

EUROPEAN SECURITY AND DEFENCE COLLEGE



**ESDC Course
International Law
for Military Legal Advisors**

(Activity - Number 15)

Curriculum

24 February 2011

Aim

1. This course aims to provide:

- a) Convey core knowledge about the legal problems involved in international crisis-management operations/peace support operations (CMOs/PSOs) by military and security (i.e. gendarmery, military police, constabulary,...) forces and the relevance of international law to such operations.
- b) Ensure thorough and detailed knowledge of the core principles and rules of international humanitarian law, operational law and human rights law applicable in situations of armed conflict and internal violence, as well as in CMOs/PSOs.
- c) Provide opportunity to create a network of people working in the field.

General description and Organisation

2. Starting situation:

The Course is designed primarily for military lawyers and/or civilian legal advisers in the Armed Forces of EU member states and European Institutions and CSDP Missions and Operations, dealing with legal issues related to international law and its application to operational issues, particularly those who are likely to be assigned to CMOs/PSOs as legal advisers.

Participants are expected to have a good knowledge of public international law, in particular international humanitarian law. Past deployment(s) is a desirable requisite. Priority will be given to military legal advisers who in the near future are likely to be assigned to CMOs/PSOs.

3. Cognitive Objectives:

At the end of the course the participant should be able to:

- a. Develop and put into practice substantive legal knowledge in the relevant fields of international law.
- b. Apply international law in the planning and execution of CMOs/PSOs, including those led by the EU.
- c. Demonstrate a higher level of practical skills in, e.g., presentation and drafting exercises
- d. Facilitate co-operation between military commanders and legal advisers.
- e. Adapt and react to a changing scenario that evolves “in real time”.
- f. Apply their theoretical legal knowledge to a concrete (fictitious) scenario.

4. Affective objectives:

At the end of the course the participant should:

- a) Display the successful internalisation of the values on international law applicable to CMOs/PSOs

5. Duration.

The Course consists of three parts each of one week's duration, to take place at intervals of several weeks.

The three parts of the Course are as follows:

- Part I: International Operational Law
- Part II: International Humanitarian Law
- Part III: Practical Simulation

6. Methodology:

The methodology of Parts I and II consists of lectures supplemented by class work. The participants are divided into working groups and each group will be required to give a presentation at the end of each day. The presentations are commented on and discussed in daily plenary debriefings. Preparatory reading material is sent to the selected participants.

Part III requires participants to act as legal advisers in an evolving simulation through a scenario exercise.

Overall structure

7. Internet-based Distance Learning (IDL),

- AKU 3 - Role of EU Institutions in the field of CFSP/ CSDP
- AKU 4 - Overview of CSDP Operational Engagements
- AKU 6 - Planning for CSDP Missions and Operations

8. Module Program

Part I will cover the following topics, *inter alia*:

- Legal basis and legitimacy of CMOs/PSOs in public international law
- Actors in CMOs/PSOs, their legal status and role (including the EU and other international organisations as NATO etc.)
- Status of Forces issues (including applicability of national/local law, claims and jurisdictional issues, etc.), covering both NATO and EU aspects.
- Use of force in CMOs/PSOs (including self-defence, mission accomplishment and ROE)
- Relevant aspects of human rights law (sources, scope of application, substantive rights, derogations, etc.) and its applicability (with special reference to the European Convention on Human Rights) to CMOs/PSOs

Part II will cover the following topics, *inter alia*:

- Review of the law of armed conflict (sources, development, scope of application, etc.)
- Basic principles and rules of IHL (methods and means of warfare, protection of persons and objects, detention, etc.)
- Implementation and dissemination of IHL, including legal basis for and role of the ICRC, EU-efforts in promoting IHL.
- International criminal law (war crimes, command responsibility, international and national criminal courts and tribunals)

Part III will be based on a scenario exercise.

9. The Course Programme can be adapted according to recent needs and to national education systems.

10. Contents for teaching.

See annexes

11. The presentations and discussions will focus on the general following topics:

See annexes

12. Materials.

- Handbook «Collection of Treaties and other Documents », Austrian MoDS, 2010.
- Further English-language material handed out throughout the course, including all relevant treaty instruments in hard copy and/or CD-ROM to all participants for selected lectures.
- A working library with selected reading materials on relevant aspects of International Law will also be available for the participants' use.

13. List of Annexes (possible)

- a. Module programme I, II and III
- b. Reading material
CSDP Handbook