

LAWS 3085 LAW OF WAR

Credit Points 10

Coordinator Manuel Ventura ([https://directory.westernsydney.edu.au/search/name/Manuel Ventura/](https://directory.westernsydney.edu.au/search/name/Manuel%20Ventura/))

Description This subject will consider the full spectrum of the international law that governs armed conflict involving States and non-State (rebel) armed groups. The subject will first explore the international law that governs the initiation of armed conflict (jus ad bellum), including the prohibition of the use of force under customary international law and the UN Charter (1945), self-defence, use of force authorised by the UN Security Council, humanitarian intervention, peacekeeping and the maintenance of international peace and security. The subject will then explore the international law that governs how armed conflict is conducted (jus in bello), namely, international humanitarian law/law of armed conflict in international and non-international armed conflicts.

School Law

Discipline Law, Not Elsewhere Classified.

Student Contribution Band HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 3 subject

Pre-requisite(s) LAWS 2008 Government and Public Law

Learning Outcomes

1. Apply the principles that govern the initiation of armed conflict under international law
2. Evaluate the principal international institutions responsible for the maintenance of international peace and security
3. Assess the principles that govern how armed conflict is conducted under international law, when international humanitarian law/law of armed conflict is being violated and their effectiveness
4. Analyse the principles of jus ad bellum and jus in bello and their application and limitations to contemporary and emerging issues in international law and global conflicts.

Subject Content

Jus ad bellum

1. Historical attempts to regulate the use of force
2. Modern approaches to the regulation of the use of force
3. Exceptions to the prohibition on the use of force
4. Challenges posed by state and non-state actors to the regulation of force and institutional limitations.

Jus in bello

1. Sources, scope and principles of international humanitarian law
2. Separation of jus ad bellum and jus in bello
3. Challenges to international humanitarian law, its implementation and enforcement
4. Protective regimes for individuals, institutions, cultural heritage and the environment during conflict
5. Laws governing the conduct of hostilities

6. The role of Private, Public and NGO organisations in armed conflicts

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

| Type | Length | Percent | Threshold | Individual/Group Task |
|--------------------|--|---------|-----------|-----------------------|
| Essay | 3000 words | 45 | N | Individual |
| Intra-session Exam | 24 hours take home; maximum 5000 words | 45 | N | Individual |
| Participation | Ongoing | 10 | N | Individual |

Prescribed Texts

- C. Henderson, *The Use of Force and International Law* (Cambridge, Cambridge University Press, 2018)
- E. Crawford and A. Pert, *International Humanitarian Law*, 2nd Edition (Cambridge, Cambridge University Press, 2020)

Teaching Periods