

IL915-15 Humanitarian Law

23/24

Department

Institute for Advanced Teaching and Learning

Level

Taught Postgraduate Level

Module leader

Daniel Lowe

Credit value

15

Module duration

1 week

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

Description

Introductory description

From the protections offered humanitarian workers during military conflicts to the human rights of citizens in receipt of humanitarian relief to the responses to disasters, international and local laws have an impact on all humanitarian-inspired interventions.

[Module web page](#)

Module aims

This module aims to consider the increasingly complex inter-relationship between law and humanitarianism. In tracking changing ideas about 'natural' disasters and international intervention, it first focuses on the key questions that these events can raise: do law, politics, and humanitarianism live up to the tests posed by disaster and crisis? In what ways might disasters be considered injustices provoking a legal response? Does law have a positive role to play or does it act as a burden? What legal and political agency have disaster victims asserted or been denied? And what do disasters reveal about poverty, inequality, and social injustice through the operation or absence of law?

The module also aims to address the evolution of the laws of war (universally called International Humanitarian Law) and the specific regimes that are supposed to govern the conduct of warfare, 'humanitarian' intervention and post conflict occupation and reconstruction.

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 module will consist of 5 days sessions. The module will be delivered by the module leader and/or invited subject specialists. The module leader will attend all of each session, to integrate and stimulate the interdisciplinary learning.

The core design is that each day the module leader and subject specialists will choose how they wish to deliver a combination of discipline or application grounded material with activities that will allow the students (with the module leader) to develop their learning in an interdisciplinary style that will help them to explore and deepen their knowledge of that day's theories and set texts/materials. Active learning methods (i.e. Team Based Learning; Open Space Learning) will be implemented in order to heighten student engagement and understanding of the week's topic.

Daily Topics

Day 1 Introducing the concept(s) of humanitarian law

Over the course of the day we will explore the many dimensions of humanitarian law – we will consider its history rooted in the 19th century response to the suffering in war, to its contemporary interpretation as a framing mechanism for international action in relation to natural disasters, military interventions and the conduct in warfare. We will also be examining the various concepts applicable to this legal arena and seeing how to apply such critique through case studies.

Day 2: Humanitarian law after conflict

In the light of Germany post 1945, we will look at the many ways in which intervention in a ravaged society as an antidote to totalitarianism and justice has been undertaken. By exploring the legal and political interaction in the affairs of a defeated nation, we will examine how law might dictate the nature of humanitarian response.

Day 3: Natural Disaster and Law

Hurricane Katrina produced devastating effects but some sectors of society suffered considerably more than others. Tracing the unequal consequences of natural disaster and examining how law fails or attempts to redress this imbalance will be necessary to determine how law operates in such an environment.

Day 4: Modern military occupation

Modern conflicts tend to be extremely complex and framed by a multiplicity of international legal regimes. Navigating one's way through these in the context of regime change or occupation is equally difficult. We will look at the record of the US and UK intervention in Iraq and compare this with the UN's Responsibility to Protect agenda and other conflicts such as in Syria. This will include considering how political opposition to state action may or may not inform the operation of humanitarian law.

Day 5: Development and humanitarianism

The unintended consequences of humanitarian operations will be considered in the light of the Haiti earthquake case. How do long term remedies for enduring problems of under-development co-exist with the demand for immediate action to relieve suffering resulting from some disaster or sequence of disasters? How does law gauge/interfere with the behaviour of NGOs and states?

Learning outcomes

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

- 1. Demonstrate comprehensive understanding of the relationship between law and the concept of humanitarianism
- 2. Show advanced knowledge of the complex application of international law to natural and human-generated disasters
- 3. Appreciate the role of IHL in conflict and its relationship with humanitarian intervention
- 4. Conceptualise ideas about the possible future trajectories of law in this context
- 5. Apply their skills in written communication (to technical and non-technical audiences), and information retrieval.

Indicative reading list

Andrea de Guttery, Marci Gestri, & Gabriella Venturini (eds.) *International Disaster Response Law* (The Hague: Springer, 2012)

Daniel A. Farber, Jim Chen, Robert R. M. Verchick, & Lisa Grow Sun (eds.) *Disaster Law and Policy* (2nd ed., New York: Aspen, 2010).

Austin Sarat and Javier Lezaun (eds.) *Catastrophe: Law, Politics, and the Humanitarian Impulse* (Amherst & Boston: University of Massachusetts Press, 2009)

Austin Sarat, Lawrence Douglas, & Martha Merrill Umphrey (eds.) *Law and Catastrophe* (Stanford: Stanford University Press, 2007)

The Oñati Socio-Legal Series special issue (Vol 3, No 2, 2013) on “Disasters and Sociolegal Studies” available online at: <http://opo.iisj.net/index.php/osls/issue/view/14>

E. L. Quarantelli's (ed.) *What is a Disaster? Perspectives on the Question* (New York: Routledge, 1998)

Douglas Brinkley, *The Great Deluge: Hurricane Katrina, New Orleans, and the Mississippi Gulf Coast* (New York: Harper Perennial, 2007)

Jonathan M. Katz, *The Big Truck That Went By: How the World Came to Save Haiti and Left Behind a Disaster* (New York: Palgrave Macmillan, 2013)

AT Williams *A Passing Fury: Searching for Justice after WWII* (Jonathan Cape 2016)

AT Williams *A Very British Killing* (Vintage 2013)

David Kennedy *The Dark Side of Virtue: Reassessing international humanitarianism* (Princeton 2005)

Interdisciplinary

Students from a wide variety of disciplinary and professional backgrounds will attend this module, enabling them to explore topics from a range of different perspectives.

Subject specific skills

Demonstrate comprehensive understanding of the relationship between law and the concept of humanitarianism

Show advanced knowledge of the complex application of international law to natural and human-

generated disasters

Conceptualise ideas about the possible future trajectories of law in this context

Appreciate the role of IHL in conflict and its relationship with humanitarian intervention

Apply their skills in written communication (to technical and non-technical audiences), and information retrieval.

Transferable skills

Communicate (written and oral; to technical and non-technical audiences) and work with others

Exercise initiative and personal responsibility, including time management, which may be as a team member or leader

Overcome difficulties by employing skills, knowledge and understanding in a flexible manner

Ability to formulate and operate within appropriate codes of conduct, when faced with an ethical issue

Appreciation of the global dimensions of engineering, commerce and communication

Be professional in their outlook, be capable of team working, be effective communicators, and be able to exercise responsibility and sound management approaches.

Study

Study time

| Type | Required |
|---------------|-----------------------------|
| Seminars | 24 sessions of 1 hour (16%) |
| Private study | 10 hours (7%) |
| Assessment | 116 hours (77%) |
| Total | 150 hours |

Private study description

Pre-module preparation and reading.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A2

| | Weighting | Study time | Eligible for self-certification |
|--------------------|------------------|-------------------|--|
| Written Assessment | 100% | 116 hours | Yes (extension) |

Feedback on assessment

Class / seminar discussion

Verbal feedback will be provided in situ in class in response to class discussion.

Summative essay

Detailed written feedback will be given on all final written assessments and will be provided to each student online via Tabula. Feedback will be given in accordance to the University Policy on the Timing of the Provision of Feedback to Students on Assessed Work

Availability

Courses

This module is Core optional for:

- Year 1 of TESA-H1C1 Postgraduate Taught in Humanitarian Engineering

This module is Optional for:

- TCHA-F764 Postgraduate Taught Global Decarbonisation and Climate Change
 - Year 1 of F764 Global Decarbonisation and Climate Change
 - Year 1 of F76B Global Decarbonisation and Climate Change (Policy)
- TESA-H1C1 Postgraduate Taught in Humanitarian Engineering
 - Year 1 of H1C3 Humanitarian Engineering (with Management)
 - Year 1 of H1C2 Humanitarian Engineering (with Sustainability)
 - Year 2 of H1C3 Humanitarian Engineering (with Management)
 - Year 2 of H1C2 Humanitarian Engineering (with Sustainability)