

# LA961-20 International Humanitarian Law

**20/21**

**Department**

School of Law

**Level**

Taught Postgraduate Level

**Module leader**

Andrew Williams

**Credit value**

20

**Module duration**

8 weeks

**Assessment**

100% coursework

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

This module addresses the evolution of the laws of war (International Humanitarian Law) and the specific regimes that are supposed to govern the conduct of warfare. We shall also touch upon the complementary law regarding the use of force and in particular the customary right to self-defence and doctrines of 'humanitarian' intervention. In this context the module addresses the "crisis" of international humanitarian law in the post-Westphalian order, and the "war on terror".

[Module web page](#)

### Module aims

The module aims to develop:

a knowledge of the international legal principles regulating the conduct of armed conflict;

an understanding of the principal institutional structures for the implementation of international humanitarian law;

an understanding of the key issues for further development of the law and of current initiatives for change;

an understanding of the different roles played by individuals and institutions in armed conflict and the various ways international humanitarian law impacts upon their work; and

an 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

## **Outline syllabus**

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

The sessions will cover the following topics:

Mapping International Humanitarian Law

Just War and IHL

The Business of Killing (1): Philosophical questions

The Business of Killing (2): Methods and Weaponry

Away from the Battlefield: IHL and the treatment of PoWs and the vulnerable

Enforcement of IHL

## **Learning outcomes**

By the end of the module, students should be able to:

- Demonstrate an in-depth knowledge and understanding of the history, meaning, and scope of international humanitarian law and its relationship to international development.
- Develop an ability to identify and employ legal sources; analyse problems and concepts; identify relevant evidence; analyse and synthesise of evidence; evaluate conflicting arguments; understand logic of explanation; draw policy conclusions from theoretical and empirical analysis.
- Identify and use appropriately interdisciplinary materials, including international policy documents and empirical research findings on the concepts of international humanitarian law.
- Demonstrate critical analysis identifying the proper roles of theory and fact; evaluating the logic and empirical claims of rival arguments; identifying assumptions; following extended trains of argument; understanding clearly the relations between law and non-legal forms of thought, and the practical implications of theory
- Demonstrate advanced written and oral presentational skills

## **Indicative reading list**

Yoram Dinstein, *The Conduct of Hostilities under the Law of Armed Conflict* 2nd ed (CUP 2010)  
Leslie Green, *The Contemporary Law of Armed Conflict* (Manchester University Press, 2008)  
Michael Walzer, *Just and Unjust Wars: A Moral Argument with historical Illustrations* Revised ed. (Basic Books, 2006)

Thomas Hurka, 'Proportionality in the Morality of War' (2005) 33:1 Philosophy and Public Affairs  
Adam Roberts and Richard Guelff (eds.), Documents on the Laws of War (Oxford, 2000)  
Jean Pictet, "The Nature of Humanitarian Law" in Development and Principles of International  
Humanitarian Law (Nijhoff, 1985),  
Walter Clarke and Jeffrey Herbst (eds.), Learning From Somalia: The Lessons of Armed  
Humanitarian Intervention (Westview, 1997).  
Gasser, Hans-Peter. "International Humanitarian Law: An Introduction." In Humanity for All, ed.  
Hans Haug, Geneva: ICRC and Henry Dunant Institute, 1993. L.C. Green, "Civilians" in The  
Contemporary Law of Armed Conflict (Manchester: 1993)  
Christopher Greenwood, "International Law and the Conduct of Military Operations", in Michael  
N. Schmitt (ed.), International Law Across the Spectrum of Conflict: Essays in Honour of Professor  
L.C. Green On the Occasion of His Eightieth Birthday, International Law Studies, Vol. 75  
(Newport:  
Naval War College, 2000), pp.179-201  
Rosalyn Higgins, Problems and Process: International Law and How We Use It (Clarendon Press,  
1994). See Chapter 15, "The Use of Force by the United Nations".  
Charles J. Dunlap Jr., "Organized Violence and the Future of International Law: A Practitioner's  
View of the Emerging Issues," American Society of Law Proceedings, 1999, pp. 6-15.  
Hans Peter Gasser, "Ensuring Respect for the Geneva Conventions and Protocols: the Role of  
Third States and The United Nations" in Hazel Fox and Michael A. Meyer (eds.), Effecting  
Compliance, pp. 15-49.  
A. Eide, A. Rosas and T. Meron, "Combating Lawlessness in Gray Zone Conflicts Through  
Minimum  
Humanitarian Standards," 89, American Journal of International Law, 1995, pp.215-223.  
UNESCO, International Dimensions of Humanitarian Law (Henry Dunant Institute, Geneva, 1988).  
Howard S. Levie (ed.), Documents on Prisoners of War (Newport, RI: Naval War College Press,  
1979).  
Howard S. Levie, Terrorism in War, the Law of War Crimes (Dobbs Ferry, NY: Oceana 1993)  
Jonathan Moore, Hard Choices: Moral Dilemmas in Humanitarian Intervention (Lanham, MD:  
Rowman and Littlefield, 1998).

[View reading list on Talis Aspire](#)

## **International**

The module focuses on international humanitarian law.

### **Subject specific skills**

Subject knowledge and understanding  
Demonstrate an in-depth knowledge and understanding  
of the history, meaning, and scope of international  
humanitarian law and its relationship to international  
development.

#### **Cognitive Skills**

Demonstrate critical analysis identifying the proper  
roles of theory and fact; evaluating the logic and

empirical claims of rival arguments; identifying assumptions; following extended trains of argument; understanding clearly the relations between law and non-legal forms of thought, and the practical implications of theory.

#### Subject-Specific/Professional Skills

Demonstrate advanced written and oral presentational skills

### **Transferable skills**

#### Key Skills

Develop an ability to identify and employ legal sources; analyse problems and concepts; identify relevant evidence; analyse and synthesise of evidence; evaluate conflicting arguments; understand logic of explanation; draw policy conclusions from theoretical and empirical analysis.

Identify and use appropriately interdisciplinary materials, including international policy documents and empirical research findings on the concepts of international humanitarian law.

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## **Study**

### **Study time**

<b>Type</b>	<b>Required</b>
Tutorials	8 sessions of 1 hour (4%)
Online learning (independent)	8 sessions of 1 hour (4%)
Private study	184 hours (92%)
Total	200 hours

### **Private study description**

No private study requirements defined for this module.

### **Other activity description**

Consultation

## **Costs**

No further costs have been identified for this module.

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## Assessment

You must pass all assessment components to pass the module.

Students can register for this module without taking any assessment.

### Assessment group A1

	<b>Weighting</b>	<b>Study time</b>
4000 word essay	100%	
A 4,000 word essay.		

### Feedback on assessment

Formal written feedback via Tabula and informal discussions.

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## Availability

### Courses

This module is Optional for:

- Year 1 of TLAS-M1M2 LLM International Development Law and Human Rights
- Year 1 of TIMA-L981 Postgraduate Social Science Research
- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies

This module is Option list C for:

- TPOS-M9PE Double MA in Politics and International Studies (with NTU Singapore)
  - Year 1 of M91F Globalisation and Development (Double Degree - NTU)
  - Year 1 of M91L International Development (Double Degree - NTU)
  - Year 1 of M91B International Political Economy (Double Degree - NTU)
  - Year 1 of M91C International Politics and East Asia (Double Degree - NTU)
  - Year 1 of M91D International Politics and Europe (Double Degree - NTU)
  - Year 1 of M91G International Security (Double Degree - NTU)
  - Year 1 of M91K Political and Legal Theory (Double Degree - NTU)
  - Year 1 of M91J United States Foreign Policy (Double Degree - NTU)
  - Year 2 of M91L International Development (Double Degree - NTU)
  - Year 2 of M91B International Political Economy (Double Degree - NTU)
  - Year 2 of M91C International Politics and East Asia (Double Degree - NTU)
- TPOS-M9PP Double MA in Politics and International Studies (with Universität Konstanz,

## Germany)

- Year 1 of M92L International Development (Double Degree - Konstanz)
- Year 1 of M92B International Political Economy (Double Degree - Konstanz)
- Year 1 of M92C International Politics and East Asia (Double Degree - Konstanz)
- Year 1 of M92D International Politics and Europe (Double Degree - Konstanz)
- Year 1 of M92E International Relations (Double Degree - Konstanz)
- Year 1 of M92G International Security (Double Degree - Konstanz)
- Year 1 of M92K Political and Legal Theory (Double Degree - Konstanz)
- Year 1 of M92H Public Policy (Double Degree - Konstanz)
- Year 2 of M92B International Political Economy (Double Degree - Konstanz)
- Year 2 of M92C International Politics and East Asia (Double Degree - Konstanz)
- Year 2 of M92D International Politics and Europe (Double Degree - Konstanz)
- Year 2 of M92E International Relations (Double Degree - Konstanz)
- Year 2 of M92G International Security (Double Degree - Konstanz)
- Year 2 of M92K Political and Legal Theory (Double Degree - Konstanz)
- Year 2 of M92H Public Policy (Double Degree - Konstanz)
- Year 2 of TPOS-M9PT MA in International Development
- Year 2 of TPOS-M1P8 Postgraduate Taught International Politics and East Asia
- Year 2 of TPOS-M9PS Postgraduate Taught Political and Legal Theory
- Year 2 of TPOS-M9PQ Postgraduate Taught United States Foreign Policy