



## UNSW Course Outline

# JURD7381 International Humanitarian Law - 2024

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## General Course Information

Course Code : JURD7381

Year : 2024

Term : Term 2

Teaching Period : T2

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Global and Public Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

One of the most important areas of international law is the law regulating recourse to and the use of force. It is a unique body of law comprising two separate and distinct bodies of rules: the *jus ad bellum*, which is the law governing the legality of the resort to force, and the *jus in bello*,

which is the law regulating the conduct of hostilities. The *jus in bello* is also referred to as *humanitarian law*, *the law of armed conflict*, or *the laws of war*. The law of armed conflict is a body of rules that was developed to protect the most vulnerable groups during armed conflict and to mitigate the deleterious effects of the methods of warfare.

The course is designed to provide an overview of the fundamental principles of the law of armed conflict (or international humanitarian law). It will place international humanitarian law within public international law more generally, and delineate its relationship to other areas of international law (such as the international law of human rights). Specifically, the course will cover the principles and rules relating to the protection of individuals during armed conflict, as well as rules relating to the means and methods of warfare, including weapons issues. We will also explore issues relating to the implementation and international and national enforcement of international humanitarian law.

## Main Topics

- the position of international humanitarian law within public international law
- the relationship between rules related to the right to use force and international humanitarian law
- the historical development of international humanitarian law norms
- the principles determining the rules applicable in different conflict situations, or issues of classification of conflicts
- rules related to the protection of persons during armed conflict, as well as situations of violence not amounting to armed conflict
- rules and principles regarding the means and methods of warfare, including weapons issues
- the relationship between international humanitarian law and international human rights law
- implementation and enforcement of international humanitarian law, including a brief overview of the international tribunals for the former Yugoslavia and Rwanda, and the International Criminal Court, as well as national enforcement of international humanitarian law
- challenges and potential new directions for international humanitarian law, including issues raised by terrorism,
- the role of the ICRC and the Red Cross Movement in armed conflict, and the work of governments, other international organisations and NGOs.

## Relationship to Other Courses

This course complements the learning in the compulsory course, Law in the Global Context. It examines a specific area of public international law, thus is related to the course Public International Law, although it does not require completion of that course as a prerequisite. This course complements other elective courses, in particular courses on international human rights,

refugee law and international criminal law.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : have a sound understanding of the development, scope, principles, and main rules of international humanitarian law (PLOs 1, 3 & 8) and be able to explain the meaning and relevance of these concepts and rules (PLO 9)
CLO2 : understand the process by which principles and rules of international humanitarian law continue to develop (PLOs 3, 7, 8)
CLO3 : be familiar with the role that governments and various institutions play in the implementation and enforcement of IHL, as well as the institutional framework established by the Red Cross Movement and States in relation to armed conflict and humanitarian issues generally (PLOs 3, 7 & 8)
CLO4 : be able to examine critically current developments in relation to IHL, and the policy challenges involved (PLOs 3, 5, 6, 7, 8 & 9)
CLO5 : evaluate the impact of the rules and principles of international law on the conduct of governments and other parties involved in armed conflict, as well as civil society actors (PLOs 3, 6, 7 & 8)
CLO6 : identify key areas of international humanitarian law which are currently the subject of reform efforts (PLO 7)
CLO7 : communicate effectively, in speaking and in writing, on basic international humanitarian law issues (PLOs 9 & 10)
CLO8 : be familiar with critical perspectives on the role these norms and institutions play in relation to the interests of the victims of armed conflict and principles of military necessity (PLOs 3, 7 & 8)

Course Learning Outcomes	Assessment Item
CLO1 : have a sound understanding of the development, scope, principles, and main rules of international humanitarian law (PLOs 1, 3 & 8) and be able to explain the meaning and relevance of these concepts and rules (PLO 9)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-term Assessment</li> <li>• Final Essay</li> </ul>
CLO2 : understand the process by which principles and rules of international humanitarian law continue to develop (PLOs 3, 7, 8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-term Assessment</li> <li>• Final Essay</li> </ul>
CLO3 : be familiar with the role that governments and various institutions play in the implementation and enforcement of IHL, as well as the institutional framework established by the Red Cross Movement and States in relation to armed conflict and humanitarian issues generally (PLOs 3, 7 & 8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-term Assessment</li> <li>• Final Essay</li> </ul>
CLO4 : be able to examine critically current developments in relation to IHL, and the policy challenges involved (PLOs 3, 5, 6, 7, 8 & 9)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-term Assessment</li> <li>• Final Essay</li> </ul>
CLO5 : evaluate the impact of the rules and principles of international law on the conduct of governments and other parties involved in armed conflict, as well as civil society actors (PLOs 3, 6, 7 & 8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-term Assessment</li> <li>• Final Essay</li> </ul>
CLO6 : identify key areas of international humanitarian law which are currently the subject of reform efforts (PLO 7)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-term Assessment</li> <li>• Final Essay</li> </ul>
CLO7 : communicate effectively, in speaking and in writing, on basic international humanitarian law issues (PLOs 9 & 10)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-term Assessment</li> <li>• Final Essay</li> </ul>
CLO8 : be familiar with critical perspectives on the role these norms and institutions play in relation to the interests of the victims of armed conflict and principles of military necessity (PLOs 3, 7 & 8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-term Assessment</li> <li>• Final Essay</li> </ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	15%	Start Date: Not Applicable Due Date: Not Applicable
Mid-term Assessment Assessment Format: Individual	25%	Start Date: Not Applicable Due Date: Week 5: 24 June - 30 June
Final Essay Assessment Format: Individual	60%	Start Date: Not Applicable Due Date: Week 10: 29 July - 04 August

## Assessment Details

### Class Participation

#### Assessment Overview

Class Participation - 15%

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

#### Course Learning Outcomes

- CL01 : have a sound understanding of the development, scope, principles, and main rules of international humanitarian law (PLOs 1, 3 & 8) and be able to explain the meaning and relevance of these concepts and rules (PLO 9)
- CL02 : understand the process by which principles and rules of international humanitarian law continue to develop (PLOs 3, 7, 8)
- CL03 : be familiar with the role that governments and various institutions play in the implementation and enforcement of IHL, as well as the institutional framework established by the Red Cross Movement and States in relation to armed conflict and humanitarian issues generally (PLOs 3, 7 & 8)
- CL04 : be able to examine critically current developments in relation to IHL, and the policy challenges involved (PLOs 3, 5, 6, 7, 8 & 9)
- CL05 : evaluate the impact of the rules and principles of international law on the conduct of governments and other parties involved in armed conflict, as well as civil society actors (PLOs 3, 6, 7 & 8)
- CL06 : identify key areas of international humanitarian law which are currently the subject of reform efforts (PLO 7)
- CL07 : communicate effectively, in speaking and in writing, on basic international humanitarian law issues (PLOs 9 & 10)
- CL08 : be familiar with critical perspectives on the role these norms and institutions play in relation to the interests of the victims of armed conflict and principles of military necessity (PLOs 3, 7 & 8)

### Detailed Assessment Description

Class participation marks are designed to encourage you to prepare for class and to analyse, reflect on and evaluate the course materials before we cover that content in class, as well as to develop further the capacity to put oral arguments and to think clearly. Since we expect that you will put considerable effort into class preparation, it is fair that you receive some reward for this work.

You will be given an opportunity to submit a self-assessment of your performance in class after flexibility week and at the end of the seminars in the course. Further details of expectations will be provided on Moodle.

### Assessment Length

N/A

### Assignment submission Turnitin type

Not Applicable

## **Mid-term Assessment**

### Assessment Overview

Mid-term Assessment - 25%

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CL01 : have a sound understanding of the development, scope, principles, and main rules of international humanitarian law (PLOs 1, 3 & 8) and be able to explain the meaning and relevance of these concepts and rules (PLO 9)
- CL02 : understand the process by which principles and rules of international humanitarian law continue to develop (PLOs 3, 7, 8)
- CL03 : be familiar with the role that governments and various institutions play in the implementation and enforcement of IHL, as well as the institutional framework established by the Red Cross Movement and States in relation to armed conflict and humanitarian issues generally (PLOs 3, 7 & 8)
- CL04 : be able to examine critically current developments in relation to IHL, and the policy challenges involved (PLOs 3, 5, 6, 7, 8 & 9)
- CL05 : evaluate the impact of the rules and principles of international law on the conduct of governments and other parties involved in armed conflict, as well as civil society actors (PLOs 3, 6, 7 & 8)
- CL06 : identify key areas of international humanitarian law which are currently the subject of reform efforts (PLO 7)

- CLO7 : communicate effectively, in speaking and in writing, on basic international humanitarian law issues (PLOs 9 & 10)
- CLO8 : be familiar with critical perspectives on the role these norms and institutions play in relation to the interests of the victims of armed conflict and principles of military necessity (PLOs 3, 7 & 8)

### **Detailed Assessment Description**

You must complete a mid-term assessment which will count for 25% of your final mark. The assignment will be made available online during Week 1 and is to be submitted online by no later than 4 p.m. on Friday, 28 June 2024. Further details will be provided when the task is released.

The assessment is designed to give you the opportunity to demonstrate your ability to draw on the materials studied in the course to answer key questions, to apply the relevant rules and principles and to analyse a situation. The purpose of the mid-term assessment is to confirm your understanding of the basic principles, to provide you with feedback on your progress, and to allow you to familiarize yourself with the expectations of the course. A marking rubric will be provided on Moodle.

### **Assessment Length**

2,000 words

### **Assignment submission Turnitin type**

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

## **Final Essay**

### **Assessment Overview**

Final Essay - 60%

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### **Course Learning Outcomes**

- CLO1 : have a sound understanding of the development, scope, principles, and main rules of international humanitarian law (PLOs 1, 3 & 8) and be able to explain the meaning and relevance of these concepts and rules (PLO 9)
- CLO2 : understand the process by which principles and rules of international humanitarian law continue to develop (PLOs 3, 7, 8)
- CLO3 : be familiar with the role that governments and various institutions play in the implementation and enforcement of IHL, as well as the institutional framework established by the Red Cross Movement and States in relation to armed conflict and humanitarian issues generally (PLOs 3, 7 & 8)
- CLO4 : be able to examine critically current developments in relation to IHL, and the policy



challenges involved (PLOs 3, 5, 6, 7, 8 & 9)

- CLO5 : evaluate the impact of the rules and principles of international law on the conduct of governments and other parties involved in armed conflict, as well as civil society actors (PLOs 3, 6, 7 & 8)
- CLO6 : identify key areas of international humanitarian law which are currently the subject of reform efforts (PLO 7)
- CLO7 : communicate effectively, in speaking and in writing, on basic international humanitarian law issues (PLOs 9 & 10)
- CLO8 : be familiar with critical perspectives on the role these norms and institutions play in relation to the interests of the victims of armed conflict and principles of military necessity (PLOs 3, 7 & 8)

### **Detailed Assessment Description**

All students are required to complete an original research essay.

Research essays should demonstrate your ability to formulate your own reasoned opinions about core problems addressed in the course. The research essay offers you the opportunity to develop your research and analytical skills in the area and to develop an extended analysis and argument in a manner which benefits from the time available for research and reflection. You will be expected to go beyond the course materials in the research for your essay.

Assessment will be based, inter alia, on the quality and originality of the argument as well as the demonstrated knowledge of the relevant case-law and legal writing in the field. The main criteria upon which you will be examined in any of your assessment tasks is evidence of depth of thinking. Depth of thinking is the extent to which you are able to proceed past the descriptive and into critical ways of thinking. This involves your ability to analyse, synthesise, abstract and generalize the central principles and themes of the course. A marking rubric is provided.

A list of suggested essay questions will be provided on Moodle. If you select a topic from this list, you do not need to seek approval in advance - simply prepare the essay and submit on or before the due date.

You may choose your own topic for the research essay, but it must be approved in advance. You should submit your proposed topic to the course convenor, using the form available on Moodle. The purpose of requiring the topic to be formally approved is to assess whether your proposed topic is one that can be reasonably dealt with within the word limit. As appropriate, we may also provide suggestions as to sources that you may wish to consult or further questions or issues that you may wish to consider. Any topic with a connection to the law of international humanitarian law is in principle acceptable – but it must be approved in advance. Note also that the essay must be original in the sense that you must not have previously submitted it for

assessment in other courses, including moots and courses at other institutions.

### Assessment Length

4,000 words

### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

## General Assessment Information

### Grading Basis

Standard

## Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 27 May - 2 June	Seminar	Background, legal basis and sources of IHL
Week 2 : 3 June - 9 June	Seminar	Classification of armed conflicts and practical application of IHL
Week 3 : 10 June - 16 June	Seminar	Individual status in armed conflict: civilians and combatants
Week 4 : 17 June - 23 June	Seminar	Sick and wounded and humanitarian assistance
Week 5 : 24 June - 30 June	Seminar	Law of Occupation
Week 6 : 1 July - 7 July	Seminar	No class - flexibility week
Week 7 : 8 July - 14 July	Seminar	Targeting and the conduct of hostilities
Week 8 : 15 July - 21 July	Seminar	Means and methods of warfare
Week 9 : 22 July - 28 July	Seminar	Implementation and enforcement (I)
Week 10 : 29 July - 4 August	Seminar	Implementation and enforcement (II) Recap

## Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure** and **Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

## Course Resources

### Prescribed Resources

The required course text for this course is Emily Crawford and Alison Pert, *International*

*Humanitarian Law*, 3rd edition 2024 (CUP). Please note that this is a new edition that is only due to be released online in May 2024. It has been substantially updated since the second edition, so please try to purchase or access a copy of the third edition if at all possible. We will provide updates on availability of this text on Moodle; if publication is delayed we will provide access to early chapters via Moodle.

Details of weekly readings will be posted on Moodle; additional readings on each topic will be provided on a weekly basis.

## Recommended Resources

You will also need to access a range of treaties and databases. Details will be available on Moodle.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Sarah Williams				By appointment - email to arrange	Yes	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

### UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

### Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.