



**DEPARTMENT OF POLITICAL SCIENCE
FACULTY OF ARTS**

**POLI 543/643 (L01)
Law and Armed Conflict
Winter 2022**

INSTRUCTOR: Dr. Maureen S. Hiebert
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OFFICE HOURS: Tuesdays 11:00am – 12:00; Wednesdays 2:00pm – 3:00pm via Zoom.
Link to be provided on D2L course website under Content/Office Hours Zoom link.
COURSE DAY/TIME: Tuesdays 2:00pm – 4:45pm
DELIVERY METHOD: In person
COURSE LOCATIONS: SA 17
COURSE PRE-REQUISITES: Political Science 342 or 483

COURSE DESCRIPTION

In this course we will examine key texts and topics concerning the development, conceptualization, codification, and practical application of the laws of armed conflict. The course will begin with an historical overview of the customary laws of war in the ancient and Medieval eras and the evolution and eventual codification of these laws beginning in the mid-nineteenth century through to the contemporary period. This section will include an on-going analysis of how this process of law- generation and development paralleled changes in the means and methods of warfare as well as the advent of human rights and international criminal law. Part II examines the question of when the laws of armed conflict do and do not apply to the use of armed force, key legal principles, laws concerning protected and non-protected persons (civilian and military) and the means and methods of warfare. We then examine what constitutes war crimes and detail the legal responsibilities of commanders and their subordinates. Finally, we look at emerging challenges to LOAC such as cyber warfare, autonomous weapon systems, and enhanced soldiers.

COURSE OBJECTIVES & LEARNING OUTCOMES

By the end of the course students will have a grasp of the legal principles underpinning humanitarian law, the content of these laws, the practicalities of applying (or not) the laws governing armed conflict, the use of international criminal law to deter and punish wrong-doing, and more broadly, the complex interplay between law, international politics, technology, and military operations.

REQUIRED TEXTBOOK(S)

There are three required texts for this course. They are available for purchase at the University of Calgary Book Store in physical and electronic form. All other readings are available online through the University of Calgary Library.

Yoram Dinstein, *Non-International Armed Conflicts in International Law, 2e* (Cambridge University Press, 2021).

John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (Free Press, 2012).

Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War, 3e* (Cambridge University Press, 2022).

COURSE COMPONENT WEIGHTS AND DUE DATES

1. Participation (20% of final grade)

Since the class is a seminar, it is imperative that students come to each class having read all of the readings and prepared to discuss the readings in detail. Assessment of student participation will be based on both the quality and quantity of students' interventions, with emphasis placed on the ability of the student to show that they have read all of the assigned readings for the week.

2. Papers (65% of final grade)

a) Short Papers (2 x 15%)

Each student must write two short papers.

POLI 543 Students: maximum 2000 words

POLI 643 Students: maximum 3000 words

1st short paper between Weeks 2 and 6; 2nd short paper between Weeks 7 and 11.

Each paper will be based on all of the assigned readings for one week. These short papers should not simply summarize the readings, but rather draw out the common themes, locate them in the context of the study of law and armed conflict, and evaluate their contributions both to the specific topic as well as the broader debates in humanitarian law.

POLI 543 and POLI 643 students should try to answer the following questions: (i) what is the main theoretical or practical issue at stake? (ii) what is the main contribution of each author and (iii) how does each reading contribute to our knowledge of LOAC and its application in the real world?

POLI 643 students should **also** examine (i) whether or not we learned something from the readings that we didn't already know, (ii) evaluate what kind of evidence is used, and (iii) assess the reliability and validity of the conclusions drawn by the authors.

Short papers are **due** via the Dropbox on D2L by **1:59pm on the day the readings analyzed in**

the paper are discussed in class. Please use the following file naming format: your last name, paper number, course number - e.g. Hiebert1POLI543 (or 643); Hiebert2POLI543 (or 643).

b) Long Paper (1 x 35%): due Tuesday, April 12 by 11:59pm (Week 13)

Each student must also write a research paper.

POLI 543 Students: maximum 4500 words (excluding bibliography)

POLI 643 Students: maximum 6000 words (excluding bibliography)

Students will write a research paper on a topic related to some aspect of law and armed conflict selected by the student in consultation with the professor.

POLI 543 students are expected to include a (i)clear research question and (ii)thesis statement in the introduction and to (iii)provide sufficient evidence to illustrate their case study (or cases if doing a comparative analysis) and arguments.

POLI 643 students are expected to write a more detailed paper with a (i)clearly defined research question and (ii)analytical framework, (iii)a more extensive empirical case study (or cases if doing a comparative analysis) in which the analytical framework is tested/illustrated, and (iv)use a wider variety and number of sources.

The long paper is **due** via the Dropbox on D2L by **11:59pm on the due date**. Please use the following file naming format: your last name, paper number 3, course number - e.g. Hiebert3POLI643 (or 543).

3. Mock Conference Presentation (15% of final grade): March 29, April 5, April 12 (Weeks 11, 12, 13)

The last 2.5 weeks of the course will be taken up with student presentations of their long papers. These presentations will take the form of a mock academic conference in which students present their long research paper on a panel with other students presenting on similar themes. Each presentation will be approximately 15 minutes in length.

If a student misses a required course component, please get in touch the instructor as soon as possible.

COURSE SCHEDULE & TOPICS

DATE	TOPIC	READINGS
Week 1 January 11	Introduction to the Course	<i>(optional)</i> Gary D. Solis, <i>The Law of Armed Conflict</i> , chapter 1, (p. 3 - top of p. 24 only)
Week 2 January 18	Law and War in the Ancient World	Adriaan Lanni, “The Laws of War in Ancient Greece”, <i>Law and History Review</i> (Fall 2008), Vol. 26, No. 3, pp. 469-489. M. D. Goodman and A. J. Holladay, “Religious Scruples in Ancient Warfare”, <i>Classical Quarterly</i> , (1986), Vol. 36, No. 1, , pp. 151–171

		<p>Peter Krentz, “Fighting by the Rules: The Invention of the Hoplite Agon”, <i>Hesperia</i> (2002), Vol. 71, No. 1, pp. 23-39.</p> <p>Gary D. Solis, <i>The Law of Armed Conflict, Hellenica Book II</i>, by Xenophon, (pp. 25-36).</p> <p>Thucydides, <i>History of the Peloponnesian War</i>, 5.84–116: Melian Dialogue; (numerous translations available on-line).</p>
Week 3 January 25	Medieval and Early Modern Regulation of Warfare	Theodor Meron, <i>Henry’s Wars and Shakespeare’s Laws: Perspectives on the Law and War in the Later Middle Ages</i> chapters 1-6, chapter 8; full text available online through the University of Calgary Library.
Week 4 February 1	Humanitarian Law in the Era of Mechanized and Total War	John Fabian Witt, <i>Lincoln’s Code: The Laws of War in American History</i> , chapter 6, 8, 11. Gary D. Solis, <i>The Law of Armed Conflict</i> , chapters 2 (pp. 41–66 only), chapter 3.
Week 5 February 8	Contemporary Law and Armed Conflict	Ganesh Sitaraman, “Counterinsurgency, the War on Terror, and the Laws of War”, <i>Virginia Law Review</i> , Vol. 95, No. 7, 2009, pp. 1745–1839 Daniel Bethlehem, “Self -Defense Against an Imminent or Actual Armed Attack by Non-State Actors,” <i>The American Journal of International Law</i> (2012), Vol. 106, pp. 770-777 Tom Ruys, “The Meaning of ‘Force’ and the Boundaries of the <i>Jus Ad Bellum</i> : Are ‘Minimal’ Uses of Force Excluded from UN Charter Article (2(4))?” <i>The American Journal of International Law</i> (2014), Vol. 108, pp. 159-210
Week 6 February 15	Legal Status of Armed Conflicts	Gary D. Solis, <i>The Law of Armed Conflict</i> , chapter 5. Yoram Dinstein, <i>Non-International Armed Conflicts in International Law</i> , chapters 2, 3.
TERM BREAK Feb 20 – 26	NO CLASS	No Readings
Week 7 March 1	Law and the Conduct of Hostilities I: People (Combatants, Non-	Gary D. Solis, <i>The Law of Armed Conflict</i> , chapters 6, 7.

	Combatants, POWs)	Yoram Dinstein, <i>Non-International Armed Conflicts in International Law</i> , chapters 4,12.
Week 8 March 8	Law and the Conduct of Hostilities II: Methods, Means, Weapons	Gary D. Solis, <i>The Law of Armed Conflict: International Humanitarian Law in War</i> , chapters 12, 13, 19. International Court of Justice, <i>Legality of the Threat or Use of Nuclear Weapons</i> , Summary of Advisory Opinion of 8 July 1996 (available at: https://www.icj-cij.org/en/case/95/summaries)
Week 9 March 15	Legal Obligations in Armed Conflict: War Crimes, Lawful Orders, Command Responsibility	Gary D. Solis, <i>The Law of Armed Conflict</i> , chapters 8, 9, 10.
Week 10 March 22	LOAC and the Emerging Battlefield I: Cyber Warfare and Autonomous Weapons	Gary D. Solis, <i>The Law of Armed Conflict</i> , chapter 17. Michael N. Schmitt, “The Law of Cyber Targeting,” <i>Naval War College Review</i> (Spring 2015) Vol. 68, No. 2, pp. 11-29 Robin Geiss, “Cyber Warfare: Implications for Non-International Armed Conflicts,” <i>International Law Studies</i> , U.S. Naval War College (2013), Vol. 89, pp. 627-645 Ashley Deeks, Noam Lubell, Daragh Murray, “Machine Learning, Artificial Intelligence, and the Use of Force by States,” <i>Journal of National Security Law and Policy</i> (2019) Vol. 10, pp. 1-25. Marcus Schulz, “Autonomous Weapons and Distributed Responsibility,” <i>Philosophy and Technology</i> (2013), Vol. 26, pp. 203-219
Week 11 March 29	LOAC and the Emerging Battlefield II: Autonomous Weapons (continued) and Enhanced “Super Soldiers” Mock Conference Panel I	Heather M. Roff, “The Strategic Robot Problem: Lethal Autonomous Weapons in War,” <i>Journal of Military Ethics</i> , Vol. 13, No. 3, 2014, pp. 211-227 Alex Leveringhaus, “Assigning Responsibility in Enhanced Warfare,” in <i>Super Soldiers: The Ethical, Legal and Social Implications</i> (Jai Galliot, Mianna Lotz eds.) (Routledge, 2016), chapter 11; full text available online through the University of Calgary Library.

		Joseph Savirimuthu, “Singularity and the Art of Warfighters: The Geneva Convention on Trial,” in <i>Super Soldiers: The Ethical, Legal and Social Implications</i> , chapter 19; full text available online through the University of Calgary Library.
Week 12 April 5	Mock Conference Panel II & III	No Readings
Week 13 April 12	Mock Conference Panel IV & V	No Readings

Please note that the above schedule is tentative and may change as the need arises.

WRITING STATEMENT

Written assignments in this course are in part graded on the quality of writing skills, including but not limited to such elements as grammar, punctuation, sentence structure, clarity, citation, and organization, will be taken into account in the determination of grades. Students are encouraged to make use of the services offered through Writing Support Services in the Student Success Centre by contacting them at <http://www.ucalgary.ca/ssc/writing-support>.

GRADING SCALE: The following grading scale will be used:

A+ (91-100)	B+ (77-79)	C+ (67-69)	D+ (55-59)
A (85-90)	B (73-76)	C (63-66)	D (50-54)
A- (80-84)	B- (70-72)	C- (60-62)	F (0-49)

LATE PENALTIES

Both short-papers must be submitted by 1:59pm on the day the readings covered in the paper are discussed in class. No late short papers will be accepted. Students can choose another week on which to write their short paper(s) if they cannot make the deadline for their original choice. The late penalty for the long paper is: -5% including weekends.

INSTRUCTOR GUIDELINES

Students requiring assistance are encouraged to speak me during class or office hours. Should you wish to meet outside of office hours, please email to make an appointment. All meetings will be held via Zoom.

Email is a common form of communication but it is not always the most effective way of answering student questions. If you cannot make office hours, please request a one on one meeting outside of these hours, to be held virtually.

IMPORTANT POLICIES AND INFORMATION

Supporting Documentation and the Use of a Statutory Declaration

As stated in the University Calendar:

Students may be asked to provide supporting documentation for an exemption/special request. This may include, but is not limited to, a prolonged absence from a course where participation is required, a missed course assessment, a deferred examination, or an appeal. Students are encouraged to submit documentation that will support their situation. Supporting documentation may be dependent on the reason noted in their personal statement/explanation provided to explain their situation. This could be medical certificate/documentation, references, police reports, invitation letter, third party letter of support or a statutory declaration etc. The decision to provide supporting documentation that best suits the situation is at the discretion of the student. Students cannot be required to provide specific supporting documentation, such as a medical note.

Students can make a Statutory Declaration as their supporting documentation (available at ucalgary.ca/registrar). This requires students to make a declaration in the presence of a Commissioner for Oaths. It demonstrates the importance of honest and accurate information provided and is a legally binding declaration. Several registered Commissioners for Oaths are available to students at no charge, on campus. For a list of locations to access a Commissioners for Oaths, visit ucalgary.ca/registrar).

Falsification of any supporting documentation will be taken very seriously and may result in disciplinary action through the Academic Discipline regulations or the Student Non-Academic Misconduct policy.

This statement is accessible at: <https://www.ucalgary.ca/pubs/calendar/current/m-1.html>

Absence From a Mid-term Examination

Students who are absent from a scheduled term test or quiz for legitimate reasons are responsible for contacting the instructor via email within 48 hours of the missed test to discuss alternative arrangements. A copy of this email may be requested as proof of the attempt to contact the instructor. Any student who fails to do so forfeits the right to a makeup test.

Deferral of a Final Examination

Deferral of a final examination can be granted for reasons of illness, domestic affliction, and unforeseen circumstances, as well as to those with three (3) final exams scheduled within a 24-hour period. Deferred final exams will not be granted to those who sit the exam, who have made travel arrangements that conflict with their exam, or who have misread the examination timetable. The decision to allow a deferred final exam rests not with the instructor but with Enrolment Services. Instructors should, however, be notified if you will be absent during the examination. The Application for Deferred Final Exam, deadlines, requirements and submission instructions can be found on the Enrolment Services website at

<https://www.ucalgary.ca/registrar/exams/deferred-exams>.

Reappraisals

The University Calendar states that for reappraisals of graded term work:

“A student who feels that a piece of graded term work (term paper, essay, test, etc.) has been unfairly graded, may have the work reappraised as follows. The student shall discuss the work with the instructor **within ten business days** of being notified about the mark or of the item's return to the class. If not satisfied, the student shall take the matter to the head of the department offering the course **within 2 business days of receiving the decision from the instructor**, who will arrange for a reappraisal of the work **within the next ten business days**. The reappraisal will only be considered if the student provides a detailed rationale that outlines where and for what reason an error is suspected.” See <https://www.ucalgary.ca/pubs/calendar/current/i-2.html>

The University Calendar states that for reappraisal of academic assessments (final grades):

“A student may request a reappraisal of a final grade. The only element that will be considered is the final assessment(s) that makes up the final mark (e.g., final examination, final project, and final paper). The exception is when a grade for a piece of graded term work is made available to students after the last day of classes for the term in which the course is scheduled; that grade may also be considered in a reappraisal of the final grade.”

“A student seeking a reappraisal of a final grade should first attempt to review the final assessment with the department or faculty offering the course. After which the student shall obtain a Reappraisal of Final Grade form from ucalgary.ca/registrar (under Student Forms). The student must indicate exactly what error was made in marking the final assessment and/or in computing the final grade. The reappraisal will only be considered if the student provides a detailed rationale that outlines where and for what reason an error is suspected.” More information is available at: <https://www.ucalgary.ca/pubs/calendar/current/i-3.html>

University Regulations

Students are responsible for familiarizing themselves with the University policies found in the Academic Regulations sections of the Calendar at www.ucalgary.ca/pubs/calendar/current/academic-regs.html.

Student Accommodations

Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services; SAS will process the request and issue letters of accommodation to instructors. For additional information on support services and accommodations for students with disabilities, visit www.ucalgary.ca/access/.

Students who require an accommodation in relation to their coursework based on a protected ground other than disability should communicate this need in writing to their Instructor.

The full policy on Student Accommodations is available at

<http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy.pdf>.

Plagiarism And Other Forms Of Academic Misconduct

Academic misconduct in any form (e.g. cheating, plagiarism) is a serious academic offence that can lead to disciplinary probation, suspension or expulsion from the University. Students are expected to be familiar with the standards surrounding academic honesty; these can be found in the University of Calgary calendar at <http://www.ucalgary.ca/pubs/calendar/current/k.html>. Such offences will be taken seriously and reported immediately, as required by Faculty of Arts policy.

Required Access to Technology

Please see the University's resource page at

https://ucalgary.service-ow.com/it?id=kb_article&sys_id=86e7438013753ac06f3afbb2e144b031

Copyright Legislation

As stated in the University of Calgary Calendar, Academic Regulations, "students are required to read the University of Calgary policy on Acceptable Use of Material Protected by Copyright and requirements of the copyright act to ensure they are aware of the consequences of unauthorised sharing of course materials (including instructor notes, electronic versions of textbooks etc.). Students who use material protected by copyright in violation of this policy may be disciplined under the Non-Academic Misconduct Policy."

<https://www.ucalgary.ca/policies/files/policies/acceptable-use-of-material-protected-by-copyright.pdf> and <https://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>

Instructor Intellectual Property

Course materials created by instructors (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the instructor. These materials may NOT be reproduced, redistributed or copied without the explicit consent of the instructor. The posting of course materials to third party websites such as note-sharing sites without permission is prohibited. Sharing of extracts of these course materials with other students enrolled in the course at the same time may be allowed under fair dealing.

Freedom of Information and Protection of Privacy (FOIP)

FOIP legislation requires that instructors maintain the confidentiality of student information. In practice, this means that student assignment and tests cannot be left for collection in any public place without the consent of the student. It also means that grades cannot be distributed via email. Final exams are kept by instructors but can be viewed by contacting them or the main office in the Department of Political Science. Any uncollected assignments and tests meant to be returned will be destroyed after six months from the end of term; final examinations are destroyed after one year.

Evacuation Assembly Points

In the event of an emergency evacuation from class, students are required to gather in designated assembly points. Please check the list found at www.ucalgary.ca/emergencyplan/assemblypoints and note the assembly point nearest to your classroom.

Faculty of Arts Program Advising and Student Information Resources

For program planning and advice, visit the Arts Students' Centre in Social Sciences 102, call 403-220-3580 or email artsads@ucalgary.ca. You can also visit arts.ucalgary.ca/advising for program assistance.

For registration (add/drop/swap), paying fees and assistance with your Student Centre, contact Enrolment Services at (403) 210-ROCK [7625] or visit their office in the MacKimmie Tower, MT 116..

Important Contact Information

Campus Security and Safewalk (24 hours a day/7 days a week/365 days a year)

Phone: 403-220-5333

Faculty of Arts Undergraduate Students' Union Representatives

Phone: 403-220-6551

Email: arts1@su.ucalgary.ca, arts2@su.ucalgary.ca, arts3@su.ucalgary.ca,
arts4@su.ucalgary.ca

Students' Union URL: www.su.ucalgary.ca

Graduate Students' Association

Phone: 403-220-5997

Email: askgsa@ucalgary.ca

URL: www.ucalgary.ca/gsa

Student Ombudsman

Phone: 403-220-6420

Email: ombuds@ucalgary.ca

Campus Mental Health Resources

The University of Calgary recognizes the pivotal role that student mental health plays in physical health, social connectedness and academic success, and aspires to create a caring and supportive campus community where individuals can freely talk about mental health and receive supports when needed. We encourage you to explore the excellent mental health resources available throughout the university community, such as counselling, self-help resources, peer support or skills-building available through the following resources:

SU Wellness Centre: <http://www.ucalgary.ca/wellnesscentre/>

Student Wellness Services:

<https://www.ucalgary.ca/wellness-services/services/mental-health-services>

Campus Mental Health Strategy website: <https://www.ucalgary.ca/mentalhealth/>.