

# LAWS70234 International Humanitarian Law

<b>Credit Points:</b>	12.5						
<b>Level:</b>	7 (Graduate/Postgraduate)						
<b>Dates &amp; Locations:</b>	2016, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.						
<b>Time Commitment:</b>	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.						
<b>Prerequisites:</b>	Successful completion of the below subject, or an equivalent subject: <table border="1" data-bbox="387 745 1485 896"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS70173 Principles of International Law</td> <td>April</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS70173 Principles of International Law	April	12.5
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LAWS70173 Principles of International Law	April	12.5					
<b>Corequisites:</b>	None						
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.						
<b>Non Allowed Subjects:</b>	None						
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.						
<b>Coordinator:</b>	Assoc Prof Bruce Oswald						
<b>Contact:</b>	<b>Lecturers</b> <b>Associate Professor Bruce Oswald CSC</b> ( <a href="http://www.law.unimelb.edu.au/staff/Bruce%20Oswald">http://www.law.unimelb.edu.au/staff/Bruce%20Oswald</a> ) (Coordinator) <b>Dr Rain Liivoja</b> ( <a href="http://www.law.unimelb.edu.au/staff/Rain%20Liivoja">http://www.law.unimelb.edu.au/staff/Rain%20Liivoja</a> ) Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )						

<b>Subject Overview:</b>	<p>The implementation of the legal rules governing the conduct of military hostilities is literally a matter of life and death. The lecturers in this subject combine current international practice in the relevant law with acknowledged research and practical expertise. This subject briefly introduces the historical development of international humanitarian law and raises a series of questions around the effective implementation of the law.</p> <ul style="list-style-type: none"> <li># What is an armed conflict and how do we determine the legal character of a conflict?</li> <li># How do combatants distinguish between civilians and enemy combatants and how can protection for civilians in armed conflict—particularly women and children—be improved?</li> <li># Who can lawfully be targeted and killed and who can be detained?</li> <li># Which weapons are prohibited and which are permitted?</li> </ul> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># The historical development of international humanitarian law and its rationale in a broader context</li> <li># The Geneva Conventions of 1949 and the Additional Protocols of 1977 and developments in customary international law</li> <li># The unique role of the International Committee of the Red Cross (ICRC) in armed conflict</li> <li># The relationship of international humanitarian law to other related areas of international law, such as arms control and disarmament, human rights, peacekeeping and international criminal law</li> <li># Implementation of the law through case studies</li> <li># Current issues for development of the law, such as emerging technologies, child soldiers, the protection of women in armed conflict and the law of occupation and terrorism.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the international legal principles regulating the conduct of armed conflict and their impact on military strategy</li> <li># Be able to critically examine, analyse, interpret and assess the effectiveness of the rules of international humanitarian law, and where relevant, other areas of international and domestic law, in relation to the conduct of hostilities and military operations where the use of force is envisaged</li> <li># Be an engaged participant in debate regarding emerging and contemporary issues in the field such as military necessity, the application of human rights law, the law of occupation, the protection of victims of armed conflict and the means and methods of warfare</li> <li># Have a sophisticated capacity to analyse the principal institutional structures for the implementation of international humanitarian law and the general legal framework that governs the use of force by military forces</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating to existing approaches to the effectiveness of international humanitarian law, and the key issues for further development of the law and current initiatives for change</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging issues in applying international humanitarian law in military operations, and appreciate the existence of critiques of the efficacy of the legal principles</li> <li># Have the communication skills to clearly articulate and convey complex information regarding the application of international humanitarian law in international and non-international armed conflicts to relevant specialist and non-specialist audiences</li> <li># Be able to demonstrate autonomy, expert judgement and responsibility as a practitioner and learner in the field of international humanitarian law.</li> </ul>
<b>Assessment:</b>	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (20 - 23 January 2017) or 10,000 word research paper (100%) (8 February 2017) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
<b>Prescribed Texts:</b>	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<b>Links to further information:</b>	<p><a href="http://www.law.unimelb.edu.au/subject/LAWS70234/2016">www.law.unimelb.edu.au/subject/LAWS70234/2016</a></p>

<b>Related Course(s):</b>	Graduate Diploma in International Law Graduate Diploma in Legal Studies Master of Law and Development Master of Laws Master of Public and International Law
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