noha

International Association of Universities

Course manual
Joint Master's Programme in
International Humanitarian Action

University of Warsaw

September 2016

International Law in humanitarian action

Semester 1

Erasmus Mundus

university of groningen

UNIVERSITY OF WARSAW

UCD DUBLIN

UPPSALA UNIVERSITET

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Credits awarded:	5 ECTS, equivalent to 125 work hours (1 ECTS = 25 hours)
Period:	First semester, block 1.
Venue & hours:	Old Library 308, Tuesday 9.45-11.15

1. Introduction

The module is a requirement for obtaining the NOHA Master's degree.

The overall objective of the module is to introduce the students to key legal instruments, principles and underlying concepts of International Law relating to humanitarian action and to enable them to apply this knowledge to practical cases.

2. Learning outcomes

In conformity with the learning outcomes set out by the NOHA network, students should achieve the following learning outcomes by the end of this module:
- A good understanding of the basic concepts of International Law.
- The ability to identify different aspects of International Law and their implications for humanitarian action.
- The ability to apply key legal instruments in practice.
- Principal skills in applying mechanisms of dispute settlement.
- The ability to present legal argumentation in the field of HA.
- A clear understanding of the limits in applicability of International Law.
- The capacity to introduce personal responsibility.

3. Course material

- ✓ M. Shaw, International Law, Cambridge University Press, 2014 (the 2009 edition is also fine)

- ✓ M. Dixon, International Law, 7th Edition, Oxford University Press, 2014, Chapters 1, 2, 5, 9, 10, 11, 12.

- ✓ J. Klabbers, International Law, Cambridge University Press, 2013

- ✓ J. Crawford, Brownlie's Principles of Public International Law, Oxford University Press, 2012

- ✓ H. Hans-Joachim, A. Zwitter [eds.], International Law and Humanitarian Assistance,Springer, 2011.

4. Teaching and learning methodology

The module will employ a combination of lectures and classroom-based group work to achieve the learning outcomes mentioned above.

5. Programme and training activities

Class 1 - 4.10.2016 (Dr Kulińska)
General outline of Public International Law
   a) The notion of Public International Law
   b) Special features of Public International Law
   c) Relations between Public International Law and domestic law

Class 2 – 11.10.2016 (Dr Mikos- Skuza)
Sources of International Law I: International treaties
   a) Definition of a treaty
   b) The Vienna Convention on the Law of Treaties of 1969

Class 3 – 18.10.2016 (Dr Mikos- Skuza)
Sources of International Law II
   a) International custom,
   b) Law of international organisations
   c) "Soft law"

Class 4 – 25.10.2016 (Professor Galicki)
Subjects of International Law

a) States
b) International organisations
c) Other entities
d) Individuals

Class 5 - 8.11.2016 (Dr Mikos- Skuza)

Responsibility and enforcement of International Law
a) The concept of responsibility in Public International Law
b) Mechanisms of dispute resolution
c) Mechanisms available to states in order to respond to violations of Public International Law by other states

Class 6 – 15.11.2016 (Dr Grzebyk)

The use of force in International Law
a) The right to self-defence
b) Intervention based on the Responsibility to Protect (R2P) concept; the right to humanitarian assistance

Class 7 - 22.11.2016 (Dr Kulińska)

The System of the United Nations
a) Goals of the UN
b) Structure of the UN
c) The UN Family

Class 8 – 29.11.2016   (Professor Galicki)

Law of the European Union and other regional organisations
a) The European Union
d) The Organization of American States
a) The African Union
b) Other organisations

Class 9 – 6.12.2016   (Dr Kulińska)

International Human Rights Law
a) History and development of International Human Rights Law
b) Categories of rights
c) Derogations from Human Rights Law
d) Human Rights Law in the context of armed conflicts: interaction with IHL
e) Human Rights Law in the context of natural disasters

Class 10 – 13.12.2016   (Dr Kulińska)

International Human Rights Law: implementation mechanisms
1.Treaty Body Procedures
a) Regular procedures
b) Special Procedures,
c) Universal Periodic Review
2. Regional Human Rights Systems
a) The European System
b) The Inter-American System

c) The African System

International Framework for Refugee Protection
   a) The notions of "asylum" ,"refugee" and "internally displaced person"
   b) The Convention Relating to the Status of Refugees of 1951
   c) The principle of "non-refoulement"
   d) Rights of refugees
   e) Protection of refugees under other human rights treaties
   f) Protection of refugees during armed conflicts

International Humanitarian Law (IHL)
   a)   Classification of conflicts
   b)   Protected persons
   c)   Principles of IHL
   d)   The right to humanitarian assistance

International Criminal Law
   a) International Crimes
   b) Principles of individual criminal responsibility
   c) Prosecution of International Crimes (domestic prosecution of international
    crimes and the international criminal justice system)
   d) International Criminal Court

International Law on Humanitarian Assistance and International Disaster Response Law
   a) The term "humanitarian assistance"
   b) The term "disaster"
   c) Sources of law
   d) Protection of personnel

Exam

6.   Workload

The module will involve 30 hours of lectures in addition to a simulation exercise.
Students are expected to also learn individually. As the module is relatively short and
therefore quite intensive, attendance at each of the classes is highly recommended.

7.   Assessment methods

50 % - Essay submitted before 31 December 2016
50 % - Written exam – the exam will consist of a number of open questions based on
the various topics discussed during the course.

Please be aware that in order to be able to take a second chance exam if you need to, you should come to the first chance exam and attempt to answer the exam questions. In the event you are not able to attend the first chance exam you need to demonstrate a valid reason for non-attendance, such as a certificate from a medical doctor. No-show without a valid reason forfeits the possibility of taking the second chance exam and you will have to redo the course.

8. Assessment criteria

The exam will try to assess the passive knowledge of the contents of the course, and also the applicability of this knowledge in a practical situation. More specifically, the criteria of assessment entail the degree of knowledge of international law in general (including the concepts of sources of international law, subjects of international law, state responsibility and jurisdiction, the use of force under international law, human rights law, the rules about non-intervention under international law and those pertaining to international humanitarian law), as it is relevant to humanitarian action.

9. Appendices

[*Any supporting documents to explain parts of the module more in detail.*]