



UNITED STATES INTERNATIONAL UNIVERSITY

COURSE SYLLABUS

IRL 4120: INTERNATIONAL HUMANITARIAN LAW

COURSE DESCRIPTION:

International Humanitarian Law, also known as the law of armed conflict or the law of war, is a body of rules that, during conflict, protects persons who are not *ab initio* part of the conflict or are no longer participating in the conflict. The course introduces students to the distinction between *Ius ad Bellum* and *Ius in Bello*, the history of efforts to regulate conduct during hostilities, Henri Dunant and his *Souvenir de Solferino* that inspired the formation of the International Committee of the Red Cross (ICRC) and Interstate efforts to regulate hostilities giving birth to the 4 Geneva Conventions of 1949 and Additional Protocols of 1977 (with an introductory talk on Additional Protocol III of 2005 establishing an additional emblem, the red crystal). The course will further develop the students understanding of the classifications of the types of armed conflict, means and methods of warfare, war crimes and efforts to repress them from the Nuremberg and Tokyo Tribunals to the International Criminal Tribunal for the former Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR), Special Court for Sierra Leone and the 1998 Rome Statute establishing the International Criminal Court (ICC).

LEARNING OUTCOMES:

Upon completion of this course, students will be able to:

- critically analyze the practice and theory of international humanitarian law
- acquire detailed and critical knowledge of the general principles of international law
- acquire the ability to critically apply general theories and practice to specific areas of humanitarian law
- interpret statutes
- understand the relationship between International Humanitarian Law and international reality
- view contemporary issues as regards International Humanitarian Law from an informed perspective
- to equip future leaders and policy makers with the knowledge of the law of armed conflict and the consequences for transgression of that law

In addition to the aforementioned course-specific outcomes, the module will also promote the generic learning outcomes of the Department's undergraduate programs listed below:

- 1-Explain concepts and theories in International Relations
- 2-Explain and use research methodology in International Relations
- 4-Critically analyze the dynamics of world politics
- 6-Apply understanding of a global, multi-cultural and complex interconnected world to explain and predict issues in International Relations
- 7-Demonstrate diplomatic etiquette in the international context.

COURSE REQUIREMENTS

This course is designed for seniors. Students taking this course should have successfully completed ALL levels 1, 2 & 3 core courses and **especially, IRL 4100, International Law and IRL 2150-Research Methodology.**

TEACHING METHODOLOGY

- **Readings** - students are expected to complete the required readings before class. A reading list will be provided. Individual students will often be assigned particular readings so as to lead class discussions. Additional readings offer a good and basic foundational basis for building up a bibliography.
- **Lectures** – Lectures offer an established basis for delivering core knowledge about the subject. Lectures will not necessarily reflect but rather complement the readings provided. Lectures will be held every Monday and Wednesday from 1100am-12.20pm at the School of Business, lecture Theatre 1.
- **Lecture guide sheets** – Guide sheets will be provided for each lecture at the beginning of every week. They will either be in point or in question form. These are meant to assist the student to focus on the material being lectured on. They will provide elucidation and focus on the topics.
- **Power Point** – The lecturer will use power point slides to deliver the contents of the lecture
- **Class presentations/Group Discussions-** This will encourage students to work together in researching, presenting and assessing their own work
- **Showing of ‘documovies’-** These will furnish documentary context for some of the topics studied
- **Guest Speakers** – Selected speakers will give talks on various course related issues
- **Office hours** – students are encouraged to utilize the office hours allotted to them. The lecturer will use these hours to address individual problems or difficulties.
- **Student participation** – Students are encouraged to interact in class. Student participation is very important. The students’ skills that will be developed include the development and presentation of oral skills directed towards International Law discourse.

- **Current affairs** – this is a **mandatory** exercise. Students are meant to familiarize themselves with news from around the world for further discussion in class. Students should demonstrate some background knowledge of the news they read.
- **WebCT** - WebCT will host lecture guide notes, PowerPoint slides, discussion pages, useful links, class attendance, further readings and other course related information

ASSESSMENT

The Evaluation Method will be as follows:

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|---------------------------------------|-----|
| • Attendance, Participation and WebCT | 10% |
| • Group Work | 10% |
| • Term Paper | 20% |
| • Mid-semester Exam | 30% |
| • Final Exam | 30% |

Term Paper

Students are expected to submit a researched term paper of between 3000 to 3500 words (excluding the cover page and bibliography). The format for the paper is 1.5 line-spacing with font pattern New Times Roman, size 12. Although USIU has general guidelines regarding writing researched papers, additional course-specific guidelines regarding term papers will be provided. The term paper will form 20% of the overall grade. The term paper is intended to encourage individual research into a topic of contemporary international concern. This assignment places particular emphasis upon the acquisition of relevant critical, analytical and evaluative skills.

Academic Integrity

USIU has introduced a software program to assist in the detection of plagiarism called Turnitin. Turnitin is a text-matching software which provides a report on whether a student's work is original in thought and deed. It is therefore prudent for all works to include full and correct referencing. To this end, all submitted works should be accompanied by an identical soft copy to check on plagiarism. Cases of suspected plagiarism will result in an automatic zero (0) mark.

Examination

There will be two examinations; the mid-semester and final exam. Each examination consists of a two-hour paper. Students will be given 10 questions. They will be expected to answer only three. The examinations form 60% (@ 30%) of the overall assessment. Although considerable choice is availed, the questions ensure that all students acquire a substantial grasp of the course content.

USIU GRADING SYSTEM

A	90-100	C+	74-76	D-	60-61
A-	87-89	C	70-73	F	0-59 OR 5 MISSED
B+	84-86	C-	67-69	CLASSES	
B	80-83	D+	64-66		
B-	77-79	D	62-63		

READING LIST AND SOURCES OF INFORMATION:

Required Textbooks:

Core texts for this course have been ordered. They should be available this Semester. A few copies of the recommended course texts can be found in the library. They are:

- Dinstein, Yoram, *The Conduct of Hostilities under the law of International Armed Conflict*, Cambridge: Cambridge University Press, 2004
- Moir, Lindsay, *The Law of Internal Armed Conflict*, Cambridge: Cambridge University Press, 2002

Legal instruments and/or Statutes

Kenyan

- The Constitution of Kenya (Rev. Ed.), Laws of Kenya, Nairobi: Government Printer, 2001
- The Judicature Act (Rev. Ed.), Laws of Kenya, Chapter 8, Nairobi: Government Printer, 2003

International

- The UN Charter 1945
- The Rome Statute, 1998
- The International Court of Justice Statute 1945
- The Geneva Convention I
- The Geneva Convention II
- The Geneva Convention III
- The Geneva Convention IV
- Additional Protocol I
- Additional Protocol II
- Additional Protocol III
- Convention on Cluster Munitions

SOME JOURNALS

- African Journal of Comparative and International Law (AFJICL)
- Africa Journal Online (AJOL)
- American Journal of International Law (AJIL)
- European Journal of International Law (EJIL) – Free access to some materials

- International and Comparative Law Quarterly (ICLQ)

SOME ESSENTIAL WEBSITES

- American Society of International Law www.asil.org
- Amnesty International <http://www.amnesty.org>
- Association of Southeast Asian Nations (ASEAN) <http://www.aseansec.org>.
- Centre for International Human Rights Law (US) <http://www.rightsinternational.org/>
- Coalition for an International Criminal Court (CICC) <http://www.igc.org/icc/>
- European Court of Justice <http://www.europa.eu.int/cj/en/index.htm>
- European Union (EU) <http://www.europa.eu.int/index-en.htm>
- Greenpeace International <http://www.greenpeace.org/>
- Human Rights Server <http://www.humanrights.de>
- Inter-American Court of Human Rights <http://www1.umn.edu/humanrts/iachr/iachr.html>
- International Commission of Jurists (ICJ) <http://www3.itu.ch/MISSIONS/US/bb/icj.html>
- International Committee of the Red Cross/Crescent (ICRC) <http://www.icrc.org/eng>
- International Court of Justice (ICJ) <http://www.icj-cij.org/>
- International Criminal Court
- International Criminal Tribunal for Rwanda (ICTR) <http://www.icttr.org/>
- International Criminal Tribunal for the former Yugoslavia (ICTY) <http://www.un.org/icty/index.html>
- International Tribunal for the Law of the Sea: <http://www.un.org/Depts/los/>
- International Court of Justice (ICJ) <http://www.icj-cij.org/>
- International Federation of Red Cross and Red Crescent Societies: <http://www.ifrc.org>
- International Labor Organization (ILO): <http://www.ilo.org/public/english/index.htm>
- International Law Commission (ILC) <http://www.un.org/law/ilc/index.htm>
- Kenya Imagine: <http://www.kenyaimagine.com>
- Kenya Human Rights Commission (KHRC): <http://www.khrc.or.ke>
- Kenya Red Cross: <http://www.kenyaredcross.org>
- Lawyers Committee for Human Rights (LCHR) <http://www.lchr.org/home.htm>
- Organization for African Union (formerly Organization for African Unity) (OAU) <http://www.oau-oua.org/>
- Organization of American States (OAS) <http://www.oas.org>.
- Redress Trust <http://www.redress.org>
- The World Organization Against Torture is at <http://www.omct.org>
- The South African Truth and Reconciliation Commission site is at <http://www.truth.org.za>
- United Nations <http://www.un.org>
- UN Conference on the Establishment of an International Criminal Court <http://www.un.org/icc/>
- United Nations Educational, Scientific & Cultural Organization (UNESCO) : <http://www.unesco.org/>

- United Nations Environment Programme (UNEP): <http://www.unep.org/>
- United Nations High Commissioner for Human Rights (UNHCR)
<http://193.135.156.15/html/intlinst.htm>
- United Nations High Commissioner for Refugees: <http://www.unhcr.ch>.
- United States International University (Africa): <http://www.usiu.ac.ke>
- World Health Organization (WHO): <http://www.who.int/>

SOME ESSENTIAL MEDIA SOURCES

- Al Jazeera
- Africa Journal
- BBC World (93.9 fm)
- New York Times
- Sky News

Library

The new USIU library has an impressive holding of books, journals and materials in International Relations. Journals on International Relations are particularly useful in that they offer insights into current debates on contemporary issues. Many journals are now available electronically through various accessible sites that the library has subscribed to. Understanding the basic functions of a computer is important for the learning process and especially when it comes to research. Students are expected to personally and individually organize sessions that would equip them with the basic know-how of computer functions. This is because most of the resources required for research are available through the net. Patricia Chebet, the reference and instruction librarian hosts training programs on the same. The library's mandate includes:

- Σ to equip the students to effectively find information for both academic work and their day to day information needs
- Σ to introduce students to a range of information sources at their disposal at USIU library
- Σ to make use of use of OPAC and E-resources at USIU to support their learning and research at USIU

CLASS ATTENDANCE:

Students are required to attend **ALL** lectures. In case of absence, please contact the lecturer in advance via sbiko@usiu.ac.ke. All reasons for non-attendance must be accompanied by official documentation.

STUDY HOURS

10 hours per week including contact hours.

COURSE SCHEDULE (Subject to Change)

NB/ Some of the preliminary and further readings e.g. texts and journal articles are posted on WebCT

1. Concept and Purpose of International Humanitarian Law
2. IHL as a branch of PIL
3. Historical Development of International Humanitarian Law
 - I. Solferino
 - II. The Hague Rules: Means and Methods of Lawful Warfare
 - III. Four Geneva Conventions 1949 and Two Geneva Protocols 1977
4. Sources of Contemporary International Humanitarian Law
 - I. Customary International Law
 - II. Treaty Law
5. Fundamental Distinction between Civilians and Combatants`
6. The Protection of Combatants and the Treatment of Prisoners of War;
7. Protection of the Wounded, Sick and Shipwrecked
8. Protection of Civilians
 - I. The Protection of Civilian Population and Non-Military Objects
9. Conduct of Hostilities
10. Law of Naval Warfare
11. Law of NIACs
12. Implementation of IHL
13. IHL and IHRL
14. ICRC