



Course code: LAW201G

## Humanitarian Law

**Number of ECTS credits:** 6 ECTS

### **Contact Details for Professor**

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### **Course Description**

The course addresses international humanitarian law as part of general international law. It introduces the student to the history and codification in IHL, from 16<sup>th</sup> century until today. The methodology is explained by highlighting the difference between *ius ad bellum* (the legitimacy of armed operations) and the *ius in bello* (law applicable during armed conflict). The four Geneva conventions of 1949 and the two additional protocols of 1977 are looked upon into detail. Attention is paid to the question of law enforcement, in particular the numerous resolutions of the UN Security Council. The course illustrates IHL in some recent armed conflicts such as the NATO air campaign in Kosovo, the Libyan civil war, the Syrian civil war looks at some new challenges of IHL in the field of armed drones and cyberwarfare.

### **Course Prerequisites (if any)**

None

### **Learning Objectives**

The numbers between brackets refer to the International Affairs Major Programme Objectives

#### *A. Learning objectives in terms of knowledge*

- Find the sources of international humanitarian law – an overview of all existing treaties and protocols and the meaning of customary international law (1)
- Understand the four key principles of military necessity, humanity, distinction between armed forces and civilians, and the principle of proportionality (3)
- Understand the Law of The Hague: its origins in the Hague Regulations of 1907; the several treaties on the choice of weapons and methods of combat; basic concepts of treaty law (state parties, reservations, acceptance of a treaty) (3)

- Understand the Law of Geneva: secondary status of PoW, protection of civilians and civilian infrastructure (3)
- Provide knowledge of international humanitarian law as an important component in present-day conflict management and resolution. It is addressed to a variety of educational disciplines, such as political science, international affairs, conflict management and law. (4)

*B. Learning objectives in terms of skills*

- To incorporate knowledge from different disciplines (especially learning outcomes from courses of the International Affairs program) into this course (6)
- To write a comprehensive paper on a topic of international humanitarian law, with emphasis on legal sources, applicable treaties and protocols, major case law. (7)
- To present a subject of IHL before an audience in a comprehensive manner, summarizing the major issues at stake, the different viewpoints and interpretations (8)

*C. Learning objectives in terms of attitude*

- To engage in class debate (10)
- To raise considerations and questions regarding the current events (armed conflicts) and the different views (legal, political, cultural) (10)

**Course schedule**

Week 1	history of IHL
Week 2	early codifications, arms control
Week 3	basic concepts of IHL
Week 4	the law of The Hague on methods and means of combat
Week 5	The law of The Hague – overview of conventions and protocols
Week 6	presentation of paper 1 in class by students
Week 7	Midterm Exam
Week 8	introduction to the law of Geneva
Week 9	the Geneva conventions I & II
Week 10	the Geneva conventions III & IV
Week 11	the law of belligerent occupation
Week 12	the role of the UN Security Council in law IHL enforcement

Week 13      some recent armed conflicts (Kosovo, Libya, Syria)

Week 14      class presentation of paper 2 by students

Week 15      Final Exam

### **Course Materials**

Reader of the professor (200 pages) based on

- Marc Cogen, The Comprehensive Guide to International Law, Bruges, Die Keure, 2008, 534 pages – Chapter X (The Law regarding Armed Activities),
- Marc Cogen, Democracies and the Shock of War – the Law as a Battlefield, Farnham, Ashgate, 2012

And additional readings as an appendix of the reader.

### **Course Assessment**

The students will be evaluated on the basis of their performance as follows:

➤ Activity 1	20%
➤ Activity 2	25%
➤ Midterm examination	25%
➤ Final examination	<u>30%</u>
TOTAL	100%

### **Grading Scale of Vesalius College**

Vesalius College grading policy, in line with the Flemish Educational norms, is now as stated follows:

Letter grade	Scale of 20	Scale of 100
A	17.0-20.0	85-100
A-	16.1-16.9	81-84
B+	15.3-16.0	77-80
B	14.5-15.2	73-76
B-	13.7-14.4	69-72
C+	13.1-13.6	66-68
C	12.3-13.0	62-65
C-	11.5-12.2	58-61
D+	10.7-11.4	54-57
D	10.0-10.6	50-53
F	0-9.9	0-49

## Further description of assessment activities and Grading Criteria

The following criteria will be applied in assessing the two writing assignments.

### **Activity 1**

1. paper of 1,800 words on a topic concerning the means and methods of warfare (the Law of The Hague); paper topics are chosen on consultation with the professor; presentation of paper in class.
2. Explain the major elements of the topic
3. Attention to legal sources: treaties, secondary law, case law
4. Attention to correct legal terms of IHL
5. Make use of footnotes with correct references to the consulted sources
6. Format of the paper:
  1. short introduction – maximum half a page
  2. analysis: explaining the major elements of the topics – use separate paragraphs per topic
  3. conclusion: maximum half a page
7. Submission of paper in last class before midterm exam and by e-mail marcgcogen@gmail.com
8. Course assessment: 20% of total assessment

### **Activity 2**

1. paper of 2,500 words on a topic concerning the protection of persons during armed conflict; paper topics are chosen on consultation with the professor and will be presented in class
2. Use correct references in footnotes; correct use of legal terms and policy terms
3. Format of the paper:
  1. A short introduction: maximum half a page
  2. Analysis: exposition of the major elements – use paragraphs per element of the subject
  3. Conclusion: maximum half a page
4. Presentation in class
5. Submission of paper in hard copy in class and by e-mail marcgcogen@gmail.com

Course assessment percentage: 25% of total assessment

## **Additional Course Policies**

Students are required to attend all classes without an exception unless justified by exceptional circumstances (health, family, ...)

## **Academic Honesty Statement**

Academic dishonesty is **NOT** tolerated in this course.

Academic honesty is not only an ethical issue but also the foundation of scholarship. Cheating and plagiarism are therefore serious breaches of academic integrity.

Following the College policy, cheating and plagiarism cases will be communicated in writing to the Associate Dean for Students and submitted to the Student Conduct Committee for disciplinary action.

If you refer to someone else's work, appropriate references and citations must be provided. Grammar, spelling and punctuation count, so use the tools necessary to correct before handing in assignments.