

# OLLI at ILLINOIS

## International Laws of War

Tuesdays, 9:30-11:00 a.m.

September 13 through October 4, 4 weeks (session I)

Location: Osher Classroom

### ***Instructor***

Dr. Paul F. Diehl ([pdiehl@illinois.edu](mailto:pdiehl@illinois.edu)) is Henning Larsen Professor Emeritus of Political Science at the University of Illinois at Urbana-Champaign and Ashbel Smith Professor Emeritus of Political Science at the University of Texas- Dallas, where he was Associate Provost and Director of the Center for Teaching and Learning. He is past President of the Peace Science Society (International) and past President of the International Studies Association. Diehl is the author or editor of 25 books and the author of two hundred articles, book chapters, and essays on the causes of war, UN peacekeeping, and international law. He has received ten campus and national awards for his teaching, including LAS Dean's Award for Excellence in Undergraduate Teaching and the University of Illinois Campus Award for Excellence in Undergraduate Teaching. This is his first time teaching an OLLI course.

### ***Course Description***

This course focuses on the international laws that govern war in both the interstate and civil conflict varieties. Specifically, the “rules” associated with when actors can initiate or respond with military force (*jus ad bello*) and those governing the conduct of war (*jus in bello* or international humanitarian law) form the core of the course. Mechanisms (and associated limitations) for enforcing the law – national courts and processes, International Criminal Court, UN Security Council – are discussed. The course concludes with reference to legal challenges occasioned by modern warfare, including drones, terrorism, and cyber- attacks

### ***Course Learning Objectives***

At the completion of the course, participants should be able to:

- Be familiar with the rules for international law for using military force;
- Be familiar with the mechanisms and limitations of holding states and individuals who violate the laws of war accountable;
- Recognize legal issues with respect to war in contemporary international conflicts; and
- Develop their own positions on how the international laws of war might be changed to further personal and global community values.

### ***Course Modalities***

Class sessions are in-person consist of 90 minutes each for 4 weeks. These are a mixture of lectures, open class discussion, focused group discussion, and active learning exercises.

## *Course Outline and Readings*

\*Readings listed below are available through OLLI website in the section associated with this class or by clicking on the URLs next to the citations. Please read these online and/or only make one copy for your own personal use.

### *Week 1 (September 13) – Introduction – International Law and the Origins of the Laws of War*

The first session begins with a primer on international law in general – its sources and how it differs from domestic law. Particular attention is given to treaties and who is obligated (or not) to follow them. The history of the international laws of war then deals with its origins in “just war” precepts and how major wars and changes in the conduct of war have precipitated revisions in international law.

#### Reading and Other Class Materials

- Writing Center at Georgetown University Law Center, “A Guide to the Basics of International Law,” 2019. <https://www.law.georgetown.edu/wp-content/uploads/2019/08/A-Guide-to-the-Basics-of-Intl-Law.pdf>
- “Just War Theory” *Internet Encyclopedia of Philosophy* <https://iep.utm.edu/justwar/#:~:text=The%20principles%20of%20the%20justice,proportional%20to%20the%20means%20used.>

### *Week 2 (September 20) – Jus ad Bello: When is Military Force Allowed?*

The second session is dedicated to understanding when actors are allowed to use military force. Particular attention is given to UN Charter provisions for individual and collective self-defense. Using those as a standard, we explore modifications of those strict rules, including anticipatory self-defense (the so-called Bush Doctrine), humanitarian intervention, “responsibility to protect,” and other justifications for intervention.

#### Reading and Other Class Materials

- “The Responsibility to Protect: With Great Power Comes Great Responsibility.” <https://www.youtube.com/watch?v=z0VY6NNzbKQ>

### *Week 3 (September 27) – Jus in Bello: International Humanitarian Law*

The third session covers the rules that govern actors during warfare or any use of military force. These include laws relating to targeting civilians, occupation, prisoners of war, retaliation, and use of banned weapons (e.g., chemical weapons, cluster bombs). Attention is also devoted to international arms control agreements on the possession and use of certain weaponry (e.g., Nuclear Non-Proliferation Treaty).

## Reading and Other Class Materials

- United Nations, “War Crimes” <https://www.un.org/en/genocideprevention/war-crimes.shtml>

*Week 4 (October 4): Enforcement and Future Challenges for the Laws of War.*

With no central government or police force, how does the international community hold states, rebel leaders, and others accountable for violations the laws of war? The final session of the course begins with coverage of the institutions charged with dealing with the most serious abuses (e.g., national courts, International Criminal Court). The course concludes with a discussion of how international law relates (if at all) to changes in conflict, such as terrorism, drones, and cyber-attacks.

## Reading and Other Class Materials

- Iryna Marchuk and Aloka Wanigasuriya “The ICC and the Russia-Ukraine War.” *ASIL Insights*, 26, 4 (July 5, 2022). <https://www.asil.org/insights/volume/26/issue/4>
- Mary Ellen O’Connell, “The International Law of Drones.” *ASIL Insights*, 14, 37 (November 12, 2010). <https://www.asil.org/insights/volume/14/issue/37/international-law-drones>
- Charles Dunlap, “International Law and Terrorism: Some ‘Qs & As’ for Operators.” <https://1library.net/document/zlgwelgr-international-law-and-terrorism.html>