



University of the  
West of England

## MODULE SPECIFICATION

**Code:** UJGT8E-15-M    **Title:** International Humanitarian Law    **Version:** 3

**Level:** M                      **UWE credit rating:** 15                      **ECTS credit rating:** 10

**Module type:** Standard

**Owning Faculty:** FBL                      **Field:** Law Postgraduate

**Faculty Committee approval:** QSC                      **Date:**

**Valid from:** September 2008                      **Discontinued from:**

**Contributes towards:** LL.M. Awards, M.A. Human Rights

**Pre-requisites:** none

**Co-requisites:** none

**Excluded combinations:** none

### Learning outcomes:

At the end of the course students should:

1. Be knowledgeable of the international legal principles regulating the conduct of armed conflict;
2. Understand the principal institutional structures for the implementation of international humanitarian law;
3. Understand the key issues for further development of the law and of current initiatives for change;
4. Appreciate the different roles played by individuals and institutions in armed conflict and the various ways international humanitarian law impacts upon the relations between parties to a conflict;
5. Demonstrate the ability to apply the norms of international humanitarian law to specific case studies and be able to conduct research in the field of international humanitarian law.

### Syllabus outline:

1. Introduction to International Humanitarian Law and Characterisation of Armed Conflicts
  - 1.1. Introduction to International Humanitarian Law
    - 1.1.1. Distinction between HRL and IHL
    - 1.1.2. Distinction between *jus in bello* and *jus ad bellum*
  - 1.2. Characterisation of Armed Conflicts
    - 1.2.1. International and Non-International Armed Conflicts
    - 1.2.2. Types of International Armed Conflicts and Relevant Rules
    - 1.2.3. Types of Non-International Armed Conflicts and Relevant Rules
    - 1.2.4. Definition of an Armed Conflict
    - 1.2.5. Situations not Considered as Armed Conflict
2. Conduct of Hostilities (Methods)
  - 2.1. Combatancy
  - 2.2. Military Objectives
  - 2.3. Proportionality
  - 2.4. Precautions before Attack
  - 2.5. Ruse and Perfidy
  - 2.6. Surrender
3. Conduct of Hostilities (Means)
  - 3.1. General Issues on Use of Weapons
  - 3.2. Conventional Weapons

- 3.3. Nuclear, biological, chemical and poisonous weapons
- 3.4. Protection of the Environment
- 4. Protected Persons
  - 4.1. Prisoners of War
  - 4.2. Protection of Wounded, Sick and Shipwrecked
  - 4.3. Civilians under Occupation
- 5. Protection of Certain Categories of Individuals and Objects
  - 5.1. The Media
  - 5.2. Medical Profession
  - 5.3. Women
  - 5.4. Children
  - 5.5. Cultural Property
- 6. Enforcement of International Humanitarian Law
  - 6.1. Dissemination
  - 6.2. During Armed Conflict
    - 6.2.1. Reprisals
    - 6.2.2. Protecting Power
  - 6.3. State Responsibility
  - 6.4. Prosecution of Violations of IHL
    - 6.4.1. Procedural Issues
    - 6.4.2. War Crimes / Grave Breaches
    - 6.4.3. Defence and Command Responsibility
  - 6.5. Human Rights Law

#### **Teaching and learning methods:**

The main focus of teaching and learning on the taught LLM programme is through independent research and debate in the context of 3-hour weekly workshops. The workshop based approach to study also enables the students to develop the requisite independent research, analytical and reflective skills for successful completion of a postgraduate level course. For each workshop the students will be expected to have developed a general 'mastery' of the subject under consideration, from the reading list provided, and from undertaking further independent research. Activities such as simulations, discussions of case-law, writing of memorandum are integrated in each workshop.

#### **Reading Strategy:**

All relevant reading material will be identified in the seminar sheets. Where feasible, articles or chapters referred to will be placed on the digital collections.

#### ***Indicative Reading List: (see guidance notes)***

*The following list is offered to provide validation panels/accrediting bodies with an indication of the type and level of information students may be expected to consult. As such, its currency may wane during the life span of the module specification. However, as indicated above, CURRENT advice on readings will be available via other more frequently updated mechanisms.*

- A. Roberts & R. Guelff, *Documents on the Laws of War*, London, Oxford University Press, 2000.
- F. Kalshoven & L. Zegveld, *Constraints on the Waging of War: An Introduction to International Humanitarian Law*, Geneva, International Committee of the Red Cross, 2001.
- A. Bouvier & M. Sassoli, *How Does Law Protect in War*, Geneva, International Committee of the Red Cross, 2006.
- A.P.V. Rogers, *Law on the Battlefield*, Manchester, Manchester University Press, 2004
- D. Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflict*, Oxford, Oxford University Press, 2008.
- K. Dörmann, L. Doswald-Beck & R. Kolb, *War Crimes under the Rome Statute of the International Criminal Court Sources and Commentary*, Cambridge, Cambridge University Press, 2003.
- L. Moir, *The Law of Internal Armed Conflict*, Cambridge, Cambridge University Press, 2002.
- L.C. Green, *The Contemporary Law of Armed Conflict*, Manchester, Manchester University Press, 2002.
- Y. Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict*, Cambridge, Cambridge University Press, 2004.
- R. Kolb & R. Hyde, *An Introduction to the International Law of Armed Conflicts*, Oxford, Hart Publishing, 2008

## **Assessment**

**Weighting between components A and B (standard modules only)    A: 25%    B: 75%**

### **ATTEMPT 1**

#### **First Assessment Opportunity**

##### **Component A**

##### **Description of each element**

1- oral (twenty minutes)

##### **Element weighting**

100%

##### **Component B**

##### **Description of each element**

1 - essay (2000 words maximum)

##### **Element weighting**

100%

#### **Second Assessment Opportunity (further attendance at taught classes is/is not required)**

##### **Component A**

##### **Description of each element**

1- oral (twenty minutes)

##### **Element weighting**

100%

##### **Component B**

##### **Description of each element**

1 - essay (2000 words maximum)

##### **Element weighting**

100%

**SECOND (OR SUBSEQUENT) ATTEMPT: Attendance at taught classes is/is not required.**

**Specification confirmed by .....Date .....  
(Associate Dean/Programme Director)**

Academic Registry  
October 2005