



Styre: Fakultetsstyret ved Det juridiske fakultet
Styresak: 35/24
Møtedato: 7.5.2024
Journalnummer: 2024/1383

Oppsplitting av «LOAC»-emnene: JUS2318 og JUS3518 Law of Armed Conflict, with emphasis on maritime operations – BA og MA

Bakgrunn

Emneansvarlig for “LOAC”-emnene (JUS2318 Fundamentals of the Law of Armed Conflict – bachelor og JUS2318 Advanced course in Law of Armed Conflict – master), Professor Knut Einar Skodvin, har sendt inn forslag til revidering av emnebeskrivelsene på både BA- og MA-varianten.

Bakgrunnen for forslaget er at Skodvin ønsker en oppdeling av emnene, slik at BA-emnet er et grunnleggende emne, og MA-emnet blir en overbygging med fokus på maritime operasjoner og cyber.

Emnene vil endre navn til:

- JUS2318 Fundamentals of the Law of Armed Conflict – bachelor
- JUS3518 Advanced course in Law of Armed Conflict – master

Emnene hadde følgende tall for oppmeldte studenter og beståtte eksamener

- BA: JUS2318: 71 oppmeldt og bestått, emnet har kun gått H23.
- MA: JUS3528: 41 oppmeldt og 36 bestått, emnet har kun gått H23.
- EVU: JUR661: 19 oppmeldt og bestått, emnet har gått to ganger: H22 (8) og H23 (11).

JUR661 er et etter- og videreutdanningstilbud, som har egen finansiering.

Studiedekanens merknader:

Studiedekanan stilte seg positiv til forslaget, og foreslo at oppsplittingen skal skje for en prøveperiode på to år, fra og med høstsemesteret 2024.

Studiedekanan foreslo videre at det i prøveperioden fastsettes minstekrav på 25 studenter (som tar eksamen) på MA-emnet.

Behandlingen i studieutvalget:

Saken ble behandlet i studieutvalgets møte den 17.04.2024.

Studieutvalget oppfordret fakultetsstyret til å vedta følgende:

- 1) For en prøveperiode på to år fra og med høstsemesteret 2024 splittes JUS2318 og JUS3518 Law of Armed Conflict, with emphasis on maritime operations – Bachelor og Master opp slik at de undervises som to helt separate emner.
- 2) JUS2318 Law of Armed Conflict, with emphasis on maritime operations – BA endrer navn til JUS2318 Fundamentals of the Law of Armed Conflict – bachelor.
- 3) JUS3518 Law of Armed Conflict, with emphasis on maritime operations – MA endrer navn til JUS2318 Advanced course in Law of Armed Conflict – master.
- 4) Endringene i emnebeskrivelsene og litteraturlistene for henholdsvis JUS2318 Fundamentals of the Law of Armed Conflict – bachelor og JUS2318 Advanced course in Law of Armed Conflict – master vedtas

Dekan og fakultetsdirektørs merknader

Dekan og fakultetsdirektør vil innlede med å understreke at bakteppet for saken er gledelig. Emnene er populære blant studentene. Dette leder i sin tid til utfordringer fordi det store studenttallet leder til at det er vanskelig å få til kvalitet i undervisningen. Både på engelskspråklige valgemner på 3. studieår (bachelornivå) og spesialemner på 5. år (masternivå) skal undervisningen være noe annet enn forelesninger, og diskusjoner blir i praksis umulige når studentantallet er for høyt.

Den foreslåtte ordningen løser de akutte problemene knyttet til kapasiteten på disse emnene, men vi er likevel noe i tvil om den foreslåtte løsningen er den beste for fakultetet samlet sett. Alternativet ville være å sette en begrensning på antallet studenter som kan ta de aktuelle emnene. Selv om en slik ordning ville innebære en innskrenking av studentenes valgfrihet og noe administrativt merarbeid, ville en med dette begrense bruken av fakultetets faglige ressurser. Vi er med andre ord usikre på om det rett å bruke så mye mer av den faglige kapasiteten på dette fagområdet som det en splitting av emnene vil innebære.

Når dekan og fakultetsdirektørlikevel slutter seg til Studieutvalgets forslag til vedtak, begrunnes dette med at saken trenger en avklaring og at virkningene av den alternative løsningen ikke er utredet slik saken foreligger nå.

Vi vil understreke at løsningen i denne konkrete saken ikke innebærer at det åpnes opp for slik splitting av flere fag, og at ordningen som nå innføres her er en prøveordning som må evalueres og vurderes opp mot alternativet, når styret etter prøveperioden skal ta stilling til om ordningen skal gjøres permanent.

Saken legges frem med følgende

forslag til vedtak:

- 1) For en prøveperiode på to år fra og med høstsemesteret 2024 splittes JUS2318 og JUS3518 Law of Armed Conflict, with emphasis on maritime operations – Bachelor og Master opp slik at de undervises som to helt separate emner.

- 2) JUS2318 Law of Armed Conflict, with emphasis on maritime operations – BA endrer navn til JUS2318 Fundamentals of the Law of Armed Conflict – bachelor.
- 3) JUS3518 Law of Armed Conflict, with emphasis on maritime operations – MA endrer navn til JUS2318 Advanced course in Law of Armed Conflict – master.
- 4) Endringene i emnebeskrivelsene og litteraturlistene for henholdsvis JUS2318 Fundamentals of the Law of Armed Conflict – bachelor og JUS2318 Advanced course in Law of Armed Conflict – master vedtas
- 5) Det er en forutsetning for at emnene splittes at det er mer enn 25 studenter som er oppmeldt på masteremnet.

Karl Harald Søvig
dekan

Øystein L. Iversen
fakultetsdirektør

26.04.2024
ANNNI/ØLI

Vedlegg:

[Vedlegg 1](#): Forslag til ny emnebeskrivelse - JUS2318 Fundamentals of the Law of Armed Conflict – bachelor

[Vedlegg 2](#): Forslag til ny emnebeskrivelse - JUS2318 Advanced course in Law of Armed Conflict – master

[Vedlegg 3](#): Forslag til litteraturliste for JUS2318 Fundamentals of the Law of Armed Conflict – bachelor og JUS3518 Advanced course in Law of Armed Conflict – master

[Vedlegg 1: Forslag til ny emnebeskrivelse - JUS2318 Fundamentals of the Law of Armed Conflict – bachelor](#)

Fundamentals of the Law of Armed Conflict

Main content

ECTS Credits

10 ECTS

Level of Study

Bachelor level

Teaching semester

Autumn

Place of Instruction

University of Bergen

Objectives and Content

The Law of Armed Conflict (LOAC) applies between parties to an armed conflict, be it an international armed conflict or non-international armed conflict (sometimes called an internal armed conflict). The subject of LOAC is therefore not when or if parties to a conflict have the right to resort to armed force - but the rules applicable between them if they do.

The use of armed force, unfortunately, remains characteristic for the international society. For the international community, it, therefore, remains a central question to what extent and in which manner armed force may be utilized once a conflict has escalated to the level of an armed conflict. And while much of the law rests on legal developments that took place in the aftermath of the second world war, technical and cultural development did not cease.

Technically the law is ever challenged by new methods of warfare. To mention but some examples:

- the use of over the horizon weapons have greatly expanded
- the use of drone technology has profoundly changed the nature of the battlefield
- the battlefield has been significantly extended by the addition of a cyber dimension
- the battlefield may again be changed by the introduction of artificial intelligence into man controlled, or entirely self-controlled, weapon systems.

International law has seen a significant rise of human rights law, also affecting all other fields - of course also LOAC. International criminal law has also seen significant developments, aimed among others at underpinning and strengthening LOAC. Significant attempts have furthermore been made at preserving human life and limit suffering, i.e. in the adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction as well as the Convention on Cluster Munitions. Both conventions arguably resting on a changed view of the value of human life measured against military benefits. Both conventions also demonstrate the freedom States pursue under LOAC, non-signatories to both including some of the major actors on the international stage, and other States considering a withdrawal in order to enhance military capacity.

The Law of Armed Conflict exists in this constantly developing interplay between securing and safeguarding human lives and safeguarding the needs of freedom of action in the application of force. And when applicable, LOAC concerns a State's most fundamental interest; its survival. As such LOAC is therefore also one of the most interesting fields in which to study international law. For no field attempts more directly to regulate the core interests of the State and to balance two more competing interests; to safeguard the life and health of humans while also not unduly impeding military efficiency.

The Law of Armed Conflict is built around four principles: (i) Distinction between military and civilian targets, (ii) Proportionality, (iii) Military necessity and (iv) Limitations. The course will focus on these basic principles in depth.

As LOAC applies in situations where life is routinely taken, and suffering routinely caused, LOAC is also fraught with ethical dilemmas. The role of ethics in the determination of the law, as well as its implications for professionals working in the field of LOAC, must thus be addressed and discussed.

In relation to the program description for [MAJUR](#), the course will

- Help students build an understanding of how national law and national decision making is affected by international law
- Help students gain a deeper understanding of how legal methodology may vary between different disciplines of law
- Emphasize the role of lawyers also in conflict situations and put to the forefront the deep ethical considerations that affect the determination of the law and how these may explain different views of the law
- Help students understand how the law is affected by the development of new technologies
- Broaden the range of sources familiar to students
- Sharpen their ability to make an independent, critical and ethical assessment of what the law on any matter is
- Sharpen their ability to apply the law to fields which may not have been considered when central sources were created
- Broaden their competence to cooperate with lawyers from a different cultural background
- Broaden their ability to cooperate in interdisciplinary teams and benefit in their legal analysis from cross-disciplinary information

Learning Outcomes

Knowledge

After successfully completing the course students will have a general knowledge of

- Why States resort to armed conflict in their international relations
- When international law permits the use of force
- The historical development of LOAC
- Different levels of conflict and the application of LOAC
- The relationship between LOAC and International Criminal Law

After successfully completing the course students will be familiar with

- The method and sources of international law, with particular emphasis on questions and differences that arise in LOAC

- The four central principles of LOAC
- The meaning and importance of status as a combatant, non-combatant and civilians
- The limitations LOAC presents on means and methods of armed conflict
- The rules concerning protected persons and objects

Abilities

After completing the course, the student should be able to identify, reflect upon, address and formulate a reasoned opinion on issues that fall under LOAC.

This entails that students must be able to

- identify, and formulate LOAC issues based on comprehensive and complex facts
- find and address relevant sources of law, and carry out legal analysis of LOAC issues based on primary and secondary sources in a balanced way
- identify sound position through clarification of tensions between different types of arguments that are valid under international law
- identify ethical impacts on the determination of law, particularly in the field of study

The student must also be able to convey and evaluate legal analyzes and points of view in the LOAC context through

- systematically prepared independent written analyzes
- orally present legal argumentation
- to comment on and evaluate other students' analyzes and to receive and make use of such comments
- to work with others in groups to analyze LOAC issues

General competence

After completion of the course, students shall have

- an understanding of LOAC as a separate discipline of international law
- have insight in LOAC's place in international law and how it works in conjunction with and is affected by other disciplines of international law (like international human rights law and international criminal law), as well as how it works in conjunction with national law
- recognize and work within a field of law where sources are fragmented and to some degree dated

Required Previous Knowledge

Two years university studies

Recommended Previous Knowledge

A basic understanding of international law is not required but will be helpful

Credit Reduction due to Course Overlap

This course overlaps with JUS3518 to a 50 percent reduction and JUS296-2-A to a 100 percent reduction.

The course combines well with

JUS3523 International Criminal Law.

Access to the Course

The course is available for the following students:

- Admitted to the integrated master programme in law
- Granted admission to elective courses at the Faculty of Law
- Granted additional right to study following completed master degree in law at UiB
- Exchange students at the Faculty of Law

The pre-requirements may still limit certain students' access to the course

Teaching and learning methods

The course will be taught through blended learning, combining the use of digital modules with seminar modules. Through these students will be given an overview as well as be invited (and required) to actively participate in knowledge sharing and production.

In conjunction these forms of evaluation will encourage students to work together and share of experience and emphasis exchanges across legal cultures as well as fostering the ability to both orally and in written form present legal arguments within the field of LOAC

Compulsory Assignments and Attendance

Compulsory attendance at lectures/seminars.

Mandatory group assignment. This is assessed as a pass/non-pass.

Forms of Assessment

Home exam

Resit next semester only for those who have passed the mandatory assignment

Examination Support Material

Open book. Please note the rules concerning [source citation](#).

Grading Scale

A-E for pass, F for fail.

Assessment Semester

Autumn

Reading List

The reading list will be ready 1 July for the autumnsemester.

Course Evaluation

According to the guidelines for evaluation of courses at the Faculty of Law

Programme Committee

The Academic Affairs Committee (Studieutvalget) at the Faculty of Law

Course Coordinator

Professor Knut Einar Skodvin

Course Administrator

The Faculty of Law's section for students and academic affairs (Studieseksjonen)

Vedlegg 2: Forslag til ny emnebeskrivelse – JUS3518 Advanced course in Law of Armed Conflict – master

Emnenavn: Advanced course in Law of Armed Conflict

Emnets mål og innhold

The Law of Armed Conflict (LOAC) applies between parties to an armed conflict, be it an international armed conflict or non-international armed conflict (sometimes called an internal armed conflict). The subject of LOAC is therefore not when or if parties to a conflict have the right to resort to armed force – but the rules applicable between them if they do.

The use of armed force, unfortunately, remains characteristic for the international society. The manner in which armed force, when first used, can be applied is therefore a central question. And while much of the law rests on legal developments that took place in the aftermath of the second world war, technical and cultural development did not cease.

Technically the law is ever challenged by new methods of warfare. To mention but some examples;

- the use of over the horizon weapons have greatly expanded
- the use of drone technology has profoundly changed the nature of the battlefield
- the battlefield has been significantly extended by the addition of a cyber dimension
- the battlefield may again be changed by the introduction of artificial intelligence into man controlled, or entirely self-controlled, weapon systems.

International law has seen a significant influence of human rights law affecting all fields – of course also LOAC. International criminal law has also seen significant developments, aimed

among others at underpinning and strengthening LOAC. Significant attempts have furthermore been made at preserving human life and limit suffering, i.a. in the adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction as well as the Convention on Cluster Munitions. Both conventions arguably resting on a changed view of the value of human life measured against military benefits. Both conventions also demonstrate the freedom States pursue under LOAC, non-signatories to both including some of the major actors on the international stage, and other States considering a withdrawal in order to enhance military capacity.

The Law of Armed Conflict exists in this constantly developing interplay, at all times central to the State. And when applicable, LOAC concerns a State's most fundamental interest; it's survival. As such LOAC is therefore also one of the most interesting fields in which to study international law, for no field attempts more directly to regulate the core interests of the State and to balance two more competing interests; to safeguard the life and health of humans while not unduly impeding military efficiency.

The Law of Armed Conflict is built around four principles; (i) Distinction between military and civilian targets, (ii) Proportionality, (iii) Military necessity and (iv) Limitations. The course will focus on these basic principles in depth.

As LOAC applies in situations where life is routinely taken, and suffering routinely caused, LOAC is also fraught with ethical dilemmas. The role of ethics in the determination of the law, as well as its implications for professionals working in the field of LOAC, must thus be addressed and discussed.

This course will focus on general principles of the law of armed conflict and their application in two distinct fields. The law of armed conflict for the maritime domain is characterised by the law having been developed quite some time back, without major updates. As such, it represents a field of law where older sources must be applied to new situations. The course will also focus on the cyber domain, representing a new dimension to warfare, where the law is still to settle and where technological advances continually open new ways in which a perceived enemy can be influenced.

In relation to the program description for MAJUR, the course will

- Help student build an understanding of how national law and national decision making is affected by international law
- Gain a deeper understanding of how legal methodology may vary between different disciplines of law
- Emphasis the role of lawyers also in conflict situations and put to the forefront the deep ethical considerations that affect the determination of the law and how these may explain different views of the law
- How the law is affected by the development of new technologies
- Broaden the range of sources familiar to students
- Sharpen their ability to make an independent, critical and ethical assessment of what the law on any matter is
- Sharpen their ability to apply the law to fields which may not have been considered when

central sources were created

- Broaden their competence to cooperate with lawyers with a different cultural background
- Broaden their ability to cooperate in interdisciplinary teams and benefit in their legal analysis from cross-disciplinary information

Kunnskaper

After successfully completing the course students will have a general knowledge of

- Why States resort to armed conflict in their international relations
- When international law permits the use of force
- The historical development of LOAC
- Different levels of conflict and the application of LOAC
- The relationship between LOAC and International Criminal Law

After successfully completing the course students will have a good knowledge of

- The method and sources of international law, with particular emphasis on questions and differences that arise in LOAC
- The four central principles of LOAC, and especially their application in maritime and cyber operations
- The meaning and importance of status as a combatant, non-combatant and civilians
- The limitations LOAC presents on means and methods of armed conflict, especially as these apply to operations conducted in the maritime and cyber domain
- The legal status, as well as rights and obligations that concern neutrals
- Special questions that arise in maritime and cyber operations
- The application of Human Rights Law in situations that are also covered by LOAC
- The rules concerning protected persons and objects

Ferdigheter

After completing the course, the student should be able to independently analyze, discuss, and take a stand on issues that fall under LOAC.

This entails that students must be able to

- identify, systematize and formulate LOAC issues based on comprehensive and complex fact
- find and systematize relevant sources of law and carry out independent legal analysis of LOAC issues in a thorough, comprehensive, critical and balanced way
- reason out a professionally sound position through clarification of tensions between different types of arguments that are valid under international law
- identify ethical impacts on the determination of law, particularly in the field of study
- discuss questions of legal policy that arise in the context of LOAC in a thorough and balanced manner

The student must also be able to convey and evaluate legal analyzes and points of view in the LOAC context through

- systematically prepared independent written analyzes
- orally present legal argumentation
- to comment on and evaluate other students' analyzes and to receive and make use of such comments
- to work with others in groups to analyze LOAC issues

Generell kompetanse

After completion of the course, students shall have

- an understanding of LOAC as a separate discipline of international law
- have insight in LOAC's place in international law and how it works in conjunction with and is affected by other disciplines of international law (like international human rights law and international criminal law), as well as how it works in conjunction with national law
- be able to handle a field of law where sources are fragmented and to some degree dated
- be able to work with international sources in English and be able to give oral and written legal advice in the English language

Beskriv sammenhengen mellom læringsutbyttet, undervisningen og prøvingen.

The course will be taught through blended learning, combining the use of digital modules with seminar modules. Through these students will be given an overview as well as be invited (and required) to actively participate in knowledge sharing and production.

ECTS Credits

10 ECTS

Level of Study

Master level

Language of Instruction

English

Semester of Instruction

Autumn

Place of Instruction

Faculty of Law, University of Bergen

Required Previous Knowledge

Three years of law studies

Recommended Previous Knowledge

Good command of English language.

A basic understanding of international law is not required but will be helpful.

Credit Reduction due to Course Overlap

This course overlaps with JUS2318 to a 50 percent reduction and JUS296-2-A to a 100 percent reduction.

The course combines well with

JUS3516 Law of the Sea and its Uses and JUS3523 International Criminal Law.

Access to the Course

The course is available for the following students:

- Admitted to the five-year master programme in law
- Admitted to the two-year master programme in law
- Granted admission to elective courses at the Faculty of Law
- Granted additional right to study following completed Master in Law degree at UiB
- Exchange students at the Faculty of Law

The pre-requirements may still limit certain students' access to the course

Teaching and learning methods

The course will be taught through blended learning, combining the use of digital modules with seminar modules. Through these students will be given an overview as well as be invited (and required) to actively participate in knowledge sharing and production.

In conjunction these forms of evaluation will encourage students to work together and share of experience and emphasis exchanges across legal cultures as well as fostering the ability to both orally and in written form present legal arguments within the field of LOAC.

Compulsory Assignments and Attendance

Mandatory group assignment of maximum 1500 words. This is assessed as a pass/non-pass.

Forms of Assessment

Home exam.

Resit next semester only for those who have passed the mandatory assignment.

Grading Scale

A-E for pass, F for fail.

Assessment Semester

Autumn

Reading List

The reading list will be ready 1 July for the autumn semester.

Course Evaluation

According to the administrative arrangements for course evaluation at the Faculty of Law.

Examination Support Material

Open book. Please note the rules concerning [source citation](#).

Programme Committee

The Academic Affairs Committee (Studieutvalget) at the Faculty of Law is responsible for ensuring the material content, structure and quality of the course.

Course Coordinator

Professor Knut Einar Skodvin

Course Administrator

The Faculty of Law's section for students and academic affairs (Studieseksjonen) is responsible for administering the programme.

Contact Information

elective-courses.jurfa@uib.no

Vedlegg 3: Forslag til litteraturliste for JUS2318 Fundamentals of the Law of Armed Conflict – bachelor og JUS3518 Advanced course in Law of Armed Conflict – master

Litteratur

JUS3518 Advanced course in Law of Armed Conflict – master

Book	Subject	Chapter	Page	Pages
Tallinn Manual 2.0				
	Cyber espionage	5 r 3232	168-174	6
	When is cyber LOAC	16 r 80 – 82	375 - 385	10
	Individual responsibility	16 r 84 – 85	391 - 401	10
	Participants	17 r 86 – 87	401 - 408	9
	Participants cont	17 r 89 – 91	409 – 414	5
	Def of attack	17 r 92 – 93	414 – 422	8
	Attacks on persons	17 r 94 – 99	422 – 434	11
	Attack on objects	17 r 99 – 102	434 – 451	17
	Means & Methods	17 r 103 - 127	451 – 503	52
	Select protected	18 r 140 – 141	529 – 534	5
	Cyber and neutrality	19 r 150 – 154	553 – 563	10
Total Book				143
Fleck				
	Naval op	17	516 – 602	86
	Neutrality	18	602 – 634	32
	Combatants	5	93 – 129	36
	Means	6	129 – 170	41
	Methods	7	170 – 249	80
	Protection of civilians	8 r 8.01 – 017	249 – 275	26
	Protection of wounded etc	12	360 – 396	36
	Human rights	14	449 – 458	9
	Enforcement	21, I, III – VIII, XI, XVIII		37
Total book				383
Dinstein				
	Lawful and unlawful combatancy	2	46 – 53	7
	Proportionality	5 I E	172 – 188	16
	Precautions in attack	5 I F	188 – 199	11
	Direct participation	5 II B	200 – 207	7
	Comman Responsibility	10V	359 – 372	13
				54

von Heinegg				
	Classification at sea		449 – 464	15
Lieblich				
	How to do research			26
Total pages				621

JUS2318 Fundamentals of the Law of Armed Conflict – bachelor

Fleck				
	History	2	10 – 50	40
	Scope	3 I – 3 IV	50 – 78	28
	Gen principles	4	81 – 93	12
	Combatants	5	93 – 129	36
	Means	6	129 – 170	41
	Methods	7	170 – 249	80
	Protection of civilians	8 r 8.01 – 017	249 – 275	26
	Protection of wounded etc	12	360 – 396	36
	Human rights	14	449 – 458	9
	Enforcement	21, I, III – VIII, XI, XVIII		37
				345
Dinstein – 4 utg				
	Lawful and unlawful combatancy	2	46 – 53	7
	Proportionality	5 I E	172 – 188	16
	Precautions in attack	5 I F	188 – 199	11
	Direct participation	5 II B	200 – 207	7
	Comman Responsibility	10V	359 – 372	13
				54
Lieblich				
	How to do Research			26
				425

Fleck; The Handbook of International Humanitarian Law (ed. Dieter Fleck), 4. Utg, 2021, Oxford University Press.

Dinstein; Yoram Dinstein, *Conduct of Hostilities under the Law of International Armed Conflict*, 2022, Cambridge University Press.

Tallinn Manual; Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations (ed. Schmitt), 2017, Cambridge University Press.

Von Heinegg; Wolff Heintschel von Heinegg, The difficulties of conflict classification at sea: Distinguishing incidents at sea from hostilities, *International Review of the Red Cross* (2016), 98 (2), 449–464.

Lieblich; Eliav Lieblich, How to Do Research in International Law? A Basic Guide for Beginners, 62 *Harvard International Law Journal Online* (2021), 26 p.