

Ministry of Education and Science of the Republic of Kazakhstan



«Approved»

Dean, School of Law _____
Vice President of Academic Affairs _____

«_____» _____ 2017

Course Title: International Conflict and Security Law
Code: LAW 4524

Pre-requisites: The completion or parallel study of Public International Law (LAW 3311) is an advantage.

Credits: 3

Course Length: 15 weeks in Fall Semester

Form of Education: Full time

Contact hours: 45 hours

Independent Study: 80 hours

Almaty 2017

Course Code and Title: LAW 4524: International Conflict and Security Law	Course Credits: 3 (5 ECTS credits)
Semester: Fall 2017	Time and Place of the Lecture: Hall #117 NEW Building; Monday, Wednesday, Friday 10:00-10:50
Instructor: Sergey Sayapin, Dr. iur.	Office Phone: 27XX
Office: 122, New Building	Office Hours: Tuesday, Thursday, 13:00 – 16:00
Email: s.sayapin@kimep.kz	
Teaching Assistant: Nuray Dairova	Teaching Assistant Office Hours: N/A
Prerequisite : The completion or parallel study of Public International Law (LAW 3311) is an advantage.	

1. Course Description

The course deals, on the one hand, with the prohibition of the use of force in international relations (Article 2(4) of the UN Charter) and lawful exceptions from this prohibition, and, on the other hand, with the international law of armed conflict (ILAC). In the first part, States' inherent right to individual and collective self-defence, the UN collective security regime, peacekeeping and peace-enforcement, "humanitarian intervention", the Responsibility to Protect, and other relevant legal regimes are dealt with. The second part of the course is devoted to the legal regulation of the conduct of hostilities and the protection of victims of international and non-international armed conflicts. In the concluding part of the course, students will consider some current challenges to international peace and security, as well as some ongoing armed conflicts, from the perspective of applicable international law.

2. Intended Learning Outcomes

Upon successful completion of the course, students will be able to:

2.1 Knowledge outcomes

- acquire knowledge of the concepts and institutions of International Conflict and Security Law for further specialisation and study in preparation for their future careers, whether in the legal profession, or in academic or other areas of employment.
- develop their understanding of the relevance of certain concepts in the theory, doctrine, method and goals of International Conflict and Security Law.
- develop their understanding of a number of conceptual devices.
- familiarise themselves with the literature and legal sources associated with International Conflict and Security Law.

2.2 Skills outcomes

- learn to organise their own learning programme and manage their time effectively.
- learn to assimilate large amounts of material and extract from it relevant information to successfully prepare for and complete each seminar and written assignment.
- learn to listen and participate effectively in class.
- learn to express ideas cogently orally and in writing.
- develop problem-solving skills and the ability to generate practical ideas for the solution of legal problems.

3. Relationship of Course and Program

This course is an elective in the Bachelor in Law and Bachelor in International Law Programmes.

4. Teaching and Learning Methodology

- *Personal Objectives:* The lectures will lay down the structure and foundations of International Conflict and Security Law, in order to facilitate the personal study of the requested readings. Students are encouraged to actively participate to the lectures as these are aimed also at solving the doubts or uncertainties that the topic at stake may arise.
- *Teaching and Learning Approaches:* Students are expected to regularly attend classes, to give full attention to the instructor, and to keep up with readings throughout the semester so that they may participate in meaningful discussions and make optimal use of their class time.
- Course Teaching and Learning Methodology: See Course learning activities for details.

5. Course Learning Activities

Learning Activities	Estimation	Learning Hours
Lectures	45 sessions (3 classes per week, duration 50 minutes per class)	45
Reading time	400 pages, 400x10 = 4000 minutes/60 = 33 hours	67
First mid-term Examination	Take-home exam: 5 hours	5
Second mid-term Examination	Take-home exam: 3 hours	3
Final Examination	Take-home exam: 5 hours	5
Total		125

6. Assessment Scheme

The grade will be given based on the following criteria:

First mid-term assessment (take-home exam: 5 hours)	30%
Second mid-term assessment (take-home exam: 3 hours)	30%
Final assessment (take-home exam: 5 hours)	40%
Total:	100%

The assessments will be conducted in the form of take-home essays.

The students who do not earn at least 30 points before the final exam are not admitted to the final exam and are asked to withdraw from the course within two weeks. The students who do not withdraw receive automatically an F grade.

7. Grading Scale

90-100	Pass	A+	63-66	Pass	C
85-89	Pass	A	60-62	Pass	C-
80-84	Pass	A-	57-59	Pass	D+
77-79	Pass	B+	53-56	Pass	D
73-76	Pass	B	50-52	Pass	D-
70-72	Pass	B-	Below 50	Failure	F
67-69	Pass	C+	Incomplete		I

Source: KIMEP Catalog, AY 2016-2017

8. Instructor's Policy

Regular attendance is necessary to succeed in the course. Missing classes will not result in penalties but most likely in lower scores at the examinations and possibly failure. The final exam is comprehensive. Make-up work, such as extra papers or presentations, is not allowed. Using cellphones, taking pictures, videos, or audio records is not allowed. Students are urged to take notes.

9. Instructional Resources

Materials will be shared online before each class.

10. Course content:

Week 1: Introduction

Introduction to the course

Week 2: War and peace in international law

- The notion of peace under international law, human right to peace
- States' duty to settle disputes by peaceful means
- Pacifism, militarism, just war theory
- *Jus ad bellum* principles (just cause, legitimate authority, good intentions, likelihood of success, proportionality, last resort)
- *Jus in bello* principles (military necessity, distinction, proportionality, humanity)
- War in the material and legal senses
- International and non-international armed conflicts, "other situations of violence"
- *Jus ad bellum, jus contra bellum, jus in bello, jus post bellum*

Week 3: The use of force under international law

- Aggression under international law
- States' inherent right of self-defence (Article 51 of the UN Charter)
- Mutual assistance, military alliances, guarantees
- UN collective security system (Article 42 of the UN Charter)
- UN peacekeeping and peace-enforcement operations

Week 4: Emerging rules on the use of force

- Responsibility to Protect (R2P)
- "Humanitarian intervention"
- Protection of nationals abroad
- "Pro-democratic intervention"
- Use of force as a countermeasure against violations of international law

Week 5: Regional security organisations

- The role of regional security organizations
- North Atlantic Treaty Organization (NATO)
- Collective Security Treaty Organisation (CSTO)
- Shanghai Cooperation Organisation (SCO)
- African Union (AU)

Week 6: Introduction to humanitarian action

- Humanitarian action
- International Red Cross and Red Crescent Movement
- ICRC
- International Federation of Red Cross and Red Crescent Societies
- National Red Cross or Red Crescent Societies
- Indicative and protective use of the red cross, red crescent, and red crystal emblems
- Other humanitarian organisations

Week 7: International humanitarian law

- Law of Geneva
- Law of The Hague
- Law of New York

Week 8: International human rights law

- Civil and political rights
- Economic, social and cultural rights
- Collective rights

Week 9: International refugee law

- The phenomenon of migration
- Refugees and internally displaced persons (IDPs) under international law
- UNHCR

Week 10: International criminal law

- Genocide and crimes against humanity
- War crimes
- Crime of aggression

Week 11: Current challenges

- International terrorism
- Arms trade
- Nuclear weapons

Week 12: Current challenges

- Environment and climate change
- Racism and xenophobia
- Human trafficking

Week 13: Current challenges

- Poverty
- Drug trafficking
- Child soldiers

Week 14: Current conflicts

- Afghanistan
- Syria
- Ukraine

Week 15: Post-conflict justice and future trends

- Post-conflict justice mechanisms
- UN reform
- Future trends

11. Reference texts:

- A. Abass, *International Law: Text, Cases, and Materials*, 2nd edition (Oxford University Press, 2014)
- C. Archer, *International Organizations*, 4th edition (Routledge, 2015)
- M. Cherif Bassiouni, *Introduction to International Criminal Law* (Transnational Publishers, 2003)
- A. Cassese, *International Law*, 2nd edition (Oxford University Press, 2005)
- A. Cassese, *International Criminal Law*, 2nd edition (Oxford University Press, 2008)
- A. Cassese, P. Gaeta, L. Baig, M. Fan, C. Gosnell and A. Whiting, *Cassese's International Criminal Law*, 3rd edition (Oxford University Press, 2013)
- R. Cryer, H. Friman, D. Robinson, E. Wilmshurst, *An Introduction to International Criminal Law and Procedure* (Cambridge University Press, 2007)
- L. F. Damrosch and S. D. Murphy (eds.), *International Law: Cases and Materials*, 6th edition (West Academic Publishing, 2014)
- Y. Dinstein, *Non-International Armed Conflicts in International Law* (Cambridge University Press, 2014)
- Y. Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict*, 3rd edition (Cambridge University Press, 2016)
- Y. Dinstein, *The Defence of "Obedience to Superior Orders" in International Law* (Oxford University Press, 2012)
- Y. Dinstein, *The International Law of Belligerent Occupation* (Cambridge University Press, 2009)
- Y. Dinstein, *War, Aggression and Self-Defence*, 5th edition (Cambridge University Press, 2011)
- M. D. Evans (ed.), *International Law*, 4th edition (Oxford University Press, 2014)
- D. Harris and S. Sivakumaran, *Cases and Materials on International Law*, 8th edition (Sweet & Maxwell, 2015)
- K. Kittichaisaree, *International Criminal Law* (Oxford University Press, 2001)
- C. McDougall, *The Crime of Aggression under the Rome Statute of the International Criminal Court* (Cambridge, 2013)
- Ch. Safferling, *International Criminal Procedure* (Oxford University Press, 2012)
- Ch. Safferling, *Internationales Strafrecht: Strafanwendungsrecht, Völkerstrafrecht, Europäisches Strafrecht* (Springer, 2011)
- P. Sands and P. Klein, *Bowett's Law of International Institutions*, 6th edition (Sweet & Maxwell, 2009)
- H. Satzger, *Internationales und Europäisches Strafrecht: Strafanwendungsrecht, Europäisches Straf- und Strafverfahrensrecht, Völkerstrafrecht*, 7. Auflage (Nomos, 2016)
- S. Sayapin, *The Crime of Aggression in International Criminal Law: Historical Development, Comparative Analysis and Present State* (T. M. C. Asser Press / Springer, 2014)
- M. Shaw, *International Law*, 7th edition (Cambridge University Press, 2014)
- C. Stahn (ed.), *The Law and Practice of the International Criminal Court* (Oxford University Press, 2015)
- T. G. Weiss and S. Daws (eds.), *The Oxford Handbook of the United Nations* (Oxford University Press, 2007)
- G. Werle and F. Jessberger, *Principles of International Criminal Law*, 3rd edition (Oxford University Press, 2014)

Please refer to the course folder on the instructor's L drive, for further reading materials.