance programs that also challenge medical neutrality.

In the first chapter, Professor **Paul Gilbert** discusses the moral arguments for the principle of medical neutrality. This principle, which is also a fundamental norm

of international humanitarian law, obligates military physicians to be neutral when treating the wounded, only according to their medical needs and without distinguishing friend from foe. In return, medical personnel are granted immunity from attack. In recent conflicts, this principle has been criticised and it has been suggested that the fact that military doctors also have a military role could sometimes lead them not to act neutrally. Gilbert maintains that such a position misunderstands the doctors' role in the armed forces. He also discusses an alternative approach, according to which the armed forces would not employ doctors who are bound by medical ethics, but rather «medical technicians» who could obey military orders without being bound by medical ethics. Gilbert concludes however that such personnel would usually have to follow the same priorities than full medical personnel if they adhere to the principles of IHL. Thus, the paper ends with an argument about the importance of upholding the present system of neutrality also in contemporary (asymmetric) conflicts.

In the second chapter, Brigadier General **Mustafa Pasha** draws from his own experience in counter-insurgency missions and contrasts the theoretical account of the first chapter. According to his experience, young medical officers often unknowingly violate principles of military medical ethics. The reason for such (mis-)conduct often can be found in a lack of adequate knowledge about ethical principles and the lack of an adequate support system. Among the ethical issues medical personnel in the armed forces experience are those of performing a dual role (soldier and physician), the question of how to implement the biomedical principles of «informed consent» and «patient autonomy», or also the question of how to perform medical duties in an interrogation cell. Pasha emphasises the need to educate medical officers in military medical ethics and also to prepare them for their tasks by enabling them to deal with ethical dilemmas. Such an approach should, according to him, also include a monitoring system in order to continuously learn from experiences.

A more theoretical approach is again found in the third chapter on Ethical Issues In Civilian Medical Assistance Programs, contributed by Dr. **Sheena M. Eagan Chamberlin**. Civilian medical assistance programs question medical neutrality insofar as they propagate the use of medicine as a strategic tool within the military. This can for example be the case when strategic military goals are prioritized in medical missions and that to the detriment of the core medical objectives. Such a prioritization highlights the complicated field of work of the physician-soldier, who is forced to practice only limited medicine in such «win the hearts and minds» missions. Ethically therefore such missions are highly problematic. Chamberlin's paper offers a historico-ethical perspective on medical assistance programs by beginning with the Vietnam War and moving forward to contem-

porary missions. Specifically, she focuses on two US-American military programs: Medical Civic Action Programs (MEDCAP) and Medical Readiness Training Exercises (MEDRETE).

The chapters 4-6 of this volume switch the focus to a different issue and all treat ethical challenges related to humanitarian missions (or humanitarian aid more generally). Again, we contrast philosophical reflections (Schaber, chapter 4) with experiences and reports from the field (Clarinval and Yu, Chapters 5 and 6).

In chapter 4, Professor **Peter Schaber** discusses the ideal of the humanitarian imperative that guides humanitarian workers. This imperative most importantly includes the duty to help (all) people in need. However, such help sometimes may only be delivered by, at the same time, contributing to the wrongdoings of others in the same context. The ethical question then is whether the humanitarian aid is still good, as long as and if it leads to more overall goodness than overall badness. Schaber argues, in his provocative paper, that humanitarian aid can indeed sometimes be morally wrong. According to him, humanitarian aid can become morally problematic if it only follows the humanitarian imperative because it then remains impartial and neutral between wrongdoers and innocent people. Helping wrongdoers (in need), however, can also mean contributing to their wrongdoing.

The fifth chapter by Dr. **Caroline Clarinval** is inspired by her experience from ICRC missions and enriched by research done during a PhD in ethics. The outcome of this combination is a tool or framework for ethical decision making which is specifically adapted to the non-standard ethical environment of humanitarian missions. Clarinval presents this framework and applies it to a case in which humanitarian medical personnel are confronted with local cultural customs that clash with their professional ethos.

Another case study is presented in the sixth chapter by Senior Colonel **Min Yu**. He reports two examples of ethically difficult decisions during a disaster relief mission (earthquake) in China and reflects on the ethical principles involved in such situations. These included decisions between saving lives and treatment quality, patients' right of knowing their medical condition and being involved in treatment decisions, or questions of resource allocation. In his paper, Yu analyses two real cases and concludes that it is necessary to conduct more research in medical ethics and disaster relief ethics in order to enhance the training, acquire the knowledge, and successfully perform disaster relief missions.

The seventh and last chapter of this volume presents recent efforts in Germany



to build up an e-learning tool that supports the ethics education of soldiers. Dr. **Veronika Bock** and **Kristina Tonn**, both from the center for ethical education in the armed forces (*ZEBIS - Zentrum für ethische Bildung in den Streitkräften*), report about the challenges faced during the setup and enhancement of their online teaching portal. The portal offers material for education in various disciplines: law (international and national), politics, history, intercultural communication and ethics. The challenge in ethical education for soldiers is to combine theory with practice, or rather to make abstract theory accessible and applicable to soldiers. This article gives answers to the questions of whether and how an online teaching portal can support ethics teaching and does so based on the experiences gained with the teaching portal for character guidance training at ZEBIS. The challenges and demands of ethical education are discussed with particular regard to military ethics.

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More information: <http://workshop.melac.ch/>