



unitar

United Nations Institute for Training and Research

# COURSE SYLLABUS

## International Humanitarian Law

e-Learning | 31 May 2021 – 27 June 2021



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## Disclaimer and Acknowledgements

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Please carefully read the Disclaimer and Acknowledgements documents located on this course's home page before beginning the course for more information about the terms and conditions of use of UNITAR's virtual learning environment and acknowledgement of those organizations for their authorization to use audio transcripts, webcasts and photographic imagery.

## Course Presentation

War remains a matter of great concern to humanity. Recent conflicts have demonstrated that the ravages of war continue to have a devastating impact especially on the civilian population.

War might be the “end of the law” as one said, but International Law is not silent on armed conflicts. From its conception in 1859 on the battlefield of Solferino to contemporary warfare, modern International Humanitarian Law (IHL) has been confronted with significant challenges. Since the times of horses and bayonets to drones and other ‘Lethal Autonomous Weapons System’ (the so-called “killer robots”), the IHL has always had the purpose of regulating the means and methods of warfare in order to limit human suffering. The development and sophistication of weapons has made it paradoxically problematic to distinguish between civilians and combatants in order to better protect the former. In addition, the proliferation of non-international armed conflicts (civil wars) and the emergence of new forms of armed conflicts, i.e. the “war on terrorism”, pose new challenges to the protection of civilian persons and goods.

Thus, traditional IHL needs to be reassessed in order to cope with the new challenges faced within the contemporary world.

## Course Outline

The course is composed of 4 modules that will be covered in 4 weeks, from 31 May to 27 June 2021:

	Content	Dates
1	Introduction to IHL: Principles, Sources and Sanctions	31 May to 6 June
2	Applicability of IHL: Scope of Applicability and Relationship with Human Rights	7 to 13 June
3	The “Hague Law”: Means and Methods of Warfare	14 to 20 June
4	The “Geneva Law”: Protection of the Victims of Armed Conflicts	21 to 27 June

Note that the dates on which the activities and assessments take place are limited in time. As a good practice, each module officially opens one day before the announced opening date and closes one day after the closing date. Nevertheless, lessons, activities, and resources are available throughout the entire duration of the course. Pay attention, however, to the deadlines to submit your activities.

To complete the course, you should go over the lessons and submit the assessments required throughout the modules. We also encourage you to ask questions and engage in the forum with the other participants. In the table that follows you have an outline of the contents, learning objectives, and assessments for each module.

## Contents and Learning Objectives

Module	Content	Learning objectives At the end of the module, you will be able to:	Graded Assessment
<b>1. Introduction to IHL</b>	<ul style="list-style-type: none"> <li>Historical Evolution of the Law of Armed Conflicts</li> <li>The Law of Armed Conflicts: Basic Principles</li> <li>Jus ad Bellum: Main Components</li> <li>Jus in Bello: Main Components</li> <li>The Separation between Jus ad Bellum and Jus in Bello in Modern IL: Equality of the Belligerents, Just War and the War against Terrorism</li> <li>The Law of Armed Conflicts: Main Sources</li> <li>War Crimes and International Criminal Justice</li> </ul>	<ul style="list-style-type: none"> <li>Describe the most influential steps in the evolution of the modern law of armed conflicts (LOAC);</li> <li>Identify the basic principles upon which the detailed rules of the LOAC rest and from which they can be deduced;</li> <li>Determine the key points of the law relating to the maintenance of peace and assess the efficacy of the current regulation of the 'right to resort to force';</li> <li>Differentiate between jus ad bellum and jus in bello;</li> <li>Explain and discuss why questions of the lawfulness of the use of force are separated from questions of the obligations of the parties during armed conflict in modern International Law;</li> <li>Identify the different sources of the LOAC;</li> <li>Differentiate between the existing international criminal jurisdictions and their scope of application</li> </ul>	<ul style="list-style-type: none"> <li>Quiz</li> </ul>
<b>2. Applicability of IHL</b>	<ul style="list-style-type: none"> <li>Material Scope of Applicability</li> <li>Personal Scope of Applicability</li> <li>Spatial Scope of Applicability</li> <li>Temporal Scope of Applicability</li> <li>Applicability by Special Agreements</li> <li>Non-International Armed Conflicts in Particular</li> <li>The Relationship between the LOAC and Humanitarian Law</li> </ul>	<ul style="list-style-type: none"> <li>Appraise the notion of "armed conflict" to which the LOAC is applicable;</li> <li>Apply the sets of rules of the LOAC fitting with a given armed conflict;</li> <li>Identify the persons or entities bound by the LOAC;</li> <li>Justify the extent of the protection granted to the different categories of "protected persons" under the LOAC;</li> <li>Differentiate between the objective and subjective beginning/end of applicability of the LOAC;</li> <li>Assess the necessity of the conclusion of a special agreement to overcome gaps and insufficiencies in the LOAC applicable to a particular armed conflict;</li> <li>Explain and illustrate the merging process between the LOAC applicable to IACs and the LOAC applicable to NIACs;</li> <li>Identify the conventional source of the LOAC applicable to NIAC;</li> <li>Identify and explain the different set of cooperation between the LOAC and International Human Rights Law (IHRL).</li> </ul>	<ul style="list-style-type: none"> <li>Quiz</li> </ul>
<b>3. The "Hague Law": Means and Methods of Warfare</b>	<ul style="list-style-type: none"> <li>Targeting: The Principle of Distinction between Civilian and Military Objectives</li> <li>Other Objectives Specifically Protected against Attack</li> <li>Prohibited Weapons</li> <li>Perfidy and Ruses</li> <li>Some other Prohibited Means and Methods of Warfare</li> <li>System Efficacy: Potentially Shattering Consequences for International Law</li> </ul>	<ul style="list-style-type: none"> <li>Identify the Principle of Distinction and recognize its different aspects;</li> <li>Explain how the application of this fundamental rule allows belligerent parties to make targeting decisions during armed conflicts;</li> <li>Identify which objectives, other than civilians and civilian objects, enjoy specific immunity from attack under the LOAC;</li> <li>Spell out the principles and rules that govern the acceptability or unacceptability of the use of weapons with regard to the aim of armed conflicts;</li> <li>Distinguish between illegal acts of perfidy and legal acts of ruse;</li> <li>Assess the effectiveness of the Principle which prohibits the use of certain means and methods of warfare in light of the development of new-age military weapons;</li> <li>Identify the new challenges for the LOAC relating to the use of drones and other new means of modern warfare.</li> </ul>	<ul style="list-style-type: none"> <li>Quiz</li> </ul>
<b>4. The "Geneva Law": Protection of the Victims of Armed Conflicts</b>	<ul style="list-style-type: none"> <li>The implementation of the LOAC</li> <li>The Role of the International Committee of the Red Cross</li> <li>The Definition of Combatants</li> <li>The Protection of Prisoners of War</li> <li>General Protection of Civilians</li> </ul>	<ul style="list-style-type: none"> <li>Structure and synthesize both the normative and institutional implementation mechanisms provided by IHL;</li> <li>Recognize the form of and describe the functions provided by protective emblems today;</li> <li>Identify who is entitled to combatant status; who is entitled to prisoner of war status; who is not entitled to such status; finally,</li> </ul>	<ul style="list-style-type: none"> <li>Quiz</li> </ul>

	<ul style="list-style-type: none"> <li>• The Law of Armed Conflicts: The “Intangible” Nature of the LOAC Rights</li> <li>• The Law of Armed Conflicts Protective Emblems</li> </ul>	<p>who belongs in the category of what is sometimes called an ‘irregular combatant’;</p> <ul style="list-style-type: none"> <li>• Critically analyze the reforms introduced with regards to the status of regular combatant;</li> <li>• Identify the protected civilians under LOAC and describe how the rights of civilian non-combatants are protected in the modern LOAC;</li> <li>• Demonstrate why rights granted to protected persons by Geneva Conventions I–IV are granted in all circumstances; why these rights cannot be waived, deviated from, or otherwise diminished in any way;</li> <li>• Appraise the overall role of the ICRC in the development and implementation of IHL through its Mandate and Activities and present the whole of activities performed by the ICRC whether in peacetime or in time of armed conflict;</li> <li>• Assess the overall effectiveness of IHL in the world we live in today; identify what aspects of IHL function well, and what aspects could be improved upon.</li> </ul>	
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## Methodology

The course will be delivered via the e-Learning platform Moodle. This pedagogical tool will help the student meet the course’s learning objectives through a self-paced study routine supported by multimedia, optional and required readings, discussion forums, assessment quizzes, and a wealth of other information. Adapted specifically to full-time professionals, students will learn by: absorbing (reading), doing (activities), interacting (socializing), and reflecting (relating to personal experience).

**Materials will be posted online on a weekly basis** (see Complete Course Schedule under Study Planning section for more details). Your course is divided into four modules.

**Module 1, 2, 3 and Module 4** contain the same structural elements:

- Contents
- Objectives
- Lesson Material (text, video, interactive exercises and documents)
- Assessment
- Discussion Board
- Exercise

## Grading Policy and Course Completion

Students are eligible for a course certificate upon successful course completion. Successful completion requires:

- **an 80% passing grade on EACH of the four weekly quizzes on Module 1, 2, 3, and Module 4** (16 out of 20 questions correct); you may take each assessment up to 3 times (questions are randomized from a larger pool of questions and therefore will change upon assessment attempts);



- **an 70% passing grade on the final task:** at least 14pts (out of 20pts) to the final question posted in the Discussion Board forums; your answers will be evaluated according to both **quantity and quality** (e.g., content relevance and contribution to overall discussion).

**Before moving to the next module**, you should: **(a)** read all the core module texts, **(b)** take the module-based assessments. We strongly encourage you to participate in the weekly Discussion Board forums and interact with other participants. You should consult the optional external links to enhance your knowledge of the given lesson's topic (e.g., links to websites and additional documents). **(c)** participate in the weekly evaluation to provide us with feedback on your learning experience for each module.

*All assessments, once made available, will remain accessible until the end of the course and you can be taken anytime during the duration of the course, however assessments should be taken before moving to the next module.*

UNITAR's e-Learning Committee will make the final decision regarding certificates in consultation with the moderator. UNITAR reserves the right to award certificates only to those considered as "eligible" participants. We urge you to take a clear note of the above requirements. If you need any clarification, please do not hesitate to contact UNITAR's Division for Multilateral Diplomacy.

## Study Planning

The following study grid indicates which course activities are mandatory.

Activity	Mandatory
Interactive Course	Yes
External Links and Readings	No, recommended
Cybrary <sup>1</sup>	No
Module Assessments	Yes
Discussion Forums	No
Exercises	Yes
Course Evaluation	Yes

What is distinct about this learning experience is that it is an **online** learning experience. Online training, by its very nature, entails delivery of educational content over the internet. As you will proceed in this course, training materials will be made available to you through UNITAR's e-Learning portal. This course will also provide links to other web resources such as references and documents. Additionally, it will require you to use simple collaborative tools such as email exchanges among the group/participants who have registered for this course as well as participate in a discussion forum.

The UNITAR team is available to provide guidance and user information to help you participate and **contribute actively** to the discussion forums. You will also have access to a course moderator (or instructor) who will animate the discussion board as well as answer substantive and course related questions (either using the Discussion Board or through a traditional e-mail method). There will thus be no face-to-face interaction. All interaction will take place through the internet using UNITAR's e-Learning portal!

The **advantages** of online training are many. You are able to :

- schedule and pace your learning according to your specific needs
- make use of additional resources using the internet
- work from office or home as long as you have a computer with an internet connection
- connect with your fellow participants and instructors through the learning portal

The lack of face-to-face interaction will require more discipline and pro-active planning on your end in order to successfully meet the course's learning objectives. In this regard, it is thus different and distinct from a traditional face-to-face training course.

The following **Complete Course Schedule** indicates when materials will be posted online and taken offline. Note that following the fourth week, material will remain available online for the

<sup>1</sup> The Cybrary contains important course information; please see the next section on the course's Learning Content.

wrap-up session in which participants can take the Course Evaluation, as well as finish all assessments until the specified date.

Week	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday Sunday
<b>31 May 2021</b>	First Day Module 1 online				Quiz 1 online (20 questions)	
<b>7 June 2021</b>	First Day Module 2 online				Quiz 2 online (20 questions)	
<b>14 June 2021</b>	First Day Module 3 online				Quiz 3 online (20 questions)	
<b>21 June 2021</b>	First Day Module 4 online				Quiz 4 online (20 questions) & Final Task Online (20pts)	

Although this online course is asynchronous – meaning that the interaction between you and the trainers or fellow participants will take place intermittently with a time delay – it will be important to establish a course study routine that best adapts to your work schedule, family commitments, Internet connection speed, etc. This will allow you to complete your assignments and tasks in time (on a week-by-week basis) and thus maintain a similar pace as other course participant. *Please note that the ILP e-Learning Team will send a reminder if your module-based assessments have not been completed.*



## Learning Content<sup>2</sup>

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The complete set of course materials **will NOT be available all at once on the UNITAR portal. Materials will be posted on a weekly basis.** Learning materials are organized as follows:

### 1. Interactive Course

The interactive course is the core mandatory learning activity. The various module lessons contain links to external documents and websites, videos, questions and suggested responses, and basic text. The lessons are relevant to a wide demographic of participants, both those with basic knowledge on the topic as well as those with more advanced knowledge who wish to focus on the more specialized points of the course.

We provide you the activities and lessons in PDF format to support you in performing the activities, even while working offline. This can come in handy if you have connection issues.

### 2. Resources

The Resources section contains both optional and mandatory materials to enhance your understanding of a given lesson's subject matter. For example:

**Cybrary (Cyber Library)** contains many additional resources, including:

- Printable PDF version of each module (with the Documents to Download cited in each module)
- Optional Readings
- Take Aways for each module
- Assessment Answers (posted at the end of the course)

### 3. Key Icons



**Quotes, technical jargon, etc.**



**Warning: mistakes to avoid, particular point of interest, etc.**

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<sup>2</sup> See Disclaimer for more information regarding the terms and conditions of use of the course material.



**Video clip or webcast**



**Question / Interactive exercise**



**Document to download / Website link**

## Course Facilitator

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### Dr. Etienne Henry



Etienne Henry holds a Bachelor, a Master of Law and a PhD of the University of Neuchâtel (Switzerland), a Certificate of Advanced Studies in Human Rights of the University of Geneva and a diploma of international humanitarian law delivered by the International Committee of the Red Cross. While completing his studies, he was granted an Erasmus scholarship and spent an academic year as an exchange student at the University of Granada (Spain). His doctoral dissertation on the principle of military necessity was published by the French publisher A. Pedone in 2017 and was awarded prizes from the *Professor Walther Hug Stiftung* and the *Académie des sciences morales et politiques (Institut de France)*.

He has worked as a legal advisor both for the Federal Office of Justice (2007-2009) and for the Directorate of International Law of the Federal Department of Foreign Affairs (2014-2015), in Berne. He has also worked as a teaching and research assistant, for professor Giovanni Distefano (2009-2014), and later as a lecturer (2014-2016), for the University of Neuchâtel, teaching general international law and, since early 2020, international humanitarian law. He has also been a visiting researcher at the Geneva Academy of International Humanitarian Law and Human Rights in Geneva (2016), the Université libre de Bruxelles (2016-2017), the Australian National University College of Law (2017-2018), the Diplomatic Academy of the Russian Ministry of Foreign Affairs, in Moscow (2018-2019) as well as the Max Planck Institute for Comparative Public Law and International Law, in Heidelberg (2019). He conducted a research entitled “Current Problems of the International Law on the Use of Force” funded by an 18-months “Early Postdoc. Mobility” fellowship of the Swiss National Science Foundation (September 2016-May 2018).

Etienne Henry is currently an Associate Legal Officer at the International Court of Justice. He has also been the course’s facilitator of the previous edition of UNITAR’s “International Humanitarian Law” course.

As Course Facilitator, Mr. Henry will respond to questions concerning the subject matter and assist participants in preparing their written report and case studies.

## Technical Support

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For any technical issue or coordination matter, you may contact the International Law Programme Unit e-Learning Team (ILP e-Learning Team) by sending a message through the UNITAR Virtual Learning Environment.

You may also contact us by email at [info.ilp@unitar.org](mailto:info.ilp@unitar.org). Email support is available 24/7, and we will respond as soon as possible.

### **ILP e-Learning Team**

E-mail: [info.ilp@unitar.org](mailto:info.ilp@unitar.org)

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