

Curriculum

To be reviewed by <i>February 2021</i>	Activity number 15	Course on International Law for Military Legal Advisers	ECTS 6
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<p><u>Target audience</u></p> <p><i>Participants should be military lawyers or civilian legal advisers in the Armed Forces or Ministries of Defence, particularly those who have been or are to be assigned to military crisis management operations (CMO) as legal advisers. Participants must be available for the whole course, which includes eLearning and residential modules, and must be ready to actively contribute throughout the course.</i></p> <p><i>The course is open to participants from Third Countries.</i></p>	<p><u>Aim</u></p> <p>The aim of the Course on International Law for Military Legal Advisers is to enhance the knowledge and understanding in the fields of international operational law and international humanitarian law (IHL). Through an extended practical exercise simulating an EU-led military CMO participants get to know the working method of a Legal Adviser in a multilateral setting. It is intended to increase information sharing, collaboration and cooperation among the participants, namely military and civilian personnel from different states. This effect will be strengthened by rotating the composition of the syndicates.</p> <p>This course contributes to creating a legal advisers' network which enhances professional cooperation between Armed Forces and Ministries of Defence.</p>
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Learning outcomes	Knowledge	<ul style="list-style-type: none"> Identify the legal impacts of situations occurring during a military CMO Identify the relevant legal questions and the applicable law Specify the content of and interpret the applicable law Properly apply the law to the facts Identify possible legal consequences resulting from commanders' decisions
	Skills	<ul style="list-style-type: none"> Sort situational developments by their juridical impact on the operation Draft possible legal solutions for occurring problems Solve the problems by their urgency Create focused legal presentations Strengthen oral juridical skills
	Competences	<ul style="list-style-type: none"> Assess the occurring legal problems by their impact on the operation Coordinate the distribution of tasks in a team of legal advisers Evaluate the process of identification, assessment and solving of the problems Present concise legal advice for the Commanders' decision-making process

Evaluation and verification of learning outcomes

The course is evaluated according to the Kirkpatrick model: it makes use of *level 1 evaluation (based on participants' satisfaction with the course)*.

In order to complete the course, participants have to accomplish all learning objectives, which are evaluated based on their active contribution in the residential module, including the syndicate session and practical activities, as well as on their completion of the eLearning phases: course participants finalise the autonomous knowledge units (AKUs) and pass the tests (*mandatory*), scoring at least 80 % in the incorporated out-test/quiz. Active observation by the course director/lead instructor and a feedback questionnaire filled in by course participants at the end of the course are also used.

However, no formal verification of learning outcomes is foreseen; the proposed European Credit Transfer System (ECTS) score is based on participants' workload only.

Course structure		
The course encompasses three residential modules, each of which lasts one week, and will focus on international operational law and IHL. The time between the residential modules should allow a proper learning process.		
Main Topic	Recommended Working Hours (of that eLearning)	Contents
Module 1 International Operational Law	49(10)	<ul style="list-style-type: none"> The legal basis of international military CMO The actors in CMO Use of Force in CMO, Status of Forces (SOFA) issues Human Rights Law in international military operations
Module 2 International Humanitarian Law	40(2)	<ul style="list-style-type: none"> Legal framework of IHL Protection of persons in IHL Methods and means of warfare Implementation and enforcement of IHL International and National Criminal Courts and Tribunals
Module 3 Extended Practical Exercise	43	<ul style="list-style-type: none"> Legal Advisers in multinational HQs Practice, on the basis of an exercise scenario, the role of a legal adviser in an EU-led military CMO
TOTAL	132(12)	

Materials	Additional information
<p><i>Essential eLearning:</i> AKU 2 The EU Global Strategy</p> <p><i>Recommended study on voluntary basis:</i> Relevant AKUs available on ILIAS, to be defined by the course director with support from the eLearning manager in the ESDC Secretariat.</p> <p>CSDP Handbooks</p> <p>Other relevant publications on CSDP/CFSP related issues – supplemental material aimed to enhance knowledge on a specific topic</p> <p>‘Collection of Treaties and other Documents’</p> <p>Exercise scenario</p>	<p>All course participants have to prepare for the residential module by going through the relevant eLearning preparatory phase, which is mandatory.</p> <p>In order to facilitate the discussion between course participants and trainers, experts, guest speakers, the Chatham House Rule is enforced during the residential part of the course: "<i>participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed</i>".</p>

To be reviewed by <i>February 2020</i>	Activity number 15-1	Course on International Law for Military Legal Advisers Module 1: International Operational Law	ECTS 2
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	<u>Aim</u> The aim of the Module 1 is to enhance the knowledge and understanding of international operational law. Through lectures accompanied by syndicate work the participants will foster their theoretical and practical knowledge in international operational law. It is intended to increase information sharing, collaboration and cooperation among the participants, namely military and civilian personnel from different states.
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Learning outcomes	Know-Ledge	<ul style="list-style-type: none"> Identify the principles and rules of international law applicable to military CMO Specify the content of and interpret the applicable law Apply the law to the facts Identify possible legal consequences resulting from given problems
	Skills	<ul style="list-style-type: none"> Draft possible legal solutions for given problems Create focused legal presentations Strengthen oral juridical skills
	Compe-tences	<ul style="list-style-type: none"> Coordinate the distribution of tasks in a team of legal advisers Develop the process of identification, assessment and solving of given problems Present legal solutions to given problems

<u>Evaluation and verification of learning outcomes</u> The course is evaluated according to the Kirkpatrick model: it makes use of <i>level 1 evaluation (based on participant's satisfaction with the course)</i> . In order to complete the course, participants have to accomplish all learning objectives, which are evaluated based on the active contribution in the residential Module, including their syndicate session and practical activities as well as on their completion of the eLearning phases: course participants finalise the autonomous knowledge units (AKUs) and pass the tests (<i>mandatory</i>), scoring at least 80% in the incorporated out-test/quiz. Active observation by the course director/lead instructor and feedback questionnaire filled by course participants at the end of the course is used. No formal verification of learning outcome is foreseen; proposed ECTS is based on participants' workload only.

Module structure		
The residential module is held during 5 days (one week). All participants have to prepare for the residential module by going through the relevant preparatory learning phases.		
Main Topic	Recommended Working Hours (of that eLearning)	Contents
Introduction to International Operational Law	1(2)	<ul style="list-style-type: none"> Overview of the terminology Explanation of the particular legal regimes Introduction of the various actors
Legal basis for military operations on foreign territory	2	<ul style="list-style-type: none"> General aspects under public international law Use of force, mandate, legitimacy Actors (States, International Organisations, other)
States as actors in international CMO	1	<ul style="list-style-type: none"> Roles of states Forms of cooperation Troop contribution
The UN as actor in international CMO	2	<ul style="list-style-type: none"> Legal basis and framework for UN missions and operations Protection of civilians (PoC) in UN missions Key challenges for UN missions

The role of humanitarian actors in international CMO	1	<ul style="list-style-type: none"> • Definition, types, mandate in IHL • Challenges • Approaches
The EU as actor in international military CMO	1(8)	<ul style="list-style-type: none"> • CSDP missions and operations • Decision-making bodies and structures • Comprehensive approach • Decision-making and planning process
Operation Plan (OPLAN) and Rules of Engagement (ROE); use of force issues at EU Level	1	<ul style="list-style-type: none"> • Definition, legitimacy and main principles of the use of force • Implementation
Operation Plan (OPLAN) and Rules of Engagement (ROE); use of force issues at force level	2	<ul style="list-style-type: none"> • Foundations of ROE • ROE synergies • Key principles
Military forces abroad – basic concepts	1	<ul style="list-style-type: none"> • General legal status • Status of forces agreements (SOFA)
The Status of Forces as seen by the NATO SOFA	2	<ul style="list-style-type: none"> • NATO treaties • NATO SOFA and PfP SOFA • Main provisions • Jurisdiction and claims
Status of forces issues in military CMO	1	<ul style="list-style-type: none"> • UN practice • EU practice • Post-conflict deployments
International & European Human Rights Law 1	1	<ul style="list-style-type: none"> • general overview
International & European Human Rights Law 2	1	<ul style="list-style-type: none"> • extraterritorial application • ECHR practice
International & European Human Rights Law 3	2	<ul style="list-style-type: none"> • application in international CMO • specific operational impact
Syndicate Work	13	<ul style="list-style-type: none"> • provide an analysis of given problems, explain the applicable law and present solutions
TOTAL	49 (10)	

<p style="text-align: center;"><u>Materials</u></p> <p>AKU 1 'History and Context of CSDP Development' AKU 2 'European Security Strategy' AKU 6 'EU Mission Planning Procedures' AKU X 'Introduction to International Operational Law' 'Collection of Treaties and other Documents'</p>	<p><u>Additional information</u></p> <p>All course participants have to prepare for the residential module by going through the relevant eLearning preparatory phase, which is mandatory.</p> <p>In order to facilitate the discussion between course participants and trainers, experts, guest speakers, the Chatham House Rule is enforced during the residential part of the course: <i>"participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed"</i>.</p>
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To be reviewed by <i>February 2020</i>	Activity number 15-2	Course on International Law for Military Legal Advisers Module 2: International Humanitarian Law	ECTS 2
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	<u>Aim</u> The aim of Module 2 is to enhance the knowledge and understanding of IHL. Through lectures accompanied by syndicate work the participants will foster their theoretical and practical knowledge in international operational law. It is intended to increase information sharing, collaboration and cooperation among the participants, namely military and civilian personnel from different states.
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Learning outcomes	Know-ledge	<ul style="list-style-type: none"> Identify the scope of application of IHL Identify the principles and rules of IHL Apply the law to the facts Identify possible legal consequences resulting from given problems
	Skills	<ul style="list-style-type: none"> Draft possible legal solutions for given problems Create focused legal presentations Strengthen oral juridical skills
	Compe-tences	<ul style="list-style-type: none"> Coordinate the distribution of tasks in a team of legal advisers Develop the process of identification, assessment and solving of given problems Present legal solutions to given problems

<u>Evaluation and verification of learning outcomes</u> The course is evaluated according to the Kirkpatrick model: it makes use of <i>level 1 evaluation (based on participant's satisfaction with the course)</i> . In order to complete the course, participants have to accomplish all learning objectives, which are evaluated based on the active contribution in the residential Module, including their syndicate session and practical activities as well as on their completion of the eLearning phases: course participants finalise the autonomous knowledge units (AKUs) and pass the tests (<i>mandatory</i>), scoring at least 80% in the incorporated out-test/quiz. Active observation by the course director/lead instructor and feedback questionnaire filled by course participants at the end of the course is used. No formal verification of learning outcome is foreseen; proposed ECTS is based on participants' workload only.

Module structure		
The residential module is held during 5 days (one week). All participants have to prepare for the residential module by going through the relevant preparatory learning phases.		
Main Topic	Recommended Working Hours (of that eLearning)	Contents
IHL as part of public international law	4(2)	<ul style="list-style-type: none"> Introduction Jus ad bellum, jus in bello Customary law, treaty law
Scope of application of IHL	1	<ul style="list-style-type: none"> Temporary scope Material scope Territorial scope
Personal status in armed conflicts	1	<ul style="list-style-type: none"> The significance of lawful combatancy Historical background Additional Protocol I
Protection of persons	2	<ul style="list-style-type: none"> Introduction Protection of prisoners of war Protection of civilian detainees Protection of sick, wounded and shipwrecked, medical

		<ul style="list-style-type: none"> personnel Protected emblems
Protection of persons – the role of the ICRC	1	<ul style="list-style-type: none"> Working method of the ICRC Re-establishment of family links Visits to persons deprived of their liberty Activities for the protection of the civilian population
The principle of distinction and direct participation in hostilities	1	<ul style="list-style-type: none"> Distinction and proportionality
Methods and means of warfare	2	<ul style="list-style-type: none"> Concept of Targeting Military objectives Limitations concerning certain objects Limitations on certain weapons Limitations on certain methods of combat Targeting decisions
Implementation and enforcement of IHL	1	<ul style="list-style-type: none"> Overview Implementation in national law Enforcement
Command responsibility	3	<ul style="list-style-type: none"> Obligations National implementation Approaches Alternatives
International criminal courts and tribunals	2	<ul style="list-style-type: none"> Models for prosecution International tribunals Internationalised justice Prosecution issues
War crimes and national jurisdiction	2	<ul style="list-style-type: none"> Adoption and implementation of war crimes legislation on national level
Syndicate work	13	<ul style="list-style-type: none"> provide an analysis of given problems, explain the applicable law and present solutions
TOTAL	40(2)	

<p style="text-align: center;"><u>Materials</u></p> <p>Collection of Treaties and other Documents Handout material</p>	<p><u>Additional information</u></p> <p>All course participants have to prepare for the residential module by going through the relevant eLearning preparatory phase, which is mandatory.</p> <p>In order to facilitate the discussion between course participants and trainers, experts, guest speakers, the Chatham House Rule is enforced during the residential part of the course: "<i>participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed</i>".</p>
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To be reviewed by <i>February 2020</i>	Activity number 15-3	Course on International Law for Military Legal Advisers – Module 3: Extended Practical Exercise	ECTS 2
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	<p style="text-align: center;"><u>Aim</u></p> <p>The aim of Module 3 is to apply the acquired knowledge from Modules 1 and 2 in an extended practical exercise simulating an EU-led military CMO. By exercising in the role of a legal adviser, the participants get to know the working method of a legal adviser in a multilateral setting. It is intended to foster information sharing, collaboration and cooperation among the different actors, namely military and civilian personnel from different states.</p>
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Learning outcomes	Knowledge	<ul style="list-style-type: none"> Identify the legal impacts of situations occurring during a military CMO Identify the relevant legal questions and the applicable law Specify the content of and interpret the applicable law Properly apply the law to the facts Identify possible legal consequences resulting from commanders' decisions
	Skills	<ul style="list-style-type: none"> Sort situational developments by their juridical impact on the operation Draft possible legal solutions for occurring problems Solve the problems by their urgency Create focused legal presentations Strengthen oral juridical skills
	Competences	<ul style="list-style-type: none"> Assess the occurring legal problems by their impact on the operation Coordinate the distribution of tasks in a team of legal advisers Evaluate the process of identification, assessment and solving of the problems Present concise legal advice for the Commanders' decision-making process

<p style="text-align: center;"><u>Evaluation and verification of learning outcomes</u></p> <p>The course is evaluated according to the Kirkpatrick model: it makes use of <i>level 1 evaluation (based on participant's satisfaction with the course)</i>.</p> <p>In order to complete the course, participants have to accomplish all learning objectives, which are evaluated based on the active contribution in the residential Module, including their syndicate session and practical activities as well as on their completion of the eLearning phases: course participants finalise the autonomous knowledge units (AKUs) and pass the tests (<i>mandatory</i>), scoring at least 80% in the incorporated out-test/quiz. Active observation by the course director/lead instructor and feedback questionnaire filled by course participants at the end of the course is used. No formal verification of learning outcome is foreseen; proposed ECTS is based on participants' workload only.</p>

Module structure		
The residential module is held during 5 days (one week).		
Main Topic	Recommended Working Hours (of that eLearning)	Contents
Legal advisers in multinational HQs	5	<ul style="list-style-type: none"> Structure and working methods in HQs Role and tasks of legal advisers
Tasks 1-8	38	<ul style="list-style-type: none"> Syndicate work
TOTAL	43	

<p style="text-align: center;"><u>Materials</u></p> <p>Exercise scenario 'Collection of Treaties and other Documents' Working library</p>	<p style="text-align: center;"><u>Additional information</u></p> <p>In order to facilitate the discussion between course participants and trainers, experts, guest speakers, the Chatham House Rule is enforced during the residential part of the course: "<i>participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed</i>".</p>
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