**THE LAW OF INTERNAL ARMED CONFLICTS**

**Faculty of Law “Iustinianus Primus” – Skopje**

**Institute of International Law and Relations and EU Law**

Professor:

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**Course Description:**

The law of internal armed conflicts becomes extremely important nowadays due to the huge increase in internal conflicts and civil wars, requiring urgent implementation of the provisions of this law.

International humanitarian law was being used primarily for application in international or interstate conflicts in the past. However, especially after the end of the Cold War, it takes on a new relevance with application on internal armed conflicts and acts of genocide. Particularly interesting is the question of distinguishing the civil war from other types of internal conflicts of lesser intensity (rebellion, insurgency) and the international legal rules in this regard.

A separate issue are the international tribunals and International Criminal Court and their Statutes and decisions will be an object of analyses and discussion.

**Course Goals and Expected outcomes:**

The main goal of this Course is to “equip” the students with referent knowledge for basic institutes and instruments (treaties and practice) within the law of internal armed conflicts.

The Course is structured in a manner that combines theoretical knowledge and definitions of notions with analyses of their formulations within the international treaties and customary law. The analyses are being made referring to the judicial practice and the practice of international tribunals and courts.

This approach is expected to result in:

- Students' familiarity with the scientific theoretical explication of the basic notions and instruments of the law of internal armed conflicts, as well as with their development chronology and jurisprudence foundation;

- Students' insight in all the current legal debates for concrete legal categories, especially the threshold of non-international armed conflict;

- acquiring referent knowledge in the area, and qualifying for an self-relianced application of legal instruments, as well as critical analyses of judgments of international tribunals.

**Lecturing methodology and course requirements:**

The Course material will be lectured using the current methods for systematic an integral study of the theoretical aspects of the specialized area. The course topics will be analyzed in-dept, critically and in a comparative manner.

The students will work in groups and individually. They will be engaged in analyzing the relevant international tribunals' decisions, establishing the facts in specific cases, formulating legal arguments and opinions that will be further argued and analyzed. They will build their critical and competent attitudes also through their participation in case simulations within the dominant laws on non-international conflicts.

This Course requires substantial weekly reading and places significant emphasis on preparation, class participation and discussion. Attendance and active participation are essential components of this course.

**Reading Materials:**

The required chapters or pages from the Syllabus will be made available as a Course Reader in the Faculty Library and at the Faculty Bookstore.

**Week One: International law and the use of force**

Parker, Geoffrey (ed.), *Cambridge Illustrated History of Warfare*, Cambridge University Press, 2000

Shaw, Malcolm N., *International Law*, sixth edition, Cambridge University Press, 2008

**Week Two: Ethnic violence (globalization and culturally motivated violence)**

Gurr, Ted Robert, *Peoples versus States: Minorities at Risk in the New Century*, Washington, DC: United States Institute of Peace, 2000

Valentino, Benjamin A., *Final Solutions: Mass Killing and Genocide in the 20th Century*, Ithaca: Cornell University Press, 2004

**Week Three: Internal armed conflicts (evolution of the internal armed conflicts concept and its development in international humanitarian law)**

Perna, Laura, *The Formation of the Treaty Law of Non-International Armed Conflicts*, Martinus Nijhoff Publishers, Leiden-Boston, 2006

Cullen, Anthony, *The Concept of Non-International Armed Conflict in International Humanitarian Law*, Cambridge University Press, 2010

**Week Four: Internal armed conflicts (types of internal conflicts)**

Cullen, Anthony, *The Concept of Non-International Armed Conflict in International Humanitarian Law*, Cambridge University Press, 2010

**Week Five: Civil war**

Cullen, Anthony, *The Concept of Non-International Armed Conflict in International Humanitarian Law*, Cambridge University Press, 2010

**Week Six: International instruments applicable to non-international /internal conflicts**

Cullen, Anthony, *The Concept of Non-International Armed Conflict in International Humanitarian Law*, Cambridge University Press, 2010

Moir, Lindsay, *The Law of Internal Armed Conflict*, Cambridge University Press, 2004

**Week Seven: International instruments applicable to non-international /internal conflicts (continued)**

Cullen, Anthony, *The Concept of Non-International Armed Conflict in International Humanitarian Law*, Cambridge University Press, 2010

Moir, Lindsay, *The Law of Internal Armed Conflict*, Cambridge University Press, 2004

**Week Eight: The anatomy of internal armed conflict in international humanitarian law**

Cullen, Anthony, *The Concept of Non-International Armed Conflict in International Humanitarian Law*, Cambridge University Press, 2010

**Week Nine: The anatomy of internal armed conflict in international humanitarian law (continued)**

Cullen, Anthony, *The Concept of Non-International Armed Conflict in International Humanitarian Law*, Cambridge University Press, 2010

**Week Ten: International Humanitarian Law and Human Rights Law**

Doswald-Beck, Louise, Sylvain Vité, International Humanitarian Law and Human Rights Law, International Review of the Red Cross, No. 293, 1993

**Week Eleven: International Humanitarian Law and Human Rights Law (continued)**

Moir, Lindsay, *The Law of Internal Armed Conflict*, Cambridge University Press, 2004

**Week Twelve: Implementation and enforcement of the laws on internal armed conflict**

Moir, Lindsay, *The Law of Internal Armed Conflict*, Cambridge University Press, 2004