



Evaluation of the Assessment Committee of Education with External Reviewers at the Swedish Defence University

Area of education: International law
Date for final version: 25 November 2022
The Final Assessment will be sent to the Assessment Committee's Secretariat for distribution within the Swedish Defence University

This assessment has been made in response to a request from the Swedish Defence University (*Försvarshögskolan*) (hereafter “SEDU”) to review its education within the area of international and operational law (hereafter “IOL”). An Assessment Committee with External Reviewers (hereafter the “Assessment Committee” or the “Committee”) was established by SEDU following a proposal from the subject responsible for the education that is assessed.¹ The aim of the assessment is to evaluate the quality of the education in IOL at SEDU, its strengths, and possible weaknesses, with a view to maintaining and improving its overall quality. In communications between SEDU and the Assessment Committee the subject that should be evaluated has consistently been referred to as “public international law” (*Folkkrätt*). In fulfilling its assignment, the Committee has nevertheless decided to extend its evaluation to the total activities of the Centre for International and Operative Law (hereafter the “CIOL” or the “Centre”), which is the entity responsible for teaching and research in all international law related courses, including operational law at SEDU. This decision is also in line with the subject area of assessment in the self-evaluation report.

The education in IOL at SEDU is provided by the CIOL, which is a division of the Department of Political Science and Law. The education consists of a range of courses that are offered in the form of freestanding courses and courses within the undergraduate programmes in political science and military history as well as modules within the courses on military tactics that are part of the Officer Programme (hereafter OP). At the graduate level, the CIOL staff teaches an introductory course on International Law, War and Technology in the Master Programme in Innovation, Defence, and Security, and a course on Operational Law in Joint Operations within the Higher Officer's Programme (HOP). It furthermore offers elective courses within the HOP and the Master Programme in War and Defence. It has recently created a new LLM programme in international law that will not be part of the assessment since it commenced in August 2022.

¹ Guidance for education evaluation with external reviewers (2020-04-29), p. 7.

Datum
2022-10-30

The Assessment Committee has assessed the structure, implementation, and results of each of the above-mentioned courses as well as how CIOL ensures high quality and work with quality assurance and quality development. The assessment focuses on the following areas:

- Pre-requisites
- Structure, implementation and results
- Student perspective
- Working life and collaboration

The Assessment Committee has been composed of the following persons:

- Jessica Almqvist, Professor of International Law and Human Rights, Faculty of Law, Lund University (Chair and external expert)
- Said Mahmoudi, Professor Emeritus of International Law, Faculty of Law, Stockholm University (external expert)
- Marten Zwanenburg, Professor of Military Law, Faculty of Law, University of Amsterdam and Professor of Military Law, The Netherlands Defence Academy (external expert)
- Jan Ångström, Professor of War Studies, Department of War Studies and Military History, Swedish Defence University.
- Anna Asp, General Counsel, Swedish Civil Contingencies Agency (working life representative)
- Edvin Lofthammar, student, Swedish Defence University.

For the assessment, the following materials and documents have been considered:

- Self-evaluation report and action plan (2022)
- Course syllabi, including literature lists (HT2019-HT2021)
- Course evaluations and analyses (HT2019-HT2021)
- List of teachers' competence and capacity
- Selection of five theses (*kandidatuppsatser*)
- Interviews (specified below)
- Relevant governance documents, including guidance for this assessment

In the assessment, the following courses have been considered:

- 1FR003. Responsibility in International Law (15 ECTS)
- 1FR004. International Law in Crisis and Conflict (30 ECTS).
- 1FR005. International Law of Military Operations (30 ECTS)
- 1FR.006. Law of Armed Conflict (15 ECTS)
- 1PK094. International Law and Contemporary Conflicts (7.5 ECTS)
- 2FR008/2HO038. Laws Regulating Emergencies and War – Civil Contingencies and Total Defence (7.5 ECTS)
- 2FR009/2HO053. War, Law, and Emerging Technology (7.5 ECTS)
- 2HO006. Operational Law in Joint Operations (7.5 ECTS)
- 2MF017. Introduction to International Law, War, and Technology (3 ECTS).

Datum
2022-10-30

Additionally, to assess the IOL-related education in the Officers Programme, the Committee has considered the expected learning outcomes of this programme as stated in *FHS Förordning (2007: 1164)*, which include: “*visa kunskap om såväl nationella som internationella relevanta författningar och regelverk*” and “*visa förmåga att inom yrkesutövningen göra bedömningar med hänsyn till relevanta vetenskapliga, samhällsliga och etiska aspekter med särskilt beaktande av de mänskliga rättigheterna*”.² To assess how well the education meets these outcomes, the Committee has considered the following courses: 1OP401, 1OP402, 1OP403 (Basic Tactics), 1OP483 (Basic Strategy), 1OP492, 1OP493, 1OP491 (Applied Tactics 1), 1OP474 (Intermediate Tactics), 1OP411, 1OP412, 1OP413 (Applied Tactics 2), and 1OP478 (Synthesis – Applied Tactics 3). However, only the syllabi and curriculums of these courses have been reviewed, not contents on CANVAS.

As part of the assessment process, the Committee conducted interviews with education representatives, course directors, teachers, and students within the area of international and operational law. These interviews took place on 28 and 29 September 2022 (schedule enclosed in annex) and included the following persons:

- Marika Ericson, Head of CIOL Division, Deputy Head of Department
- Carina Lamont, Director of Studies, CIOL, SEDU
- Jann Kleffner, Professor of International Law, CIOL, SEDU
- Nobuo Hayashi, Associate Senior Lecturer, International Law, Director of the LLM Program in International Law, CIOL, SEDU
- Heather Harrison Dinniss, Senior Lecturer, International Law, CIOL, SEDU
- Paula Silverstolpe, Adjunct, International Law, SEDU
- 4 students

Assessment

a) Summary of the most important conclusions

The education provided by the CIOL is unique in terms of the expertise it provides, its combination of research-oriented and practice-oriented education, and its ambition to teach in small groups with a mix of military students and civilians. The courses are taught by a team of dedicated and competent teachers with substantive knowledge, pedagogical skills and relevant practical experience in the area. Their commitment to research on current themes in the area feeds into course contents and strengthens the quality of education. However, there is a shortage of teachers considering the number, form and level of the courses taught. The constant teaching pressure reduces the time available for long-term planning of education and research even if external grants have been attained for this

² An unofficial translation of the two learning outcomes reproduced in the text above is provided here: “to demonstrate knowledge of both national and international relevant laws and regulations” and “to demonstrate the ability to make judgments in professional practice with regard to relevant scientific, societal and ethical aspects with particular consideration of human rights”.

Datum
2022-10-30

purpose. At the same time, it is important that the CIOL continues to develop courses on topics in high demand from the wider society, including public agencies. One such topic is Swedish Operational Law. Moreover, the Officer's Programme currently lacks an independent course on international and operational law even if the specific learning outcomes of that programme requires that future military officers have knowledge of this subject. Instead of a bachelor programme leading to a law degree in IOL, the education provided by the CIOL is currently in the form of freestanding courses as well as courses and modules within different programmes. However, the development of a programme on IOL would strengthen the quality of the education provided and the students' prospects of future employment in this field. The students' ability to influence their education is generally poor, and measures must be taken to remedy this situation. In conclusion, the Assessment Committee finds the education satisfactory.

b) Assessment of the education

Assessment area. Pre-requisites

Teacher competence

The Centre has a total of nine staff members of whom eight are permanently employed, and one with tenure-track position. Five of them have a PhD and hold academic positions (one professor, one senior lecturer, one associate senior lecturer, and two lecturers). The other four members who are appointed as adjuncts have a master's or equivalent degree and extensive professional experience (two are currently on leave until 2023). Most of them have impressive practical backgrounds as higher military officers, judicial officers in international criminal tribunals, or holders of other types of international assignments in the area of international humanitarian law.

Moreover, all teachers, except for one, have undergone the university's pedagogical training (Hped I and Hped II). The interviews with several of them clearly confirmed their pedagogical skills when it comes to the planning, developing and teaching of the courses they are responsible for. Thus, the general impression of the Committee, based on the interviews and information about the formal qualifications of the teachers, is that they are competent teachers. In their composition, they provide a good mix of legal scholars and experienced legal practitioners for teaching the courses within the area of IOL.

Teaching capacity

Thanks to a competent and dedicated staff with several years of teaching experience, the Centre manages to plan, teach and evaluate all the different courses and the modules within the OP as well as commissioned education. However, in the interviews, the Committee could confirm what its members had felt when assessing the course syllabi, etc.: that the number of teachers in relation to the number, form and level of courses is insufficient. This was underlined by practically all those teachers that the Committee interviewed.

Datum
2022-10-30

As a result of a general shortage of teachers, the actual time available for the Centre's staff to conduct research is much reduced. However, time allocated and available in practice for research is essential for upholding high academic quality in teaching in general. Despite the competence and skills of the teaching staff and the high academic merits of most of them, the Committee's understanding, mainly based on the interviews with some of them, is that it is difficult for them to fulfil the high ambition of teaching based on solid research. The constant teaching pressure that the relatively high number of courses entails, which also creates various administrative tasks, implies that most of the teachers practically lack the necessary time to do research and to publish in academic publications. Even if CIOL staff has been relatively successful in attracting external funds for their research projects and are likely to continue doing so when more researchers are recruited, the conditions for carrying these projects out are lacking. The problem has not yet left a considerable impact on research and publication records of CIOL staff and the situation should still be considered satisfactory as regards meeting the requirements of good scientific quality. However, the Committee is concerned about the risk of deterioration and unsustainability of the situation in the mid- and long terms.

The importance of research becomes even more significant since the Centre is expected and, indeed, asked by public agencies to provide courses in relatively new areas with little existing research and almost no academic literature. One example is the course on Swedish Operational Law. The Centre has felt the need to go ahead and develop a course on this subject in spite of the challenges encountered. Moreover, its staff has obtained an external grant for conducting research on this subject and recently employed a doctoral student for that purpose. However, these initiatives do not seem enough to solve the problem and it is important that recruitment of more doctoral candidates will be prioritized to develop research in this area.

The Committee has been informed that two new teaching positions with a PhD are to be appointed shortly. However, it is doubtful if this will solve the more general shortage of teachers since the newly created LLM programme requires more teaching. It has become clear from the interviews that there is a particular need for further reinforcement of teaching Swedish Operational Law, in particular emergency management and total-defence law. However, recruitment in this area is challenging due to the scarcity of competent and qualified candidates with sufficient knowledge of the Swedish legal system and relevant legislation in this area. This situation might, in the view of the Committee, justify making an exception to the principle that new staff must have a PhD degree.

Educational environment

The CIOL generally provides a good educational environment. The students who were interviewed stressed the benefits of being taught in relatively small groups since it favours interaction in the classroom. One of the students who had previously studied the law program of the Gothenburg University (GU) said that he had found the international law courses at SEDU more rewarding

Datum
2022-10-30

compared to the ones at GU. According to that student, unlike the lectures at larger universities, small groups ensure interaction and more possibilities for students to interrupt the teacher and put questions. The students interviewed repeatedly underscored their good relations with the teachers and their contentment with the teachers and their pedagogical skills. This confirms the Committee's impression of the CIOL teachers' enthusiasm as well as their sincere and deep engagement in their job. The ambition to teach smaller groups is replicated in larger courses as well. Thus, the responsible teacher of the course on Operative Law in Joint Operations that is taught within the HOP informed the Committee that the course has 150 students who are divided into groups of around eight. This is of course resource demanding, but understandably highly appreciated by the students. The Committee considers it an important pedagogical measure.

Another positive element of the educational environment has to do with the close connection between education and research in the Centre. Despite the problem of the lack of time for research due to the extensive teaching burden that was mentioned above, good use is made of research conducted by the staff in the courses. By way of example, the literature for the course International Law and Contemporary Conflicts contains a number of publications by a member of the Centre's staff. Another example is the literature for Introduction to International Law, War and Technology, which contains publications by several members of the Centre.

It should also be noted that the SEDU's educational environment is unique in Sweden in that it brings together civilian and military students. The fact that several courses taught by the CIOL are open to civilian and military students takes advantage of this fact. Interaction between military and civilian students is generally considered highly stimulating and helps both gain new insights.

Finally, it appears that generally good use is made of the Canvas online learning environment. Course syllabi, grading criteria, reading material and online lectures (where applicable) appear to be posted for each course. It could be beneficial for the students to use this resource more for interacting with them. One example could be using the possibility for discussion forums on Canvas.

All this said, an important conclusion from the interviews that were conducted by the Committee is that the CIOL students appear to have insufficient opportunities to influence their education, and this affects the educational environment. The report will return to this question in the Student Perspective section below.

Assessment area. Structure, implementation and results

Governance and organization

The Centre is a relatively small unit within the Department of Political Science and Law. It has an internal governance structure with a Head of Division who has the overall responsibility for CIOL teaching and a Director of Studies

Datum
2022-10-30

responsible for the coordination, planning, and general administration of teaching within CIOL. The course convenors are responsible for the planning, examination, and teaching of specific courses and are the first line of contact for the students. The Centre's professor is responsible for the subject and a member of the SEDU Research and Educational Board, which is the collegial organ with the overall responsibility for quality governance and assurance of the education provided by the SEDU. One of the Centre's teachers is a member of the Committee of Course Planning (KUS, *Kursplaneutskottet*).

In the Assessment Committee's interviews with CIOL management staff, it became apparent that the internal management of the Centre is characterized by a great degree of collegiality and flexibility, which is always positive and common for smaller units, but which perhaps makes the division of tasks in day-to-day business somewhat less clear. Moreover, due to the unit's small size, there are fewer possibilities to distribute different responsibilities among staff. This fact inevitably increases the overall workload for the CIOL management, which includes both management and administrative tasks. In the view of the Committee, it might be possible to transfer some of their current administrative tasks to SEDU personnel handling such matters for other units of the university. The Committee also notes that the Centre's small size creates challenges in the wider SEDU context as it undermines the Centre's possibilities of influence, resources, and autonomy in that context. The report will elaborate further on this issue in the section on weaknesses/development areas (see below).

Structure, implementation and results

Teaching methods, teaching materials and exams used in CIOL courses appear to be adequately geared to the learning objectives of the various courses. This is a particular challenge in educational environments, such as the one of SEDU where the students generally do not have a legal background and are not working toward a law degree (the exception being the new LLM programme) or toward a major in international law at the bachelor's level.

There appears to be a logical progression in level and substance of the courses in the civilian undergraduate programmes. The A-level course International Law in Crisis and Conflict, which forms part of the combination of courses leading to a major in international law, provides a basic introduction to international law. This course is then followed by two further courses (B-level) that focus on specific fields of international law that are relevant to crisis and conflict. Further courses require (at least) completion of the A-level course. The advanced courses also require the prior successful completion of more basic law courses. For example, the advanced course International Law of Military Operations requires successful completion of the A-level course as well as both B-level courses in international law (or equivalent). The stated objectives of the different courses also reflect this progression. It is less clear how progression is achieved in teaching on military programmes. As the self-evaluation report notes, ensuring adequate and relevant progression in this context is in need of further development. The self-evaluation notes that a particular challenge in the

Datum
2022-10-30

OP is a lack of specific courses in IOL since the teaching is reduced to modules, whereas there is a specific course in IOL at the HOP.

The structure of the courses in terms of substance is generally logical. Considering that most students do not have a legal background, it is useful that attention is paid to legal methodology in the A-level course. It is noteworthy that a lot of time is also spent on legal methodology in the advanced course International Law of Military Operations. There are in total ten seminars on legal methodology in this course, which appears to be too many. Consideration could perhaps be given to including some elements of legal method in the intermediate courses. By contrast, in the HOP law course a “simplified legal method” is used and it is doubtful if that provides a sufficient basis for understanding of how to interpret applicable law.

The teaching methods, teaching materials and examination forms are generally adequate in relation to the contents and objectives of the courses. In general, there is a focus on the application of the law in practice. This is logical given that the teaching is at a defence education institution, which often has such a focus (including at, for instance, the Netherlands Defence Academy). This approach is reflected in the use of real-world events for assignments, and the choice of teaching in the format of seminars. It is also reflected in the way that courses are examined. For example, the examination in the course on Responsibility in International Law is in the form of providing legal advice on a fictional scenario. Another example is the examination in the course International Law, War and New Technology, which consists of writing a review of an emerging technology in line with the requirement to review new methods and means under International Humanitarian Law. This requires the students not only to reproduce knowledge but also to apply it, and in doing so evaluate the strength of different (legal) arguments and make choices.

When it comes to course contents, it is noteworthy that domestic operational law does not appear to be a (standard) part of the courses taught in the civilian bachelor programmes. There is currently one freestanding course on this topic that can also be followed as an elective course in the HOP. The course has a high number of applicants on a yearly basis and the Centre consistently receives requests to provide a follow-up with more profound courses, or to expand the existing course. The Committee considers that this is an important topic that deserves more attention in the teaching, provided that adequate staffing can be secured.

The teaching materials used are generally of high quality. The reading materials are directly relevant for the topics concerned and mostly written by recognized experts on those topics. In most courses the required or recommended general international law textbook is the one by Anders Henriksen although Malcolm Shaw’s textbook on international law is also used and is perhaps of higher equality. In general, it is not clear why different textbooks are used and it could be beneficial to use the same textbook in all courses.

Datum
2022-10-30

The Committee has had the possibility to assess the quality of some approved final examination papers. The overall view of the Committee is that given the choice of the subjects, main study questions addressed, structure, language, and formal requirements with respect to footnotes and cited sources, the quality of these papers is varied and the differences in some respects are substantial. Although the Committee considers that the papers are of sufficient quality to be approved by a Swedish institution of higher education, the mentioned difference in quality may partly be due to the extent of the supervisors' involvement in the actual supervision. The outcome of the work of the students can in that case be improved by better coordination of supervision. For this purpose, it might be useful to produce a guideline and to arrange regular appraisal meetings for those teachers that supervise final examination papers.

Internationalization and sustainability

There is a strong international element in the education provided by the Centre which is composed of teachers with different nationalities who bring their professional experience of working in crisis situations around the world into the classroom by way of examples and case studies. Some teachers also pay attention to the relationship between international and domestic law by discussing prosecutions for international crimes in Sweden. Moreover, since most IOL courses are taught in English, also non-Swedish speaking students can enroll. Through its research, the Centre also collaborates with universities and scholars from abroad, and it invites guest lecturers to teach in its courses.

The Committee notes and appreciates ongoing efforts to integrate the value of sustainability into the education provided by the CIOL. In this process, the Centre distinguishes between education for and about sustainability and focuses at the moment on the former definition. So, rather than seeking to develop new courses or modules on the role of international law in securing economic, social and environmental sustainability, it stresses how this value is reflected in its focus on the role of law and legality in international peace and security. According to the self-evaluation report, sustainability is also reflected in its own planning and teaching, which are geared towards developing sustainable knowledge. However, a working definition of sustainability more in line with the so-called Brundtland's report could be helpful to articulate more clearly the connection between IOL and sustainability that could then be integrated into some parts of the teaching.

Equality and diversity perspective

A gender perspective is integrated into the CIOL courses, including in the selection of course literature and in the contents. An example of the latter are the problem-solving exercises in the course taught within the HOP programme where legal aspects of the UN Security Council resolution 1325 on women, peace, and security are brought into focus. Moreover, through its recruitment of staff from a variety of backgrounds and nationalities, the Centre contributes to a diverse teaching environment with different perspectives and approaches. Diversity is also secured by using case studies and examples from different

Datum
2022-10-30

regions of the world. While most students are currently Swedish, the student body is likely to diversify more with the newly created LLM programme, which targets both Swedish and international students.

Follow-up, actions and feedback

The self-evaluation report notes that CIOL has recently established a more structured cooperation between various actors in the Centre. A planning cycle is being implemented in which the planning of education feeds into the internal quality assurance process. It is understood that implementation of this structure and process is not yet completed. Based on the description in the self-evaluation report, the structure and process appear to provide a clear division of responsibilities within the Centre and to contribute to creating conditions for ensuring high quality in education by reviewing courses regularly and in a structured way. The new structure and process appears designed to ensure participation by the teaching staff in the development and planning of teaching.

More generally, a point of strength of the Centre is the teachers' active involvement in all issues relating to the education offered by the Centre. This is done, i.a., through the bi-weekly CIOL meetings in which general matters concerning all current issues related to teaching, administration, planning, staffing, etc. are addressed, and also through the bi-weekly "brown-bag-lunch" seminars.

For the civilian courses, the Centre has recently developed a specific process for quality assurance. This has yet to be fully implemented. It is recommended that work continue to fulfil such implementation. On paper the system seems adequate to ensure and further improve quality of the teaching. It is particularly important that CIOL quality meetings include all members of staff, so that use can be made of other staff members' knowledge and experience.

Student evaluations are a particularly important tool. It appears that all iterations of all courses are subject to student evaluations. This is a starting point for a more thorough analysis of each of the courses by their convenors. However, it is unclear if such analyses are currently done for all the courses and, if this is not the case, it should be done. It is also unclear if these analyses are also available to the students. If this is currently not the case, it is recommended that this be changed. The analyses constitute the foundation for any further development of the courses. This system is in conformity with international good practice.

The self-evaluation notes that one of the challenges is the limited number of course evaluations submitted, which in many cases means that the number of responses is below the number required to produce statistically reliable results. To remedy this, the completion of the evaluation by students could be made a part of the last class of the course where possible, so that there is a standard and scheduled moment for filling out these evaluations.

It is unclear how the internal structure and process for quality assurance is connected to/fed into the central quality assurance process. Moreover, as

Datum
2022-10-30

indicated in the next section, the different quality assurance processes fail to secure adequate student influence and participation.

Assessment area. Student perspective

The Committee has had the opportunity to interview four students, including one alumnus. Three of them had completed the above-mentioned A-level course and one of them had also taken the two higher-level courses (Responsibility in International Law/Law of Armed Conflict). All the students who were interviewed are enrolled in the bachelor's programme in political science and one of them plans to graduate with a major in international law.

Generally, the courses received high praise from the students who were interviewed. They were all completely satisfied with the number of teaching hours, seminars, course materials, form, and contents of examinations in the courses they had taken. While the Committee, after having studied the syllabi and plans of the courses, had noted some degree of repetition of certain legal issues, for instance, the use of force, the students stated that they had not experienced any unnecessary repetitions in any of the courses. Indeed, the student who had taken all three courses thought that the difficulty curve increased at a steady rate and was fully satisfied in that regard.

The students who had taken the A-level course showed enthusiasm for the course/s which exposed them to a different way of thinking compared to political science. They had chosen to study IOL because of their interest in the subject without thinking so much about future job opportunities. This explanation fits well with the non-mandatory and freestanding nature of the courses and differs considerably from students taking law courses offered in a programme leading to a law degree that meets the requirements for a career in the legal profession. The students also reflected on this issue, noting that it was indeed possible and desirable to develop a bachelor's degree in international law, and that SEDU failed to bring attention to and market this subject.

One important concern raised by the students was insufficient influence in the decision-making process on matters that directly relate to their studies. One of them, who is a representative of the subject international law (*ämnesrepresentant*) explained that she had actively tried to be invited to in-person meetings to convey her views on the course she took, including the seminars/lectures and related matters. It was especially the form of influence (per capsulam decisions per email) that the student objected to. However, she had not been invited to the decision-making sessions of the relevant organs despite having specifically requested to participate in such sessions. Although student representation in the organs of the university is a formal requirement and must be observed, the students felt that this requirement and their role were not taken sufficiently seriously at SEDU. It cannot be excluded that the views of the said students' representative have been indirectly considered in the adopted decisions anyhow. However, it is the Committee's understanding that ignoring students and their views on their own education has been a significant

Datum
2022-10-30

problem for the SEDU in the past and it seems that this trend remains intact (UKÄ, Rapport 2018:8 *Tillsyn av regeltillämpning på Försvarshögskolan*). This fact has the potential of reducing the quality of the education as the university risks losing touch with their students and neglect their input. The Committee strongly recommends that immediate and effective measures will be taken to solve the problem and ensure full and complete participation of students in all decisions relating to their education.

Assessment area. Working life and collaboration

When it comes to preparing the students for relevant future professions, the Committee's overall opinion is that the education in IOL is well designed to prepare them for the practical application of IOL in crisis situations. That was also the general opinion of the students who were interviewed by the Committee. At the same time, however, there might be a challenge for those who have studied IOL courses up to C-level to find employment in this legal area since they do not obtain a law degree. Since there are relatively few positions and employers in this area, studying these courses outside of a law programme might create future work expectations that the labour market will not be able to meet. This situation has been improved with the new LLM programme and would be further strengthened if SEDU were to create a bachelor's degree in international and operational law.

When it comes to collaboration, it is clear that the CIOL collaborates extensively with national public authorities and agencies through commissioned education. According to the self-evaluation report, there is a high demand for commissioned teaching that seems to be growing. Significantly, the ongoing reconstruction of the Swedish total defence system has increased demands from professionals for courses on Swedish Operational Law. This collaboration could be enhanced if the courses offered by CIOL could be given in digital form. This would make it possible for students all over Sweden to enrol and would allow them to combine their studies with their ordinary work. In spite of the challenges encountered in teaching this subject, such as the lack of appropriate academic literature, the students who have taken the existing course on this subject are satisfied with it, including with the reading materials. The students' understanding is that it provides highly valuable knowledge on the legal system that can be put to immediate use in their work that aims to develop the total defence system, including how to interpret existing legislation. More generally, the CIOL should continue to maintain relations with relevant public agencies in this area and keep pace with the developments i.a. by inviting guest lecturers with expertise in this field.

c) Strengths/success factors

When assessing the Centre's strengths, the first thing to note is the unique expertise it has developed and provides in the Swedish context. No other Swedish

Datum
2022-10-30

university has this expertise. Its position is further strengthened with a competent staff, both in terms of substantive knowledge and pedagogical skills.

Another factor of equal significance are the important results that the Centre has achieved in terms of integrating the subject of IOL into a range of different programmes offered by SEDU, including within undergraduate and advanced military programmes as well as multidisciplinary programmes for civilians. In this regard, the Centre has made a conscious choice of providing courses dedicated to the implementation of international law in concrete actual scenarios that requires a careful balancing of theory with practice. The broad practical experience of the CIOL teaching staff from various international assignments and professional positions makes this choice possible and adds to the merit of the existing courses. The value of practice-oriented teaching is also an aspect that the students interviewed underscored and should be cherished as quite unique for Swedish higher education dedicated to teaching international law.

Moreover, within a complex educational environment where both research-based and practice-oriented education is in high demand, the Centre has managed to develop and teach courses that strike a good balance between these two expectations or goals. It has done this through an appointment process that combines teachers with different backgrounds in IOL, both researchers (with PhD degrees) and practitioners with extensive relevant experience. Together they succeed, to a large extent, to meet these two expectations in their courses.

Another strength is how the Centre not only is able to manage a diversity of students but also enrich the education it provides through this diversity. The elective courses provide a particularly rich mix of students from the armed forces (HOP) and civilians. These courses provide a unique environment where military and civilian students interact and reflect on legal issues jointly. Moreover, the students who were interviewed stressed the mix of students who recently graduated from high school with students who already have been working for years. It is in the view of the Committee another manifestation of strength.

Also, the Centre's genuine commitment to collaborate with public agencies and authorities through the provision of courses on demand deserves much praise. The same could be said about its commitment to keep pace with international developments, including in research, through the advancement of new courses on current international law topics, such as new technology in times of war.

While there is always room for further development (see the report's sections on weaknesses/areas in need of development and recommendations below), this fact should not diminish the Centre's achievements to date, which are significant.

d) Weaknesses/areas in need of development

As this report has already indicated, the Committee considers that there is a clear imbalance between the CIOL's teaching capacity in relation to the number, range and kinds of courses and modules taught by its staff. One effect of this situation is that the time available for academic staff to conduct research, including on themes directly relevant for their teaching, such as Swedish Operational Law, is significantly reduced. In this context, the appointment of two additional lecturers

Datum
2022-10-30

is a positive development, although it is doubtful if it will be sufficient given the added teaching needs in the newly created LLM programme. Another consequence of having so much teaching is the increase of the administrative workload. It became clear in the interviews that CIOL management staff dedicates considerable time and puts a lot of effort into resolving administrative hurdles, which means less time for advancing more long-term goals and plans about CIOL-provided education.

Currently, the courses offered by the Centre are overwhelmingly freestanding and elective. This form is the natural option for an educational entity that is basically intended to react to teaching demands as they arise. The ad-hoc nature of the courses offered seems to have created a loose structure without a firm and clear connecting element and an overall common objective for the education of CIOL. Although the choice of a “centre” for the primary purpose of teaching various freestanding courses in IOL may be unintentional, the psychological effects of such a choice may explain the peripheral status that the CIOL seems to have in SEDU’s hierarchical structure. The Committee sees a connection between some of the difficulties that are observed in this report such as the lack of balance between research and teaching and a shortage of teaching and administrative staff, on the one hand, and the unwarranted, and perhaps unintended, expectations of SEDU from the CIOL to set up and offer more and more courses in order to receive the necessary resources to survive.

The Committee thus considers it appropriate to address the question of the place of the CIOL in the wider organization of the SEDU, which affects the subject of international and operational law. The CIOL is entrusted with the task of teaching this subject. Already the choice of this form of organization, i.e. a “centre” for an entity whose main function is expected to be teaching gives rise to some reflections. In the Swedish higher education establishments—universities or colleges—the terms “centre” or “institute” are normally used for entities whose main function is to be a focal point for the meetings of scholars within a certain discipline, dissemination of scientific information, organization of academic meetings, promotion of scholarly publications and in some cases even research. Teaching is not normally among the activities or the main activities of a centre. There is of course no formal or legal hinder for a “centre” to focus its activities on teaching. The activities of such an entity within an organization of higher education are governed by the internal regulations of that organization. However, the accepted general understanding of a “centre” excludes normal intensive teaching, and it is not equivalent to other established entities within higher education, such as “department” or “institution”, which is a unit which usually has more autonomy and influence over the allocation of resources and in the overall planning of educations in Swedish universities. In this light, an organizational reform may be in order to do away with these difficulties deriving from the CIOL’s place in SEDU. Structurally, it would be appropriate to elevate the status of CIOL to the level of a larger educational unit in the form of a “department” at SEDU. Such an elevation would allow CIOL more autonomy, and a better possibility for long-term planning of activities in a more balanced and measured manner. This could be done by either redefining the powers and functions of

Datum
2022-10-30

CIOL to make it a purely teaching entity with the necessary budget and autonomy or replacing it with a new unit with a new name and the mentioned qualifications. In the latter case, the CIOL can be retained with a modified function in line with the function of similar Swedish academic centers, such as the Centre for International Law and Justice at Stockholm University or *Centrum för polisforskning* at Uppsala University.

Although stressing that the CIOL staff experience a high degree of disciplinary autonomy, the lack of sufficient transparency and collegiality in SEDU's overall routines have been mentioned as a problem by both the teachers and the students. The Committee has noted that the decision-making process of various organs in SEDU in this respect somehow differs from other institutions of higher education in Sweden. In the current situation, the students' possibilities to influence their education is poor. It is also a situation where the Centre's staff, even if well-represented in programme boards, appear to have limited possibilities to influence SEDU's overall policies on IOL-related education. This shortcoming affects the place of the subject of international and operational law at SEDU in general and within the military programmes in particular.

It is especially noteworthy that the OP lacks specific independent courses in international and operational law. At present, the teaching of this subject is reduced to modules within other courses of that programme. However, at least the dissemination of International Humanitarian Law (IHL) among the armed forces is a treaty obligation that Sweden must fulfil according to the applicable IHL treaties. As such, it would be logical that at least the teaching of IHL would be provided in a mandatory and independent course in the OP. It would also be natural with such a course since the government has decided that "*visa kunskap om såväl nationella som internationella relevanta författningar och regelverk*" is a separate learning outcome in this degree, and that particular consideration should be given to human rights.³ Hence, in addition to what is already taught, the Committee would advise SEDU to create a separate IOL course to establish a foundation upon which a practice-oriented course related to the application of IOL can rest. Such a course should also include teaching relevant human rights law. The creation of such a course would mirror the logic of HOP, where there is a separate course that includes components about the foundation of IOL before the students study its application in practice. By comparison with other countries, such as The Netherlands, military law (which entails not only IOL but also military criminal and disciplinary law) is a standard part of the education given to aspiring officers.

e) Recommendations on measures

Given SEDU's ambition to provide world-leading education in the area of defence, crisis management and security, it is necessary to invest in all subjects of direct relevance for this area, including international and operational law. In this

³ See footnote 2 above.

Datum
2022-10-30

regard, the Committee recommends strengthening the subject of international law in the education offered by SEDU. The support given to the initiative of creating an LLM programme is very positive. However, in the Committee's view, the teaching and research of international and operational law should be strengthened further so that it can play the role that is expected from it in promoting the international profile and status of SEDU.

Freestanding and non-mandatory courses have of course many advantages and are normal components of most educations in Swedish universities. However, they also have several disadvantages such as their independent nature and lack of clear and sufficient harmony with the other freestanding courses in the same education. These disadvantages have to some extent characterized the courses offered by CIOL despite the conscious efforts of the teaching staff to coordinate the contents of the courses. In the view of the Committee, the reform should be in the form of creating fully-fledged programmes of teaching leading to academic degrees. In such programmes, the great majority of the courses are mandatory, and progression is carefully observed in the planning and delivering of the courses as well as in selecting the necessary literature. In this light, the Committee recommends the development of a bachelor's programme in international law. Transforming freestanding courses or at least part of them into a programme is necessary to ensure more coherent teaching with better structure and predictability for the teachers as well as a more effective system of progression for students who wish to specialize in this subject at SEDU. It would create the conditions for securing student influence and participation in decisions concerning their education, which is made easier when there is continuity and stability.

When it comes to specific courses, the Committee recommends the introduction of a new separate course on international humanitarian law (IHL) in the OP upon which applications of international laws and regulations for defence, crisis management and security can be built. As was underlined in the section above, this initiative is motivated by the existence of a separate learning outcome for the OP that aspiring officers shall demonstrate knowledge of relevant laws and regulations (both international and national) and an ability to make judgments in professional practice with a particular consideration of human rights. Sweden also has a treaty obligation to at least disseminate IHL among the armed forces, and such a mandatory course would improve the quality of the education in this area.

Moreover, the Committee recommends measures to reinforce and develop the teaching of Swedish operational law, including total defense law, provided that sufficient staffing can be guaranteed. The CIOL is in a unique position to teach this subject, whether it is to prepare civilian students for a future job in this sector or to provide essential knowledge and skills to professionals already working in this sector, but also for military students. More specifically, consideration should be given to integrating (aspects) of domestic operational law in the teaching of international (operational) law provided by SEDU. In general, it is vital that the CIOL continues to maintain relations with relevant authorities within the system of total defence and continues to invite guest lecturers from this sector for the teaching of this subject, including on the interpretation of existing legislation.

Datum
2022-10-30

More generally, it is important that the CIOL will have more say in matters relating to the structure, contents, and results of educational programmes directly relevant to IOL at SEDU, above all the military programmes. The Committee is of the view that the current decision-making process of various organs in SEDU in this respect is somehow different from other institutions of higher education in Sweden and should be revised. In particular, it recommends a more structured involvement of the CIOL in the development of the courses and structure of the OP with respect to the relevance and role of law in the education provided to future military personnel. The CIOL staff is already overburdened with teaching assignments and the Committee stresses that caution must be taken regarding signing up for more teaching in the current situation. The implementation of at least some of these recommendations requires further staffing, also to allow CIOL academic staff time for research with the purpose of ensuring a continued research-based education.

f) Assessment of the quality of the education

- Satisfactory
 Not satisfactory

Motivation:

The conclusion of the Committee that the quality of the education provided by the CIOL in international and operational law is satisfactory is based on the above-made assessment of the different aspects included in the four assessment areas.