



Course Syllabus  
**Advanced Law of Armed Conflict**

Fördjupning i krigets lagar

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<b>Course Code</b>	20J001	<b>Main Field of Study</b>	International Operational Law
<b>Valid from Semester</b>	Autumn 2022	<b>Department</b>	Department of Political Science and Law
<b>Education Cycle</b>	Advanced level	<b>Subject</b>	International and Operational Law
<b>Scope</b>	5.0	<b>Language of Instruction</b>	The teaching is conducted in English.
<b>Progression</b>	A1N	<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>	2020-09-23
<b>Revision</b>	1.1		

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#### Entry Requirements

Degree of Master of Laws or Degree of Bachelor of Science in Law with Specialisation in International Law or equivalent plus English B or English 6.

#### Course Content and Structure

This course provides an in-depth understanding of the principles and rules of the law of armed conflict (international humanitarian law) in the context of contemporary and future armed conflicts. The central focus will be on the challenges for and prospects of the law of armed conflict to regulate such armed conflicts. The course discusses the main challenges and prospects in the following areas:

1. applicability of the law of armed conflict
2. conduct of hostilities
3. protection issues
4. compliance with the law of armed conflict
5. interaction of the law of armed conflict with other branches of international law

The course begins with lectures interspersed with self-study. The course then alternates between self-studies, group work and seminars, which together give the students a foundation for the course's final written take-home examination.

#### Intended Learning Outcomes

After having completed the course the student should be able to:

##### Knowledge and understanding

- describe and explain the law of armed conflict in light of contemporary and future armed conflicts.

##### Competence and skills

- identify and analyse specific challenges and opportunities for the law of armed conflict to regulate armed conflicts,
- independently and together with others, prepare operationally applicable answers to questions related to the law of armed conflict,
- independently and together with others, correctly apply the law of armed conflict in light of contemporary and future armed conflicts.

##### Judgement and approach

- explain, justify and critically evaluate the law of armed conflict in light of contemporary and future armed conflicts.



### **Type of Instruction**

Seminars

Group Work

Lectures

Independent Study

### **Assessment**

#### **Written home examination**

Scope: 4.0

Grading Scale: Fail, Pass, Pass with Distinction

Assessment takes place through a written take-home examination.

#### **Participation in Compulsory Seminars**

Scope: 1.0

Grading Scale: Fail, Pass

Assessment takes place through mandatory seminars.

Examinations submitted late will not be graded unless special circumstances exist and the examiner finds the reason acceptable.

The examiner may decide to allow supplementation in order for a passing grade to be achieved in the course. The supplementation shall be submitted no later than three working days after notification of the examination results and the decision on supplementation, unless special circumstances exist that are acceptable to the examiner.

### **Grading**

Grades are set according to a three-grade scale: Pass with Distinction (VG), Pass (G) and Fail (U). Grading criteria are specified by no later than the start of the course.

To earn the grade Pass (G), the student must actively participate in mandatory seminars and earn a grade of Pass (P) on the written take-home examination.

To earn the grade Pass with Distinction (VG) in the course, the student must meet the requirements for Pass (G) and earn a grade of Pass with Distinction (VG) on the written take-home examination.

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

The number of examinations is not limited.

### **Restrictions Concerning Degree**

The course cannot be included in a degree with another course whose content fully or partially corresponds to the content of this course.

### **Transitional Provisions**

When the course is no longer given or when the course content has changed substantially, the student has the right to be examined once per semester during a three-term period in accordance with this syllabus.

### **Miscellaneous**

The course is given within the Swedish Defence University's Master's Programme in International Operational Law, and may also be given as a freestanding course.

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

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.

**Reading List**  
**Advanced Law of Armed Conflict**

Fördjupning i krigets lagar

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<b>Course Code</b>	20J001
<b>Revision</b>	1.1
<b>Reading List Valid from Date</b>	2022-05-05
<b>Reading List Decided Date</b>	2022-05-05

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**Literature for course Advanced Law of Armed Conflict**

General List of Readings

- Melzer, Nils, *International Humanitarian Law – A Comprehensive Introduction* (Geneva, ICRC 2019)
- Sassoli, Marco, *International Humanitarian Law, Rules, Controversies, and Solutions to Problems Arising in Warfare*, E Elgar Publ 2019

General List of Instruments / Primary Sources

- Roberts, Adam, and Richard Guelff, eds. *Documents on the Laws of War*. 3rd ed. Oxford: Oxford University Press, 2000.
- International Committee of the Red Cross, *International Humanitarian Law Treaty Database*, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByDate.xsp>
- International Committee of the Red Cross, *Customary International Humanitarian Law Database*, <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>

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>
- ICRC Commentary to Geneva Convention I, Commentary to Art. 3, paras 384-549: [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=59F6CDF4A90736C1C1257F7D004BA0EC#\\_Toc465169864](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=59F6CDF4A90736C1C1257F7D004BA0EC#_Toc465169864)

Principles

- Melzer, Nils, *International Humanitarian Law – A Comprehensive Introduction*, pp 17-20
- Bugnion, Francois. "Just Wars, Wars of Aggression and International Humanitarian Law." *Int'l Stud. J.* 2 (2005): 39.
- 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.
- Melzer, Nils, *International Humanitarian Law – A Comprehensive Introduction*, Chaps 3-6

Siege Warfare

- Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict: <https://www.unocha.org/sites/unocha/files/Oxford%20Guidance%20pdf.pdf>
- Watts, Sean, *Humanitarian Logic and the Law of Siege: A Study of the Oxford Guidance on Relief Actions*, 95 *International Law Studies* (2019), pp 1-48, <https://digital-commons.usnwc.edu/ils/vol95/iss1/1/>
- Nijs, Maxime, *Humanizing siege warfare: Applying the principle of proportionality to sieges*, IRRC (2021), <https://international-review.icrc.org/articles/applying-principle-of-proportionality-to-sieges-914>
- Boothby, William, *The law of targeting* (Oxford, Oxford University Press, 2012), pp 165-191

#### Targeting and Detention in Non-International Armed Conflicts

- 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
- Hill-Cawthorne, Lawrence, *Detention in Non-International Armed Conflict* (Oxford, Oxford University Press 2016) (excerpts pp 33-108, 144-222)
- Goodman, Ryan, *Authorization versus Regulation of Detention in Non-International Armed Conflicts*, 91 *International Law Studies* (2015), pp 155-170, <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1137&context=ils>
- Kretzmer, David, Ben-Yehuda, Aviad, Meirav Furth, "Thou shall not kill!': The use of lethal force in non-international armed conflicts, 47 *Israel Law Review* (2014) pp 191-224: <https://www.cambridge.org/core/journals/israel-law-review/article/abs/thou-shall-not-kill-the-use-of-lethal-force-in-noninternational-armed-conflicts/117EF9B7E6543B2F28FEB55903D7CDEC>
- ICRC / Gaggioli, Gloria, *The use of force in armed conflicts: interplay between the conduct of hostilities and law enforcement paradigms*, Report on Expert meetings (ICRC, Geneva 2013), pp 1-60: <https://reliefweb.int/sites/reliefweb.int/files/resources/The%20use%20of%20force%20in%20armed%20conflicts.pdf>

#### Compliance

- 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
- Sassoli, Marco, *International Humanitarian Law, Rules, Controversies, and Solutions to Problems Arising in Warfare*, E Elgar Publ 2019, Chapter 5, pp 68-167
- ICRC, *The Roots of Behaviour in War: A Survey of the Literature*, ICRC, Geneva, 2004, 120 pp
- ICRC, *The Roots of Restraint in War*, ICRC Geneva, 2018, 78 pp
- Inspector-General of the Australian Defence Force, *Report of Inquiry under Division 4A of Part 4 of the Inspector-General of the Australian Defence Force Regulation 2016 into Questions of Unlawful Conduct Concerning the Special Operations Task Group in Afghanistan*, pp 325-503, available at <https://afghanistaninquiry.defence.gov.au/sites/default/files/2020-11/IGADF-Afghanistan-Inquiry-Public-Release-Version.pdf>