

730-408 International Humanitarian Law

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	2009, This subject commences in the following study period/s: Semester 2, - Taught on campus.
Time Commitment:	Contact Hours: One 2-hour seminar per week Total Time Commitment: Estimated total time commitment of 120 +/- 24 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law or in each case their equivalent
Corequisites:	International Law
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Coordinator:	Prof Stuart Kaye
Subject Overview:	<p>International law regulates the use of force by determining if and when states have a right to resort to forceful measures, and imposing limitations on the use of armed force if a conflict has commenced. This subject is concerned with the second issue and will cover the following topics:</p> <ul style="list-style-type: none"> # the concept and philosophy of international humanitarian law; # the definition of armed conflict and the relevance of the distinction between international and non-international armed conflict; # the protection of victims of armed conflict: the wounded, the sick and shipwrecked, and prisoners of war securities regulation; # the protection of the civilian population, including refugees and displaced persons; # the role of women in armed conflict; # restrictions on the means and methods of armed conflict, including restrictions on the types of weapons; # application of international humanitarian law principles to peace-keeping forces; # implementation of international humanitarian law: the role of the Red Cross, international organisations, and NGOs; # enforcement of IHL, including national and international prosecutions for war crimes; and # development of a permanent mechanism to deal with international crimes: the International Criminal Court.
Objectives:	On completion of this subject students should:

	<ol style="list-style-type: none"> 1. Be familiar with treaty and customary international law governing the conduct of armed conflict. 2. Be able to apply international humanitarian law principles to current armed conflicts. 3. Be able to critically analyse the traditional distinction between international humanitarian law and international human rights law. 4. Be aware of developments in regulating the means and methods of warfare. 5. Be able to assess the influence of current enforcement mechanisms at the national and international level, including the International Criminal Court. 6. Be able to evaluate the effectiveness of principles of international humanitarian law. 7. Have developed legal research and writing skills using both primary and secondary international legal materials.
Assessment:	Reflective essay of 1000 words, 20% (due mid-semester); and a research essay of 4000 words, 80% (due end of semester); or reflective essay of 1000 words, 20% (due mid-semester); and a final examination of two hours, 80%.
Prescribed Texts:	Printed materials will be issued by Melbourne Law School.
Recommended Texts:	
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage # the capacity for close reading and analysis of a range of sources # the capacity for critical and independent thought and reflection # the capacity to solve problems, including through the collection and evaluation of information # the capacity to communicate, both orally and in writing # the capacity to plan and manage time # intercultural sensitivity and understanding <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> # Reading, interpreting and analysing relevant international treaties and case law # Legal writing skills, including the ability to present a structured argument on the basis of materials from primary and secondary sources # Identifying the different cultural influences on the development of the law # Applying legal principles to new fact situations # Oral communication skills through participation in class discussion # Hypothetical problem solving, including an ability to: <ul style="list-style-type: none"> # Identify legal issues arising in complex fact situations; # Identify and apply relevant treaty and customary international law principles; and # Provide advice as to the rights and obligations of various parties, including states.