

**Course Syllabus**  
**Law of Armed Conflict - Intermediate Course**

Krigets lagar - fortsättningskurs

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<b>Course Code</b>	1FR011	<b>Main Field of Study</b>	Law with Specialisation in International Law
<b>Valid from Semester</b>	Spring 2022	<b>Department</b>	Department of Political Science and Law
<b>Education Cycle</b>	Basic level	<b>Subject</b>	International and Operational Law
<b>Scope</b>	15.0	<b>Language of Instruction</b>	The teaching is conducted in English.
<b>Progression</b>	G1F	<b>Decided by</b>	The Research and Education Board's Course Syllabus Committee at the Swedish Defence University
<b>Grading Scale</b>	Fail, Pass, Pass with Distinction	<b>Decision date</b>	2022-01-01
<b>Revision</b>	1.1		

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#### Entry Requirements

For admission to the course, besides basic eligibility for university studies, the course International Law in Crisis and Conflict - Basic Course, or equivalent.

#### Course Content and Structure

The overall objective of the course is to gain an understanding of the area of international law that is specifically designed to regulate armed conflicts, interchangeably referred to as law of armed conflict, international humanitarian law or jus in bello. The course will begin with a discussion of the definition of the law of armed conflict, its historical evolution and place in contemporary international law and politics, its sources as well as its separation from the law regulating the use of force (jus ad bellum). The course proceeds with the applicability of the law of armed conflict, followed by an in-depth discussion of the principles permeating the law of armed conflict and a discussion of the relationship between the law of armed conflict and international human rights law.

The final section considers the means that are available for the implementation and enforcement of the law of armed conflict. This latter part also introduces students to some aspects that are covered in more depth in the B-level course on international responsibility.

#### Course structure:

1. Introduction
2. Applicability of the Law of Armed Conflict
3. Principles of the Law of Armed Conflict
4. Relationship Law of Armed Conflict and Human Rights Law
5. Implementation and Enforcement of the Law of Armed Conflict
6. Conclusion & Exam

#### Intended Learning Outcomes

After completed course the student should be able to:

- Identify and describe, both verbally and in writing, elements of the law of armed conflict.
- Apply the law of armed conflict to concrete cases and orally argue for different international legal solutions;
- Independently and together with others solve complex problems in the field of the law of armed conflict.
- Present a solution to selected issues relevant to the law of armed conflict.
- Independent critical reasoning about the law of armed conflict.
- Orally and in writing the background to the emergence of the rules of the law of armed conflict.
- Be able to describe and explain notions of the law of armed conflict and present coherent legal arguments for each topic

studied.

### **Type of Instruction**

#### **Seminars**

For each part of the course the substance is initially introduced by lectures and is concluded with a mandatory seminar. Students will prepare a task for each seminar, either individually or in groups, and will present their answers orally or in writing. The course ends with a written exam.

### **Assessment**

#### **Written exam**

Scope: 7.5

Grading Scale: Fail, Pass, Pass with Distinction

The written exam is an individual, open book exam, conducted at FHS under supervision.

#### **Mandatory seminars**

Scope: 7.5

Grading Scale: Fail, Pass

The graded seminars account for 7.5 credits. They are mandatory and require active participation. The final exam constitutes 7.5 credits.

General guidelines for the course are specified below:

- Students will be assessed against the grading criteria provided in writing below, at the beginning of the course and each section.
- The teacher will determine if each student has fulfilled the requirement of active participation, as a means to ensure that students participate in the discussions and can verbally relate to the current theme.
- A student who misses more than one compulsory part cannot as a rule pass the course. In exceptional cases, due to events beyond the student's control, absence from two compulsory modules may be accepted. Where a student is absent from a compulsory part, the assessment will be substituted by an alternative (written or verbal) task. Other compensation task may occur, according to specific instructions from the examiner.
- A student who misses more than the allowed number of mandatory elements may attend the missed compulsory part of the course at the next course.
- The examiner will decide whether an exam that does not achieve a pass grade in some cases may be supplemented by an oral or written task. The supplementary tasks must be submitted or presented within three working days of receipt of the task from the examiner.
- Alternative assessment methods may exist for students in need of special support.

### **Grading**

Pass with Distinction (VG), Pass (G) or Fail (U) are given on the course. The assessment of the compulsory seminars will be graded Pass (G) or Fail (U). For a final grade of Pass with Distinction (VG) for the entire course, students must achieve a Pass (G) on all seminars and a grade (VG) on the written exam.

### **Restrictions in Number of Examinations**

No limitations on the number of examinations.

### **Restrictions Concerning Degree**

The course cannot be part of a degree whose content is wholly or partly in accordance with the content of this course.

### **Transitional Provisions**

When the course is no longer offered, or if its contents change significantly, students are entitled, once per semester for three further semesters, to be examined according to this syllabus.

### **Miscellaneous**

The course is offered as an elective course.



Course evaluation is conducted after completion of the course and underlies any changes in the course.

On completion of the course, an evaluation will be conducted under the auspices of the course director and will serve as the basis for any changes to the course.

If a student has a decision from the Swedish Defence University regarding special educational support due to a disability, the examiner may decide on alternative forms of examination for the student.

## Reading List

## Law of Armed Conflict - Intermediate Course

Krigets lagar - fortsättningskurs

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<b>Course Code</b>	1FR011
<b>Revision</b>	1.1
<b>Reading List Valid from Date</b>	2023-01-16
<b>Reading List Decided Date</b>	2022-10-25

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**List of literature Law of armed conflict****Introduction, history and sources:**

O'Connell, Mary Ellen, "Historical development and legal basis." in *The Handbook of International Humanitarian Law*, 4th Edition, ed. Fleck (Oxford: Oxford University Press, 2021).

Chinkin, Christine. "Gender and armed conflict." in *The Oxford Handbook of International Law in Armed Conflict*. Oxford, 2014.

Kleffner, Jann. "Sources of the law of armed conflict." *Routledge Handbook of the Law of Armed Conflict*. Routledge, 2016. 127-144.

**Applicability:**

Kleffner, Jann "Scope of Application of International Humanitarian Law," in *The Handbook of International Humanitarian Law*, 4th Edition, ed. Fleck (Oxford: Oxford University Press, 2021)

ICRC Commentary to Geneva Convention I, Commentary to Art 2, paras 199-341: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=BE2D518CF5DE54EAC1257F7D0036B518> (Länkar till en externa sida.)

ICRC Commentary to Geneva Convention I, Commentary to Art. 3, paras 384-502: [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=59F6CDFA490736C1C1257F7D004BA0EC#\\_Toc465169864](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=59F6CDFA490736C1C1257F7D004BA0EC#_Toc465169864) (Links to external page)

Bugnion, Francois. "Just Wars, Wars of Aggression and International Humanitarian Law." *Int'l Stud. J.* 2 (2005): 39.

Kleffner, Jann K. "The applicability of international humanitarian law to organized armed groups." *International Review of the Red Cross* 93.882 (2011): 443-461.

Lubell, Noam. "Fragmented Wars: Multi-Territorial Military Operations against Armed Groups." *International Law Studies* 93.1 (2017): 7.

Kleffner, Jann. "The Beneficiaries of the Rights Stemming from Common Article 3." (2015): 433-447.

Kleffner, Jann K. "Friend or foe? On the protective reach of the law of armed conflict." *Armed Conflict and International Law: In Search of the Human Face*. TMC Asser Press, The Hague, The Netherlands, 2013. 285-302.

**Principles:**

## Litteratur:

Schmitt, Michael N. "Military necessity and humanity in international humanitarian law: preserving the delicate balance." *Essays on Law and War at the Fault Lines*. TMC Asser Press, 2011. 89-129.

Crawford, Emily. "Combatants." *Routledge Handbook of the Law of Armed Conflict*. Routledge, 2016. 179-194.

Turns, David "Military objectives" in *Routledge Handbook of the Law of Armed Conflict / Edited by Rain Liivoja and Tim McCormack*. Routledge, 2016.

Kleffner, Jann. "From belligerents to 'fighters' and civilians directly participating in hostilities – on the principle of distinction in non-international armed conflicts one hundred years after the second Hague peace conference." *Netherlands International Law Review* 54.2 (2007): 315-336.

International Committee of the Red Cross (ICRC), *Interpretive guidance on the notion of direct participation in hostilities under international humanitarian law*, May 2009 (Länkar till en externa sida.)

Henderson, Ian. "Precautions in attacks" in *The contemporary law of targeting*. Vol. 25. Martinus Nijhoff Publishers, 2009.

Henderson, Ian. "Proportionality" in *The contemporary law of targeting*. Vol. 25. Martinus Nijhoff Publishers, 2009.

ICRCs Commentary on Additional Protocol I, Commentary to Art. 35, paras 1382-1462 [https://ihl-](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=2F157A9C651F8B1DC12563CD0043256C)

[databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=2F157A9C651F8B1DC12563CD0043256C)

[action=openDocument&documentId=2F157A9C651F8B1DC12563CD0043256C](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=2F157A9C651F8B1DC12563CD0043256C) (Länkar till en externa sida.)

Kalshoven, Frits, and Liesbeth Zegveld. *Constraints on the waging of war: an introduction to international humanitarian law*.

Cambridge University Press, 2011. pp 45-68

### Means and methods

Litteratur:

Daoust, Isabelle, Robin Coupland, and Rikke Ishoey. "New wars, new weapons? The obligation of International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law*, 2005, Volume I: Rules, pp 161-296.

International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law*, 2005, Volume I: Rules, pp 161-296.

ICRCs Commentary on Additional Protocol I, Commentary to Art. 35, paras 1382-1462 [https://ihl-](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=2F157A9C651F8B1DC12563CD0043256C)

[databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=2F157A9C651F8B1DC12563CD0043256C)

[action=openDocument&documentId=2F157A9C651F8B1DC12563CD0043256C](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=2F157A9C651F8B1DC12563CD0043256C)

Boothby W.H. (2014) *The Legal Challenges of New Technologies: An Overview*. In: Nasu H., McLaughlin R. (eds) *New Technologies and the Law of Armed Conflict*. T.M.C. Asser Press, The Hague. [https://doi.org/10.1007/978-90-6704-933-7\\_2](https://doi.org/10.1007/978-90-6704-933-7_2)

### Belligerent occupation

Sassoli, Marco. *International Humanitarian Law - Rules, Controversies, and Solutions to Problems Arising in Warfare*, Edward Elgar (2019): 303-338.

THIRD MEETING OF EXPERTS: THE USE OF FORCE IN OCCUPIED TERRITORY 29-30 OCTOBER 2009, GENEVA,

<https://www.icrc.org/en/doc/assets/files/publications/icrc-002-4094.pdf>, p 109-144

### LoAC and Gender:

Tengroth, Cecilia, and Kristina Lindvall. "IHL AND GENDER-SWEDISH EXPERIENCES." (2015). chapters 1,2,4-6,15 and 16

### LoAC and Human Rights

de Wet, Erika, and Jann K. Kleffner. *Convergence and conflicts of human rights and international humanitarian law in military operations*. Pretoria University Law Press (PULP), 2014. Chapters 2, 3, 6, 7, 14 and 16

Sassòli, Marco, and Laura M. Olson. "The relationship between international humanitarian and human rights law where it matters: admissible killing and internment of fighters in non-international armed conflicts." *International Review of the Red Cross* 90.871 (2008): 599-627.

### Implementation and Enforcement of LoAC

Frésard, Jean Jacques. *The Roots of Behaviour in War: a survey of the literature*. International Committee of the Red Cross, 2004.

ICRC, *The Roots of Restraint in War*, Geneva 2018, file:///C:/Users/iss09033/Downloads/4352\_002-ebook.pdf

Pfanner, Toni. "Various mechanisms and approaches for implementing international humanitarian law and protecting and assisting war victims." *International Review of the Red Cross* 91.874 (2009): 279-328.

Kleffner, Jann. "A Bird's-eye view on compliance with the law of armed conflict 70 years after the adoption of the Geneva Conventions", 22 *YIHL* (2019) 107-124 *Prosecution of War Crimes Litteratur*:

Cassese, Antonio. *Cassese's international criminal law*. Oxford university press, 2013. Chapter 4 "War crimes"

Cassese, Antonio. *Cassese's international criminal law*. Oxford university press, 2013. Chapter 9 "Perpetration: in particular joint and indirect perpetration"

Cassese, Antonio. *Cassese's international criminal law*. Oxford university press, 2013. Chapter 10 "Omission liability and superior responsibility"

Cassese, Antonio. *Cassese's international criminal law*. Oxford university press, 2013. Chapter 11 "Other modes of criminal liability and inchoate crimes"

Kleffner, Jann K. *Complementarity in the Rome Statute and national criminal jurisdictions*. Oxford University Press, 2008. Pp 7-33.

Kleffner, Jann K. *Complementarity in the Rome Statute and national criminal jurisdictions*. Oxford University Press, 2008. Pp 33-56.