

UNITAR
EXECUTIVE DIPLOMA ON
INTERNATIONAL LAW
IN THE 21ST CENTURY
19TH – 23RD OCTOBER 2020
SYLLABUS



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BACKGROUND



We have an agreement, for instance, today, a general agreement that the international law applies to cyberspace. But there is no agreement on how international humanitarian law applies to the cyber dimension of conflicts. [...]These are the areas where we still need international law, and in a way the role of the United Nations and namely the second commission of the General Assembly is vital. We need to find a minimum of consensus in the world on how to integrate these new technologies in the laws of war that were defined decades ago in a completely different context.

António Guterres

International law is the cornerstone of global interaction, politics, and policy. States as well as non-state actors in today's globalized and interconnected world are constantly influencing the development of international law and in turn find their actions influenced by it. In addition, new technologies are opening up new possibilities while also creating new challenges.

UNITAR is launching an Online Executive Diploma on International Law that will explore new and cutting-edge legal topics to dynamically inspire participants to become accomplished professionals in their respective field and to provide them with the tools, information, and network they will need to do so.

The Online Executive Diploma on International Law will give participants the essential knowledge on the fundamentals of international law and the new developments driven by technologies. The first e-workshop sessions will cover the underlying principles of public international law necessary to understand the importance, role and purpose of international law in the contemporary legal order. Once equipped with these tools to understand the international law principles, participants will discover the new challenges arising in the the law of the sea. In the following participants will delve into the digital sphere and look at the implication of cyber development and artificial intelligence to international law. Here participants will be introduced to the rules of international humanitarian law governing cyber operations and international law of cyber warfare.

About us

Established in 1965, UNITAR is an autonomous institution within the United Nations system with a mission to deliver innovative training and conduct research on knowledge systems to develop the capacities of its beneficiaries. As the training arm of the UN, its mission is to develop capacities to enhance global decision-making and to support country level action for shaping a better future.

At the heart of UNITAR, the Division for Multilateral Diplomacy (DMD) delivers training and support workshops to address the needs of diplomats, government officials, international civil servants and students to meet complex, global challenges. UNITAR's Division for Multilateral Diplomacy activities cover a wide range of policy domains, including bilateral and multilateral negotiation, environmental and climate change diplomacy, economic diplomacy, human rights, diplomatic protocol, Agenda 2030 and other related topics, as well as capacities and skills development activities such as diplomatic report writing, public speaking, media relations and negotiation techniques, among many others.

Learning Objectives

At the end of this online executive diploma, participants should be able to:

- Identify the main actors and principles of public international law;
- Analyze the key concepts of law of the sea;
- Describe the main rules of international humanitarian law and differentiate between those which apply to the cyberspace and the others;
- Apply the main rules governing international humanitarian law to cyber-warfare.

Methodology

The online executive diploma is fully internet-based, allowing participants from all over the world to join without increasing their carbon footprint. The diploma consists of 5 interactive online workshop days, taking place on the platform Zoom, and will be moderated by an expert on the theme during. The material presented in the workshops will be interactive and assignments in the form of simulation exercises and online discussions will be given to participants to further advance their knowledge.

Estimated learning time is 5 to 6 hours for workshop day and 25 to 30 hours in total. The core workshop times will be between 10 am and 12:30 pm for CET for the morning session and 1:30 pm to 4 pm CET for the afternoon session. Small deviations in accordance with the content and participants needs are possible.

The recordings of the different sessions as well as additional materials and the knowledge assessments will be available via UNITAR's e-learning platform via learnatunitar.org.

Knowledge Assessment

At the end of each thematic section a multiple choice quiz will test your understanding and application of the concepts learnt. To pass a quiz you need to obtain 16 out of 20 points, making the minimum passing grade for the executive diploma 48 out of 60 points. Each quiz can be attempted three times.

Certification

Participants who successfully participate in all workshops and complete the knowledge assessments will receive an executive diploma.

Feedback

We would greatly appreciate your feedback on the executive diploma as a whole and the individual sessions and learning objectives. Please find the link to the surveys on the e-learning platform as well as here: <https://www.surveymonkey.com/r/PPHHKX6>

Kindly note that all answers are anonymous.

How to Join the Zoom sessions

- Click on the workshop title in the executive diploma schedule on the next pages;
- Alternatively, click on <https://unitar.zoom.us/> and add the respective Meeting ID;
- Enter the meeting password;
- Set up your audio and video;
- Please use your real name when joining the webinar so the moderator can easily admit you to the session;
- Keep your camera switched on in order to facilitate effective communication;
- Mute your microphone when you are not speaking;
- Given the number of participants, we ask you to please use the chat to everyone function if you like to intervene or ask a question. Your question will either be directly addressed, or you will be called on to elaborate;
- For any technical matter, please message the UNITAR hosts privately;
- For any other query please address them to info.ilp@unitar.org or to a member of the UNITAR team.

Technical Requirements

UNITAR will not provide refunds for customers who face technical issues beyond UNITAR's direct control. UNITAR recommends that all prospective participants test Zoom for free at [Zoom.us](https://zoom.us) prior to confirming their payment.

Basic system requirements:

- Stable internet connection
- Speakers and a microphone
- A webcam or HD webcam
- Or, a HD cam or HD camcorder with video capture card

Please see further information about all technical requirements for participating in this e-workshop here: <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>

And see the following tutorials for further tips:

- <https://youtu.be/idVWWUBDC1w>;
- https://youtu.be/LG_CGpUWbDo.

UNITAR Team



Dr. Anna Sabrina Wollmann

Sabrina holds a doctorate in International Law from Maastricht University where she specialized in nationality law and migration law. She joined UNITAR in October 2017 and is leading the International Law Programme for UNITAR's Division for Multilateral Diplomacy.

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Liliana Farinha Canelhas

Liliana joined UNITAR 's Division for Multilateral Diplomacy in August 2019, where she has been working on all law related activities. She holds a Master degree in International Law from the Graduate Institute of Geneva and her area of specialization covers international security, conflict resolutions and particularly international humanitarian law.

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Zoom links

	MONDAY 19TH OCTOBER	TUESDAY 20TH OCTOBER	WEDNESDAY 21ST OCTOBER	THURSDAY 22ND OCTOBER	FRIDAY 23RD OCTOBER
MORNING 10 am to 12:30 pm CET	<u>INTERNATIONAL LAW</u>	<u>INTERNATIONAL LAW</u>	<u>LAW OF THE SEA</u>	<u>IHL & Cyber Warfare</u>	<u>IHL & Cyber Warfare</u>
	Zoom Meeting ID: 950 7016 0631 Password: Law	Zoom Meeting ID: 957 4456 8599 Password: Challenge	Zoom Meeting ID: 948 0978 6980 Password: Seabed	Zoom Meeting ID: 982 2490 3127 Password: Cyber	Zoom Meeting ID: 923 4924 0879 Password: War
AFTERNOON 13:30 pm to 4 pm CET	<u>INTERNATIONAL LAW</u>	<u>LAW OF THE SEA</u> (starting at 2 pm!)	<u>LAW OF THE SEA</u>	<u>IHL & Cyber Warfare</u>	<u>IHL & Cyber Warfare</u>
	Zoom Meeting ID: 931 1502 2769 Password: Treaty	Zoom Meeting ID: 940 0730 4096 Password: Ocean	Zoom Meeting ID: 976 2798 4465 Password: Piracy	Zoom Meeting ID: 966 4339 5567 Password: IHL	Zoom Meeting ID: 995 1162 3345 Password: UNITAR

19TH & 20TH OCTOBER 2020

PUBLIC INTERNATIONAL LAW



Public International Law

International Law is the cornerstone of global interaction, politics, and policy. As such, a sound understanding of its intricacies and fundamental principles is essential for productive work in today's globalized and interconnected world. This first workshop aims at giving the basic knowledge of international law to participants by introducing them to state responsibility, customary international law and the law of treaties. This workshop will ensure that all participants have a sound understanding of the fundamental principles and obtain the necessary tools to understand questions related to specific fields of international law.

Outline

Class 1: 19 October 2020 (10.00 – 12.30 Geneva Time)

Unit 1. (10.00 -11.10)

- a. Purpose and scope of this course.
- b. Introduction to international law. What is international law?
- c. Brief historical development of international law.
- d. International law and national law: similitudes and differences.
- e. Why international law matters?

Suggested Readings and Materials.

- Gideon Boas, Public International Law Contemporary Principles and Perspectives, Edward Elgar, 2012, pp. 1-17, available at [researchgate.net](https://www.researchgate.net)
- What is international law?
<http://www.globalization101.org/what-is-international-law/>
- Int'l Law: 100 Ways it Shapes Our Lives,
<https://www.asil.org/resources/100Ways>
- United Nations, Uphold International Law,
<https://www.un.org/en/sections/what-we-do/uphold-international-law>

[coffee break 11.10 – 11.20]

Unit 2. (11.20 – 12.30)

- a. Subjects of international law. Nation-States. International Organizations. NGOs? Transnational corporations? Individuals?
- b. The United Nations.
- c. Leading cases in international law.

Suggested Readings and Materials

- Gideon Boas, Public International Law Contemporary Principles and Perspectives, Edward Elgar, 2012, pp. 1-17, available at [researchgate.net](https://www.researchgate.net)
- Orsolya Johanna Sziebig, Basics of International Law. Course Book, Jurisperitus Kiadó Szeged, 2017, pp 29-37, available at https://www.researchgate.net/publication/339796463_Basics_of_International_Law_Course_Book,
- Who Are the Various Actors in International Law?
<http://www.globalization101.org/who-are-the-various-actors-in-international-law/>

[lunch break]

Class 2: 19 October 2020 (13.30 – 16.00 Geneva Time)

Unit 3. (13.30 -14.10)

- a. International law-making: the sources of international law.
- b. Treaties, customary law, general principles of law, judicial decisions and the teachings of the most highly qualified publicists.
- c. Leading cases in international law.

Suggested Readings and Materials

- Orsolya Johanna Sziebig, Basics of International Law. Course Book, Iuris Peritus Kiadó Szeged, 2017, 19-28, available at https://www.researchgate.net/publication/339796463_Basics_of_International_Law_Course_Book.
- What are the sources of international law?
<http://www.globalization101.org/what-are-the-sources-of-international-law/>

[coffee break 14.10 – 14.20]

Unit 4 (14.20 – 16.30)

- a. Pacific resolution of disputes. The role of international tribunals.
- b. International law and the use of force.
- c. Leading cases in international law.

Suggested Readings and Materials

- Orsolya Johanna Sziebig, Basics of International Law. Course Book, Iuris Peritus Kiadó Szeged, 2017, 75-90, available at https://www.researchgate.net/publication/339796463_Basics_of_International_Law_Course_Book
- Gideon Boas, Public International Law Contemporary Principles and Perspectives, Edward Elgar, 2012, pp. 308-315, available at [researchgate.net](https://www.researchgate.net)
- How is international law enforced?
<http://www.globalization101.org/how-is-international-law-enforced/>

Class 3: 20 October 2020 (10.00 – 12.30 Geneva Time)

Unit 5. (10.00 -11.10)

Specialized areas of international law.

- a. International criminal law
- b. International human rights law
- c. International environmental law
- d. International trade law.
- e. International law of outer space.

Suggested Readings and Materials

- Gideon Boas, Public International Law Contemporary Principles and Perspectives, Edward Elgar, 2012, pp. 27-38, available at [researchgate.net](https://www.researchgate.net)

[coffee break 11.10 – 11.20]

Unit 6. (11.20 – 12.30)

New developments and challenges to international law.

- a. Competing visions of the world order: Rule based vs Force based. Multilateralism vs Unilateralism.
- b. Legitimacy and efficiency of international law.
- c. Sovereignty and Responsibility to Protect
- d. Information technologies and international law
- e. The global pandemic and international law.

Suggested Readings and Materials

- Challenging International Law: What's New?, Part I, II, III, Nov. 2018 <http://opiniojuris.org/2018/11/13/challenging-international-law-whats-new/>
- Times Are Changing – and What About the International Rule of Law Then?
<https://www.ejiltalk.org/times-are-changing-and-what-about-the-international-rule-of-law-then/>
- Top Eight Developments in International Law 2019
<https://blog.oup.com/2020/01/top-eight-developments-in-international-law-2019/>



Prof. Cristián Giménez Corte

Cristián Giménez Corte is an international lawyer and professor of Private International Law and Public International Law at the Universidad Nacional del Litoral, Santa Fe Argentina. He undertook postgraduate studies at The Hague Academy of International Law and the Max Planck Institute for Comparative and International Private Law in Hamburg. He holds a PhD in Law from the Universidad Nacional de Rosario, and undertook postdoctoral studies at Columbia University Law School, New York. He has worked as legal counsel at the International Narcotics Control Board (INCB), the United Nations Office on Drugs and Crime (UNODC), and the UN Office for Outer Space Affairs (OOSA) in Vienna, and in the UN Office of Legal Affairs, in New York.

20TH & 21ST OCTOBER 2020

LAW OF THE SEA



Law of the Sea

The Law of the Sea touches not only upon matters of state's responsibilities and ability to use the world's oceans, but also refers to important environmental matters and addresses questions of the use of marine natural resources. With major trading routes leading over the earth's oceans, the economic and business aspects are of keen interest to states and the private sector alike.

Outline

Tuesday 20 October

02:00 - 02:50 pm Session 1: The Development of the Law of the Sea
Break
03:00 - 03:50 pm Session 2: The Establishment of Maritime Territory
Break
04:00 - 04:30 pm Simulation and Reinforcement Exercise 1 and Q&A

Wednesday 21 October

10:00 - 10:50 am Session 3: Maritime Jurisdiction
Break
11:00 - 11:50 am Session 4: The Seabed, High Seas and Common Areas
Break
12:00 - 12:30 pm Simulation and Reinforcement Exercise 2 and Q&A
Lunch Break
01:30 - 03:20 pm: Session 5: Jurisdiction, Piracy and Maritime Crime
Break
02:30 - 03.20 pm: Session 6: Protecting the Marine Environment
Break
03:30 - 04:00 pm: Simulation and Reinforcement Exercise 2 and Q&A



Dr. Richard Caddell

Dr Richard Caddell is a Senior Lecturer in Law at Cardiff University, having joined the School of Law in 2015. He was previously a Senior Research Associate and Nippon Foundation Senior Nereus Fellow at the Netherlands Institute for the Law of the Sea, Utrecht University and has also held academic positions at the Universities of Swansea and Bangor. He was educated at Cardiff University, completing a PhD on the regulation of marine mammals in 2009. Richard is the Convenor of the LLM programme in Shipping Law.

Richard's primary research interests lie in the law of the sea and international environmental law, with a particular emphasis on fisheries governance, marine mammal protection, international wildlife law, Polar law and marine environmental regulation, as well as the exercise of free speech and protest rights at sea. He is currently writing *Migratory Species and International Law: Challenges of Transboundary Conservation*, the first major work on the legal issues raised by migratory wildlife, which will be published in 2022 by Edward Elgar. He is the co-editor of *Research Handbook on Climate Change and Biodiversity Law* (Edward Elgar, 2022, with Phillipa McCormack), *Strengthening International Fisheries Law in an Era of Changing Oceans* (Hart, 2019, with Erik J. Molenaar), *Shipping, Law and the Marine Environment in the Twenty-First Century* (Lawtext, 2013, with D. Rhidian Thomas) and four editions of *Blackstone's Statutes on Media Law* (Oxford University Press, 2006, 2008, 2010, 2013, with Howard Johnson). Richard serves on the editorial boards of the *Yearbook of International Environmental Law*, the *Review of European, Comparative and International Environmental Law*, the *Journal of International Wildlife Law and Policy* and *Communications Law*. He regularly acts as a legal advisor to national governments, inter-governmental bodies and NGOs on environmental and marine issues and is also an academic member of Francis Taylor Building, Inner Temple, London, the UK's foremost Planning and Environmental Law set of barristers.

22ND & 23RD OCTOBER 2020

INT. HUMANITARIAN LAW AND CYBER OPERATIONS



Introduction to International Humanitarian Law

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. With the increasing amount of states developing military cyber capabilities, the interplay between the “cyber” and “real” realm of war needs to be addressed. This workshop will lay the foundations for all subsequent ones by introducing participants the rules governing cyberspace and their interplay with international humanitarian law. Participants will explore methods and means of cyber warfare, and learn to distinguish between the applicability of international humanitarian law to cyber operations in international armed conflicts and non-international armed conflicts.

Outline

Thursday, 22 October: Session 1

I. Cyber Warfare - Jus ad Bellum

- A. The Jus ad Bellum
 - 1. UN Charter Regime
 - 2. Art. 2.4 - Use of Force
 - 3. Art. 51 - Self-Defense and Armed Attack
 - 4. Art. 2.7 - Prohibited Intervention
 - 5. Sovereignty

- B. Applicability of International Law to Cyber Operations
 - 1. UNGGE
 - 2. Statements by States

- C. Applicability of Jus ad Bellum to Cyber Operations
 - 1. UNGGE
 - 2. Statements by States
 - 3. Tallinn Manual 2.0

- D. Application of Jus ad Bellum to Cyber Operations
 - 1. Art. 2.4 - Cyber Use of Force
 - 2. Art. 51 - Self-Defense and Cyber Armed Attack
 - 3. Art. 2.7 - Prohibited Intervention by Cyber Means
 - 4. Cyber Sovereignty

Thursday, 22 October: Session 2

- E. Other Important Issues
 - 1. Attribution
 - 2. Responses

- F. Scenarios on Cyber Operations under the Jus ad Bellum

II. Cyber Warfare - Jus in Bello

- A. The Jus in Bello
 - 1. Attack
 - 2. Distinction
 - 3. Precautions
 - 4. Neutrality
 - 5. Marking
 - 6. Participants

Friday, 23 October: Session 3

B. Applicability of Jus in Bello to Cyber Operations

1. UNGGE
2. Statements by States
3. Tallinn Manual 2.0

C. Cyber Participation

1. Distinction
2. Combatants
3. Fighters
4. Civilians
5. DPHers

C. Scenarios on Participation

Friday, 23 October: Session 4

D. Cyber Attacks

E. Cyber Means and Methods

1. Cyber Tools
2. Art. 36 Reviews
3. Perfidy

F. Cyber Targeting

1. Discrimination
2. Military Objectives
3. Precautions in the Attack
4. Precautions in the Defense

G. Other Issues

1. Marking
2. Neutrality

H. Scenarios on Targeting and Attacks

III. Conclusion

Prof. Eric Talbot Jensen



Eric Talbot Jensen teaches and writes in the areas of Public International Law, Criminal Law, The Law of Armed Conflict, International Criminal Law, Cyber Law and National Security Law. His recent scholarship has appeared, among others, in the Texas, Temple, Houston, and Israel Law Reviews; the Virginia, Stanford, Chicago, Michigan, and Minnesota Journals of International Law; the Stanford Law and Policy Review; and International Law Studies. Professor Jensen is a co-author on a law school casebook on the Law of Armed Conflict and a student treatise on National Security Law for Aspen Publishing and a co-author on an Oxford University text analyzing application of the laws of war to the war on terror. He was a member of the group of experts that produced both the Tallinn Manual on the International Law Applicable to Cyber Warfare and the recently released Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations.

Professor Jensen recently returned to BYU Law School after serving for one year as the Special Counsel to the Department of Defense General Counsel. Prior to joining the BYU law faculty in 2011, Professor Jensen spent 2 years teaching at Fordham Law School in New York City and 20 years in the United States Army as both a Cavalry Officer and as a Judge Advocate. During his time as a Judge Advocate, Professor Jensen served in various positions including as the Chief of the Army's International Law Branch; Deputy Legal Advisor for Task Force Baghdad; Professor of International and Operational Law at The Judge Advocate General's Legal Center and School; legal advisor to the US contingent of UN Forces deployed to Skopje, Macedonia as part of UNPREDEP; and legal advisor in Bosnia in support of Operation Joint Endeavor/Guard.

“UNITAR’s Division for Multilateral Diplomacy is at the forefront of our efforts to ensure that our future leaders are equipped for any challenges they will face in the 21st century.”

Mr. Nikhil Seth

United Nations Assistant Secretary-General
Executive Director, UNITAR



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