

# EXECUTIVE MASTER IN INTERNATIONAL LAW IN ARMED CONFLICT

## Structure of the Programme

This [online part-time programme](#) designed for professionals is structured around four modules that provide a solid theoretical and practical knowledge of the law that applies to armed conflicts.

After the successful completion of the programme, participants obtain 60 ECTS credits and a 'Master of Advanced Studies (MAS) in International Law in Armed Conflict' delivered by our two parent institutions – the University of Geneva and the Graduate Institute of International and Development Studies.

The official language of instruction and examination is English. Courses span over two semesters and comprise 192 hours of teaching. Participants will then have one semester to write and submit the final paper.

This document is provided for information and guidance purposes only and its content is subject to changes that may affect the composition of the programme's faculty for the upcoming academic year. The number of credits, modalities and the structure itself are not subject to changes.

## **MODULE 1: PUBLIC INTERNATIONAL LAW (PIL) – 12 ECTS**

### **PIL1: INTRODUCTION TO PUBLIC INTERNATIONAL LAW AND SUBJECTS OF THE INTERNATIONAL LEGAL ORDER – PROFESSOR GIOVANNI DISTEFANO**

This course focuses on the role of public international law in international relations and on international legal persons. The first part aims at showing the function of law in the international community and its primacy in regulating international relations. The second part deals with international subjects, that is to say, all those entities, regardless of their intrinsic specificities, that have the capacity to apply public international law rules.

### **PIL2: SOURCES OF PUBLIC INTERNATIONAL LAW – PROFESSOR GIOVANNI DISTEFANO**

This course dwells on the means of international law-making (treaties, customary international law, unilateral acts, general principles of law etc.). In other words, the course looks at the sources from which public international law rules stem and at the entities that are empowered with the capacity of law-making in the international legal order. It aims at enabling participants to develop a global perception of the international normative system and to get them acquainted with the role played by international norms in regulating international relations.

### **PIL3: SANCTIONS IN PUBLIC INTERNATIONAL LAW: SELECTED TOPICS – PROFESSOR GIOVANNI DISTEFANO**

What role do sanctions play in international law? What are the conditions for implementing sanctions against a state? Who decides? Are sanctions a useful tool for avoiding or stopping armed conflicts? This course introduces the regime of sanctions under international law and their effectiveness in addressing contemporary forms of conflict. It addresses the questions related to

international state responsibility, the outlawing of forcible self-help, the peaceful settlement of international disputes and the role of the International Court of Justice.

#### **PIL4: FROM USE OF FORCE TO RESPONSIBILITY TO PROTECT – PROFESSOR TARCISIO GAZZINI**

This course provides an overview of the content and evolution of the rules governing the use of unilateral force in international law, including military intervention on humanitarian grounds and the fight against international terrorism. It focuses on the practice of states and international organizations. During the course, the legal issues raised by the main recent cases of unilateral force, especially Kosovo (1999), Iraq (2003), Syria (since 2014) and Ukraine (2014 and 2022), as well as their normative implications will be thoroughly and critically be analyzed. The course will also address the main features, evolution and shortcomings of the United Nations (UN) collective security system, from its creation in 1945 to the so-called authorization practice, which was inaugurated during the first Gulf Crisis (1990-1). The recent interventions in Libya (2011) and Mali (2012-3) will serve to trigger a discussion on the role of the UN and regional organizations in maintaining and restoring international peace and security.

## **MODULE 2: INTERNATIONAL HUMANITARIAN LAW (IHL) – 15 ECTS**

#### **IHL1: THE LAW OF INTERNATIONAL ARMED CONFLICTS - GENEVA LAW – PROFESSOR ROBERT KOLB**

This course will examine the sources of international humanitarian law (IHL), as well as the threshold criteria for its applicability in an armed conflict. It will provide an introduction to the key principles and terminology of IHL, and lay the groundwork for the following courses on IHL. After completing this course, participants will have a thorough knowledge of the sources of International Law applicable to armed conflicts and its scope of application.

#### **IHL2: THE LAW OF INTERNATIONAL ARMED CONFLICTS - HAGUE LAW – PROFESSOR ROBERT KOLB**

Besides the law governing the conduct of hostilities, the second main purpose of international humanitarian law (IHL) is to mitigate the human suffering caused by war. This second branch is also known as the law of Geneva. It is, therefore, crucial to carefully study the various rules of IHL that can help to protect vulnerable persons – such as civilians and prisoners of war – as well as goods during armed conflict. After having followed this course, participants will know who the protected persons and goods are and what rules of IHL can be used for their protection in an international armed conflict. An overview of the rules applicable in non-international armed conflicts will also be given.

#### **IHL3: THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW – DR. LINDSEY CAMERON**

This course will delve into one of the most challenging and important aspects of international humanitarian law (IHL) – its implementation in practice. It will cover the ‘nuts and bolts’ of

implementation, including national legislation, dissemination and training, and discuss the mechanisms such as the International Fact-Finding Commission, as set out in the treaties. However, it will also explore challenges of implementation and challenge students to think critically and creatively about how to make IHL – a body of law considered by some to be ‘at the vanishing point of international law’ – work in practice.

#### **IHL4: THE CLASSIFICATION OF ARMED CONFLICTS – DR. JÉRÔME DE HEMPTINNE**

This course examines an emblematic example of the complexity of international humanitarian law (IHL) and the challenges it raises: the classification of armed conflicts (ACs). The course first analyzes the contours of the various categories of ACs (e.g. international AC, internationalized non-international ACs, wars of national liberation, belligerent occupations, high-intensity and low-intensity non-international ACs) in connection with the traditional distinction between non-international and international ACs. The course then questions the relevance of this last distinction in light of the requirements of contemporary ACs and the increased role played by independent actors within them. The course relies, as much as possible, on concrete examples illustrating the different categories of ACs and the controversies they raise.

#### **IHL5: THE LAW OF NON-INTERNATIONAL ARMED CONFLICTS – PROFESSOR GLORIA GAGGIOLI**

While international humanitarian law (IHL) was initially drafted and is still most detailed for international armed conflicts (IACs), most armed conflicts today are of a non-international character (NIACs). This course discusses the protection offered by IHL in NIACs and examines why and to what extent IHL of IACs and IHL of NIACs are different or similar, as well as where the rules applicable to NIACs can be found. It also addresses some problems and controversies specific to IHL of NIACs, including the difficulty to ensure the respect of IHL by armed non-state actors.

## **MODULE 3: INTERNATIONAL HUMAN RIGHTS LAW (IHRL) – 15 ECTS**

#### **IHRL1: INTRODUCTION TO INTERNATIONAL HUMAN RIGHTS LAW – PROFESSOR OLIVIER DE FROUVILLE**

This course will provide participants with an introduction to substantive human rights law. It will start with an introduction to the nature and sources of international human rights law and its place in the international legal system. The course will then provide a presentation of the main principles applicable to substantive rights (jurisdiction, obligation and limitations). Chosen cases and topics will finally be explored to give concrete examples of current dilemmas and challenges. At the end of the course, participants will be in a position to understand how international human rights law works as a legal system and to understand the major legal controversies and challenges in the field.

## **IHRL2: THE IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS LAW - PROFESSOR OLIVIER DE FROUVILLE**

This course aims at presenting the institutions and procedures in charge of the implementation of international human rights law. It will start with a presentation of the main regional systems (European, African, Inter-American) and will then focus on the various components of the United Nations system: the Human Rights Council and its procedure, and the treaty bodies. The expectations and strategies of the various actors will be looked at. At the end of the course, the participants will be in a position to understand the procedures, but will also have acquired the main information so as to use them effectively for their own purpose.

## **IHRL3 - THE INTERPLAY BETWEEN INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS – DR. SANDRA KRÄHENMANN**

This course focuses on the specific issues that arise for the respect, protection and fulfillment of human rights in times of armed conflict and how human rights apply together with international humanitarian law in times of armed conflict. Key issues addressed are the applicability of human rights in times of armed conflict; the possibilities to restrict human rights under systems of limitations and derogations, and the extraterritorial application of human rights law are addressed. Throughout the course, the interplay between international humanitarian law and human rights law is systematically tackled by analyzing their different origin, the field of application and monitoring bodies as well as different theories conceptualizing their relationship. These issues are further illustrated by discussing three thematic issues: First, two sessions will be devoted to the particularly controversial question of the protection of the right to life in times of armed conflict. Secondly, the question of detention in armed conflict will be covered in a separate session. Finally, we will look at the interplay between international humanitarian law and economic, social and cultural rights.

## **IHRL4: PREVENTING AND COMBATING TERRORISM – PROFESSOR GLORIA GAGGIOLI AND PROFESSOR FIONNUALA NI AOLAIN**

Since the 9.11 attacks, and with the multiplication of terrorist attacks on European soil, terrorism is considered one of the most important security threats the international community has to face. To what extent may states limit and/or derogate from their international human rights obligations in order to prevent and counter terrorism and thus protect persons under their jurisdiction? Which and whose human rights are at risk when states fight terrorism? What are the human rights challenges posed by the United Nations counter-terrorist sanctions regime? In which circumstances may lethal force – including drone strikes – be used against alleged members of terrorist groups or so-called ‘lone wolves’? Which international law rules apply in relation to the internment/detention and interrogation of persons accused of terrorism? These are some of the key issues discussed in this course, addressing several rights including the right to life, the right to liberty, the prohibition of torture, the right to property, and freedom of movement. Although the course is mainly human rights oriented, other international legal frameworks such as jus ad bellum and international humanitarian law will be touched upon. Recent trends in counter-terrorism, such as the preventing and countering violent extremism agenda, will be discussed in light of their human rights impact.

## **IHRL5: INTERNATIONAL REFUGEE LAW – PROFESSOR VINCENT CHETAIL**

Who is a refugee? What is the legal framework protecting those fleeing armed conflicts, persecution and human rights abuses? What are the international obligations of states? This course analyzes the main international and regional legal norms governing refugee protection. It examines the sources of international refugee law, including the 1951 Geneva Convention Relating to the Status of Refugees, and its interaction with human rights law and international humanitarian law. It also analyzes the central notions of international protection such as the principle of non-refoulement, interception at sea, the refugee definition as well as asylum procedures. Particular attention is dedicated to the case law of State Parties to the 1951 Geneva Convention.

## **MODULE 4: INTERNATIONAL CRIMINAL LAW (ICL) – 6 ECTS**

### **ICL1: GENERAL PRINCIPLES AND INTERNATIONAL CRIMES – PROFESSOR WILLIAM SCHABAS**

International criminal law has developed dramatically since the early 1990s, and now consists of a complex system involving national courts with international participation, alternative transitional justice mechanisms like truth commissions, and temporary or ad hoc international courts. The International Criminal Court sits at the center of this. This course reviews the origins of international criminal law, its relationship with the international legal order including the UN Security Council and its coexistence with national justice institutions. The scope of international crimes – genocide, crimes against humanity, war crimes and the crime of aggression – is considered alongside initiatives to expand or add to these categories.

### **ICL2: ACCOUNTABILITY FOR ATROCITY CRIMES – PROFESSOR CÉCILE APTEL AND PROFESSOR JAMIE WILLIAMSON**

This course examines and discusses the main criminal jurisdictions fostering individual legal accountability for international crimes. It will discuss the role of national courts in the fight against impunity, including on the basis of universal criminal jurisdiction. It will also review the various international and hybrid criminal tribunals, with a particular emphasis on the International Criminal Court and its mandate.

## **MASTER`S PAPER – 12 ECTS**

The Executive Master programme promotes academic excellence and independent critical thinking. One of its core outputs is a master's paper written under the guidance of a faculty member.

Once the online courses have been completed, participants have six months to submit a master's paper. An online class on research skills helps students to research and write their papers. The length of the paper is between 8,000 and 10,000 words in English, including footnotes but excluding all annexes and the bibliography.

Awarded every year during the Graduation Ceremony (in place for 2021-2023 participants onwards), the Best Executive Master Paper Prize distinguishes a graduating student for a master's paper of exceptional academic quality.

## GENERAL REQUIREMENTS

- Master, university degree, bachelor or another academic qualification deemed equivalent.
- Good knowledge of written and spoken English – it is not mandatory to present an official language certificate, it is important that you have been working in English environment for more than two years or equivalent.
- At least one year of works experience in a domain related to the program.

