

LLM International Humanitarian Law

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Teaching and assessment (2014): Semester 2, Exam - 3hrs

Module description:

International Humanitarian Law (IHL) (also known as the Law of Armed Conflict, or, more anachronistically, the law of war, is one of the oldest, and most contemporarily relevant areas of international law. It is primarily made up of treaty law, but recently with the significant contribution of customary international law, and judicial decisions. It is a specialist form of law that applies to a specific set of circumstances, armed conflicts. In a course of this length it is not possible to cover all of the areas of IHL. However, it is hoped that the course will provide an understanding of the relevant rules, how they have been interpreted in practice, and by Courts and Tribunals looking at those rules, which are intended to be practically useful.

We will begin by looking at the fundamental principles of the law, and the provisions that deal with their applicability. We will then look at what is often described as 'Geneva' law, the law applicable to the protection of those who are no longer, or who have not participated in hostilities. Then we will turn to the 'Hague' Law, which is the law applicable to the conduct of hostilities, both in terms of what can (and cannot) be done, and what weapons can, and cannot be used. We will then look at the contentious issue of belligerent occupation. Owing to the fact that there is a split in the law applicable to international and non-international armed conflict, we will then look at the treaty and customary law applicable to the latter types of conflict, an area that has undergone huge changes in the last decade and a half. We will then look at the law relating to cultural property, then the law of armed conflict at sea, both areas where the interests of the belligerents are not the only ones at issue. We will then turn to the conceptual (albeit practically important) issue of the relationship between international law and international human rights law, which has received a considerable degree of academic and judicial scrutiny in the recent past. To finish, we will turn our attention to the means of enforcing IHL, both pacific and belligerent, judicial and non-judicial.

Seminar topics:

- The history, basis and nature of the Law of Armed Conflict
- Applicability of the Law of Armed Conflict
- The Wounded, sick and shipwrecked.
- Prisoners of War
- Combatants and Civilians
- Means of Warfare
- Methods of Warfare
- Belligerent Occupation
- Non-International Armed Conflict
- Means of implementation of the Law of Armed Conflict.