Module 15: International Humanitarian Law

Stage	1
Semester	2
Module Title	International Humanitarian Law
Module Number/Reference	LLM-IHL
Module Status (Mandatory/Elective)	Elective for International Human Rights Law LL.M. and International Law LL.M.
Module ECTS credit	10
Module NFQ level (only if applicable)	9
Pre-requisite Module Titles	Public International Law, Advanced Legal Research and Writing
Co-requisite Module Titles	N/A
Is this a capstone module? (Yes or No)	No
List of Module Teaching Personnel	Dr Susan Power

Contact Hours				Non-contact Hours			Total Effort (Hours)
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent work	
3o						164	200

Allocation of Marks (Within the Module)					
	Continuous Assessment	Project	Practical	Final Exam	Total is always 100%
Percentage contribution	50			50	100

Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Demonstrate advanced understanding of the history, theoretical and philosophical underpinnings of the law of armed conflict, distinguishing between the *jus ad bellum* and the *jus in bello*
2. Apply advanced knowledge on the substantive law of armed conflict to complex factual problems which arise between actors during the conduct of hostilities
3. Critically identify the conditions where the framework for the law of belligerent occupation is applicable
4. Demonstrate practical knowledge of domestic proceedings stemming from the application of the grave breaches provision of the Fourth Geneva Convention
5. Conceptualise and synthesise contemporary armed conflicts into their respective legal frameworks
6. Display holistic insight into the interrelationship of human rights, treaty law, general public international law and international humanitarian law
7. Present orally complex legal knowledge on the means and methods of warfare

Module Objectives

This module extensively examines the development of the laws of armed conflict derived from the 1863 Lieber Code and the 1868 St Petersburg Declaration and its application to the theatre of hostilities. Far-reaching advances in the categorisation of conflicts, the dynamics of warfare, weapons and aerial bombardment have resulted in an international struggle to apply a dated international Humanitarian Law framework to altered realities on the ground. In parallel, developing Human Rights norms now extend to armed conflict but the relationship and interpretation of the competing sets of norms is open to dispute. This module examines the catergorisation of armed conflicts, the status of parties to the conflict, PoW's, civilians, belligerent occupation, methods and means of warfare, and self determination and armed confict. Accordingly, the module analyses the application of the laws of armed conflict in contemporary battle grounds through case studies examining *inter alia* Iraq, Palestine and Syria.

Module Aims (to provide the learner with)

- the ability to identify different legal frameworks governing the conduct of hostilities
- an understanding of the substantive domestic and international case law on International Humanitarian Law
- the ability to apply ancillary treaty law and understand the interrelationship between broader Public International Law and International Humanitarian Law
- the capacity to assess the impact of contemporary political challenges to the application of the law of armed conflict and the moral and legal implications of these challenges

Module Curriculum

- ○ Topic 1: Introduction to International Humanitarian Law: History and Philosophy
- ○ Topic 2: Applicability of the Law of Armed Conflict
- ○ Topic 3: Combatants and Civilians
- ○ Topic 5: Prisoners of War
- ○ Topic 6: Methods of Warfare
- ○ Topic 7: Prohibited Weapons
- ○ Topic 8: Belligerent Occupation
- ○ Topic 9: Non-International Armed Conflict
- ○ Topic 10: Grave Breaches and War Crimes
- ○ Topic 11: Case Study
- ○ Topic 12: Reinforcement of Key Principles, Revision

Reading lists and other learning materials

Benvenisti, E., *The International Law of Occupation* (2nd ed., Oxford University Press, 2012)
Byron, C., *War crimes and crimes against humanity in the Rome Statute of the International Criminal Court*, (2009, Manchester University Press)
Casey-Maslen, S., *The War Report* (Oxford University Press, 2013)

Clapham A., Gaeta P., *The Oxford Handbook of International Law in Armed Conflict*, (Oxford University Press, 2014)

Dinstein, Y., *The Conduct of Hostilities under the Law of International Armed Conflict* (2nd ed., Cambridge University Press, 2010)

Fleck, D., (ed.), *The Handbook of Humanitarian Law in Armed Conflicts* (3rd ed., Oxford University Press, 2013)

Green, L.C., *The Contemporary Law of Armed Conflict* (3rd ed., Juris Publishing, Manchester University Press, 2008)

Henckaerts, J.M, Doswald-Beck, L., *Customary International Humanitarian Law,* (Cambridge University Press, 2006)

International Committee of the Red Cross, Commentary of the Geneva Conventions of 12 August 1949 (Geneva: International Committee of the Red Cross, 1989)

Rogers, A. *Law on the battlefield* (2nd ed., Manchester University Press, 2004)

Roberts, A. & Guelff, R., *Documents on the Laws of War* (3rd ed., Oxford University Press, 2000)

Sandoz, Y., Swinarski, C. and Zimmermann, B. (eds), Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949, International Committee of the Red Cross (Geneva: Martinus Nijhoff Publishers, 1987)

Solis, G., *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge University Press, 2010)

Weil, S., *The Role of National Courts in Applying International Humanitarian Law* (Oxford University Press, 2014)

Module Learning Environment

A learning environment that promotes collaborative learning is promoted and learners aree encouraged to actively engage in all class discussions and exercises.

Module Teaching and Learning Strategy

The International Humanitarian Law module consists of a series of lectures involving research-based learning. The emphasis is on creating the conditions for learner collaboration with guidance from the lecturer. Advance readings are set for each topic, and the learner is expected to engage in class discussion. The International Humanitarian Law module is one of the most topical areas of law, and provides exciting opportunities for the learner to drive and maximise their research experience. In doing so, the learner is encouraged to keep abreast of current developments in relation to International Humanitarian Law, and is assigned two topics to research for a 1,000 word blog post during the year. The learner is also expected to present the research in class, thus maximising learner research collaboration. The blog posts are uploaded onto a Moodle blog, throughout the academic year.

Range of modes of direct contact

Teaching consists of weekly lectures for which learners are expected to have previously completed assigned reading and prepared draft answers to certain questions. In addition learners are expected to present individually and in groups on various topics assigned to them throughout the semester.

Total contact hours: 30 Hours

Range of other learning methods

Independent learning and research supported with on line resources available through Moodle.

Total non-contact hours: 170 Hours

Module Assessment Strategy

Assessment Methods			
Element number	**Weighting**	**Type**	**Description**
1	50	Continuous Assessment	. • 4,000 word assignment (35%) forming the basis of a conference paper. • Simulated Conference Presentation (15%) Assignment topics are selected from the module content, and each learner researches and delivers a paper, at an end of year 'student conference'. This equips the learner with the skills to research and draft a substantial academic paper, and select the salient points to present, discuss and defend to an audience
2	50	Examination	Closed book examination: a 3 hour exam which covers the breadth of the course and requires learners to answer 3 questions out of 6, testing their ability to apply knowledge learned throughout the module.

Diagnostic/ formative assessment

Feedback through formative assessment supports learners taking control of their own learning.

Further information on assessment

Marking criteria are distributed to learners with each assignment brief. These are used to provide learner direction on all summative assessments.

Assessment Strategy		
Module Learning Outcome	**Element 1**	**Element 2**
1. Demonstrate advanced understanding of the history, theoretical and philosophical underpinnings of the law of armed conflict, distinguishing between the *jus ad bellum* and the *jus in bello*	✓	✓
2. Apply advanced knowledge on the substantive law of armed conflict to complex factual problems which arise between actors during the conduct of hostilities		✓
3. Critically identify the conditions where the framework for the law of belligerent occupation is applicable	✓	✓
4. Demonstrate practical knowledge of domestic proceedings stemming from the application of the grave breaches provision of the Fourth Geneva Convention	✓	✓
5. Conceptualise and synthesise contemporary armed conflicts into their respective legal frameworks	✓	✓
6. Display holistic insight into the interrelationship of human rights, treaty law, general public international law and international humanitarian law	✓	✓
7. Present orally complex legal knowledge on the means and methods of warfare	✓	

Please see **Annex 2** for Faculty Marking Criteria Guidelines and **Annex 3** for Sample Examinations and Continuous Assessment along with Marking Criteria