

Law of Armed Conflict (B001414)

Course size *(nominal values; actual values may depend on programme)*

Credits 4.0

Study time 120 h

Contact hrs

30.0h

Course offerings and teaching methods in academic year 2022-2023

A (semester 1)

English

Gent

lecture

20.0h

group work

10.0h

Lecturers in academic year 2022-2023

Ruys, Tom

RE22

lecturer-in-charge

Offered in the following programmes in 2022-2023

Master of Science in Teaching in Social Sciences(main subject Laws)

crdts

offering

4

A

Master of Laws in Laws

4

A

Master of Laws in International and European Law

4

A

Exchange Programme in Law

4

A

Teaching languages

English

Keywords

law of armed conflict/international humanitarian law/laws of war/jus in bello

law on the use of force/jus ad bellum

Position of the course

This course intends to offer students insight into the international law on the use of force (jus ad/contra bellum) and the law of armed conflict (jus in bello).

Contents

The course consists on the one hand of ex cathedra lectures (and possibly guest lectures), explaining the law on the use of force (jus ad bellum) and the law of armed conflict (jus in bello). With regard to the jus ad bellum, lectures will tackle both the unilateral use of force (e.g., pursuant to the right of self-defence) as well as multilateral operations under the auspices of the United Nations or regional organizations. The jus in bello lectures relate i.a. to the scope of application of the laws of war, the targeting principles, the means and methods of warfare, the protection of civilians and prisoners of war, and the implementation and enforcement of the law.

On the other hand, active participation of students is required. In particular, students are expected to bring a presentation defending a legal position in smaller groups (of ca. 2-6 students), to be followed by open discussion. Students will also elaborate their legal positions in the form of a short position paper (ca. 5 pages).

Initial competences

- To have a basic knowledge of international law, in particular the sources of international law (treaties, customary law)
- You are capable of consulting (legal) sources on an autonomous basis.
- You possess the required English language skills to bring an oral presentation and participate in group discussions.
- You are interested in contemporary conflicts and follow news relating to international peace and security

Final competences

- 1 Having insight into the working of, and being familiar with the basic rules and principles of, the law of armed conflict and the law on the use of force.

- 2 To be capable of applying the relevant sources of the law of armed conflict (Geneva Conventions etc.) to specific case studies.
- 3 To be capable of substantiating a legal position and to orally defend such position.
- 4 To have attention for actualities on armed conflicts
- 5 The capacity for critical thinking on actualities in relation to the law of armed conflict.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Group work, Lecture, Self-reliant study activities

Extra information on the teaching methods

- **Lecture:** During the lectures the law of armed conflicts and the law on the use of force is explained. There may also be guest lectures on specific themes.
- **Group work:** students prepare an oral presentation defending a specific legal position and write a short position paper.
- **Self-reliant study activities:** students conduct the necessary research to prepare their presentation and position paper.

Learning materials and price

- ICRC, International Humanitarian Law: a Comprehensive Introduction, 355 p. (available for free at <https://shop.icrc.org/e-books/international-humanitarian-law-a-comprehensive-introduction.html>);
- Law of armed conflicts sourcebook (compilation of main treaties and other primary sources) (on sale with the VRG)
- Slides from the lectures, available on Ufora.
- Prior to classes, additional reading materials will be posted on Ufora

References

- C. Henderson, The Use of Force and International Law (Cambridge: CUP) (2018), 438 p.
- T. Ruys and O. Corten, The Use of Force in International Law: a Case-based approach (Oxford: OUP) (2018), 948 p.
- E. Crawford & A. Pert, International Humanitarian Law (Cambridge: CUP)(2015), 301 p.
- Dinstein, Y., The Conduct of Hostilities under the Law of International Armed Conflict, 3rd Edition, Cambridge University Press, 2016.
- Dinstein, Y., War, Aggression and Self-Defence, 6th Edition, Cambridge University Press, 2017.
- Sandesh Sivakumaran, The law of non-international armed conflict, Oxford University Press, 2012.
- Dieter Fleck (ed.), The Handbook of international humanitarian law, 3rd ed., Oxford University Press, 2013
- A. Clapham & P. Gaeta (eds.), The Oxford Handbook of International Law in Armed Conflict (Oxford: OUP)(2014)
- J. Wouters, P. De Man & N. Verlinden (eds.), Armed Conflicts and the Law (Antwerp: Intersentia) (2016)

Course content-related study coaching

- support through minerva
- on appointment

Assessment moments

end-of-term and continuous assessment

Examination methods in case of periodic assessment during the first examination period

Written examination with open questions

Examination methods in case of periodic assessment during the second examination period

Written examination with open questions

Examination methods in case of permanent assessment

Participation, Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible

Extra information on the examination methods

- Written exam with open questions (in particular case studies). Use of the sourcebook is permitted during the exam. (60%)
- Evaluation oral presentation (20%)
- Evaluation written position paper (20%)
- For the second examination period all marks based on a written paper of ca. 10 pages on a topic linked to the course

Calculation of the examination mark

- Non-periodic evaluation 40%: oral presentation 20%, position paper 20%
- Periodic evaluation 60% (written exam)
- For the second examination period all marks are based on a written paper
- **Students who do not participate in all evaluations achieve maximum 7/20 for this course.**

Facilities for Working Students

Work students are not obliged to attend every class.