

JUR-3620 International law and armed conflict - 15 stp

The course is administrated by

Faculty of Law

Type of course

International law and armed conflict is a course at master degree level. The students on the integrated masterprogramme in law may choose it as a partial fulfillment of the requirements for the elective part of the programme's fifth year, cf. Programme Specification for the Master's Degree in Jurisprudence at the University of Tromsø (Studieplan for graden Master i rettsvitenskap ved Universitetet i Tromsø), Sec. 4. Following an application, other students may also be admitted to this course, cf. Regulations for the Elective Component in the Master's Degree Programme in Jurisprudence (Reglement for den valgfrie delen av masterstudiet i rettsvitenskap) (Regulation). Students at the Faculty of Law may only commence with the fifth year of the programme after they have passed the third year of the programme, cf. Regulation § 6 No. 3

Course contents

The course addresses the prohibition on the use of force in international law and its exceptions (jus ad bellum/use of force), as well as the rules applicable to armed conflicts when they break out (jus in bello/international humanitarian law). The latter includes limitations on the weapons and methods used and establishes protection against attacks on certain groups of individuals, like prisoners of war and civilians. The course will address both international customary law and treaty obligations in these fields, with main focus on the United Nations Charter, the four Geneva Conventions of 1949 and their additional protocols of 1977.

Admission requirements

Students should have basic knowledge of international law. For students on the integrated master programme in Tromsø, the course builds upon their knowledge of international law acquired during their first year of study.

Objective of the course

Knowledge:

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Having passed the exam, the student ~~should have~~has:

- Advanced knowledge of the sources of international law and its methodology
- Advanced knowledge of the prohibition on the use of armed force
- Advanced knowledge of the right to self-defence
- Advanced knowledge of the United Nations Security Councils right to authorize the use of armed force
- Advanced knowledge of the general principles of international humanitarian law
- Advanced knowledge of the definition of combatant and their treatment
- Advanced knowledge of the rules regarding general protection of persons and property against the consequences of an armed conflict
- Advanced knowledge of certain kinds of civilian property granted enhanced protection
- Advanced knowledge of the methods and means of combat
- Advanced knowledge of the relationship of international humanitarian law to international human rights law
- Good knowledge of the right to use armed force by invitation of a host state
- Good knowledge of the different types of armed conflicts and the geographical area where

military operations may be undertaken

- Knowledge of the history of the law on the use of force and international humanitarian law
- ~~- Knowledge of the right to use armed force by invitation of a host state~~
- Knowledge of the disputed legality of humanitarian intervention and authorization by other authorities than the United Nations Security Council
- ~~- Knowledge of the different types of armed conflicts and the geographical area where military operations may be undertaken~~
- Knowledge of the rules protecting the environment in armed conflicts
- Knowledge of the application of international humanitarian law to international peace support operations
- Knowledge of the enforcement of international humanitarian law

Skills and competences:

Having passed the exam, the student will:

- Be able to identify and analyze legal problems of both theoretical and practical character regarding international law on armed conflicts
- Be able to apply his/her knowledge of international legal methodology in a critical and independent way
- Be able to identify and discuss de lege ferenda some of the most controversial topics within the fields of law covered
- ~~- Have obtained enhanced skills in constructing and communicating legal reasoning in a clear and precise manner~~
- Be able to use English terminology applicable to this field of law

General competence

After passing the specialization, the student can:

- Apply the obtained knowledge and skills in the field of the international law of armed conflict individually and in cooperation with others
- Communicate reasoning within the field of the international law of armed conflict in a clear and precise manner, orally and in writing to the academic community and the general public
- Apply knowledge and skills acquired within the law of international law of armed conflict to other fields of international law, tasks and projects, where relevant
- Identify and reflect on ethical dilemmas that work with issues of relevance to the international law of armed conflict can lead to, and deal with these in a responsible manner

~~See also Specification for the Masters Degree in Jurisprudence at the University of Tromsø, Sec 1, last paragraph.~~

Language of instruction

All teaching will be held in English and the exam must be written in English.

Teaching methods

The teaching consists of a combination of lectures and seminars, comprising a total of 30 hours. The students are expected to be prepared and active during both lectures and seminars in discussing legal approaches to the issues at hand. Student participation is sought through discussions, voluntary case/case law presentations and participation in two moot courts at the end of the main sections of the course. Some of the lectures or seminars may be held by external guest speakers. The classes will be sought spread throughout the semester. Students are expected to study independently in periods of no seminars or lectures.

Assessment

The course is assessed through a 6 hours closed book written school exam where the student is nevertheless allowed to bring into the examination room a specific treaty collection identified in

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advance by the Faculty of Law. The treaty collection may only contain underlining etc. in accordance with the Faculty's regulation on that matter. The student may also bring a dictionary, as long as it merely provides translations and no definitions. The exam may include theoretical and/or scenario questions. The grading scale of A to F is applied, where F constitutes fail. Students who fail their examination are entitled to re-sit the examination, cf. Regulations for examinations at the University of Tromsø Sec. 22.

Date for examination

Written

The date for the exam can be changed. The final date will be announced at your faculty early in May and early in November.

Recommended reading/syllabus

Recommended reading/curriculum can be found here