



## Course and Examination Fact Sheet: Spring Semester 2022

### 8,491: How Does Law Protect in War

ECTS credits: 4

#### Overview examination/s

(binding regulations see below)

Decentral - Written examination (with defined exam duration) (75%, 90 mins.)

Examination time: term time

Decentral - Active participation (25%)

Examination time: term time

#### Attached courses

Timetable -- Language -- Lecturer

[8,491,1.00 How Does Law Protect in War](#) -- Englisch -- [Khan Daniel-Erasmus](#)

#### Course information

#### Course prerequisites

Students are expected to have a basic knowledge of Public International Law and to have good English skills. Since the course will at times explore the subject-matter somewhat off the beaten track, students are further expected to be open-minded for new, not (purely) legal perspectives.

#### Learning objectives

After completion of the course, students should be in a position to critically assess on his or her own the legality vel non of the behavior of states and other actors involved in armed conflict against the background of (universally applicable) rules and standards of IHL.

#### Course content

Since the dawn of civilization, war is a faithful companion of humanity and - unfortunately enough - is very likely to remain so for the foreseeable future. International law provides two responses to the challenges of war: First, a set of rules aimed at limiting (or even banning) recourse to military force as such (*jus ad bellum/jus contra bellum*). And, second, a set of rules imposing, for humanitarian reasons, restraints on the use of violence once an armed conflict has erupted (*jus in bello*). The subject-matter of the course is the second (and obviously only second-best) response to the scourge of war: We will explore the origins of International Humanitarian Law (IHL) or, as it was formerly called, the Law of Armed Conflict (LOAC), and we will briefly address some of its political and philosophical underpinnings. Participants will then be provided with an overview of the ever-growing corpus of IHL treaty law and custom. We will further examine the (material/personal/temporal/geographic) scope of application of IHL and its relationship to other branches of international law. We will proceed to learn about basic principles of IHL (in particular the various emanations of the principle of distinction), the inherent limits of the idea of humanity in warfare and will finally discuss some contemporary challenges for IHL. Overall, the course aims to provide students with knowledge and tools to recognize that every struggle of the state - against terrorism or any other enemy - must be conducted according to (legal) rules and that, even in times of war, the assertion of the existence of legal "black holes" is as unacceptable as are maxims such as "the end justifies the means" or "during war, the laws are silent (*silent enim legis inter arma*)". After completion of the course, students should therefore be in a position to critically assess on his or her own the legality vel non of the behavior of states and other actors involved in armed conflict against the background of (universally applicable) rules and standards of IHL.

#### Course structure and indications of the learning and teaching design

The course will be taught as a block course in a combination of lecture and seminar-style discussion. Active participation and interaction is a must.



## Course literature

A comprehensive reader (hardcopy) will be made available to participants at the outset of the course (possibly already before on studynet). Make sure you bring a copy of the principal legal instruments, at least the Geneva Conventions (1949) and the Additional Protocols (1977, 2006). A comprehensive treaty collection (Documents of International Law 2006 - English/German, Joint Publication of the Federal Foreign Office, the German Red Cross, and the Federal Ministry of Defense) will be posted on studynet. All legal instruments are also available for (free) download on the ICRC website (<https://www.icrc.org/ihl>).

In addition - or in the alternative - you may download the ICRC Digital App (App Store/Microsoft/Google Play): <https://www.icrc.org/en/document/ihl-digital-app> (comprehensive collection of IHL instruments).

## Additional course information

**In the case of the Presiden's Board having to implement new directives due to the SARS-CoV-2 pandemic in SpS2022, the course information listed above will be changed as follows:**

- The course is conducted online via the platform Zoom;
- The lecturer informs via StudyNet/e-mail on the changed implementation modalities of the course.

**The examination information listed below would be changed as follows:**

- The examination part II active participation is cancelled. The examination part I written examination is weighted at 100%.

## Examination information

### Examination sub part/s

#### 1. Examination sub part (1/2)

##### Examination time and form

Decentral - Written examination (with defined exam duration) (75%, 90 mins.)

Examination time: term time

##### Remark

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##### Examination-aid rule

Online remote examination - Open book

Students are free to choose aids but will have to comply with the following restrictions:

- Calculator models which do not belong to the Texas Instruments TI-30 series are explicitly not allowed.
- In addition, any type of communication is inadmissible, as are all electronic devices that can be programmed and enable communication, such as electronic dictionaries, additional notebooks, tablets, mobile phones and other devices, which have not been explicitly permitted by the faculty member in charge.

The procurement of the electronic aids as well as ensuring their functionality and fulfillment of the technical requirements is the responsibility of the students.

The examination must be carried out using the programs defined in advance by the faculty member in charge. Mastery of the operation of the programs is part of the examination.

##### Supplementary aids

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##### Examination languages



Question language: English

Answer language: English

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## 2. Examination sub part (2/2)

### Examination time and form

Decentral - Active participation (25%)

Examination time: term time

### Remark

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### Examination-aid rule

Active classroom participation

In the "Active classroom participation" examination form, regular participation in class is assessed.

The assessment criteria can be as follows:

- Requests to speak enrich the discussion (productive) / requests to speak disturb the discussion (counterproductive);
- Requests to speak are correct/requests to speak are incorrect;
- Requests to speak are frequent/average/rare;
- No requests to speak, but students follow the lesson/no requests to speak and students do not noticeably follow the lessons.

### Supplementary aids

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### Examination languages

Question language: English

Answer language: English

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## Examination content

The content of the examination is the subject-matter covered in class. The examination will consist of online questionnaires and essays on Canvas (Quizzes).

## Examination relevant literature

Literature will be provided during the course.



## Please note

Please note that only this fact sheet and the examination schedule published at the time of bidding are binding and takes precedence over other information, such as information on StudyNet (Canvas), on lecturers' websites and information in lectures etc.

Any references and links to third-party content within the fact sheet are only of a supplementary, informative nature and lie outside the area of responsibility of the University of St.Gallen.

Documents and materials are only relevant for central examinations if they are available by the end of the lecture period (CW21) at the latest. In the case of centrally organised mid-term examinations, the documents and materials up to CW 12 are relevant for testing.

Binding nature of the fact sheets:

- Course information as well as examination date (organised centrally/decentrally) and form of examination: from bidding start in CW 04 (Thursday, 27 January 2022);
- Examination information (regulations on aids, examination contents, examination literature) for decentralised examinations: in CW 12 (Monday, 21 March 2022);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised mid-term examinations: in CW 12 (Monday, 21 March 2022);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised examinations: two weeks before the end of the registration period in CW 15 (Monday, 11 April 2022).