

Curriculum

To be reviewed by Feb. 2024	Activity number 15	Course on International Law for Military Legal Advisers	ECTS 6
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CORRELATION WITH CTG / MTG TRAs	EQUIVALENCES
Civilian Training Discipline 14: Human Rights / International Humanitarian Law	SQF-MILOF Level 2 Focus: Common

Target audience	Aim
<p>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.</p> <p><u>Open to:</u> Third countries</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. This course contributes to creating a legal advisers' network which enhances professional cooperation between Armed Forces and Ministries of Defence.</p>

Learning Outcomes	
Knowledge	L01. identify the legal impacts of situations occurring during a military CMO L02. identify the relevant legal questions and the applicable law L03. specify the content of and interpret the applicable law L04. apply the law to the facts properly L05. identify possible legal consequences resulting from commanders' decisions
Skills	L06. sort situational developments by their juridical impact on the operation L07. draft possible legal solutions for occurring problems L08. solve the problems by their urgency L09. create focused legal presentations L010. strengthen oral juridical skills
Responsibility and Autonomy	L011. assess the occurring legal problems by their impact on the operation L012. coordinate the distribution of tasks in a team of legal advisers L013. evaluate the process of identification, assessment and solving of the problems L014. 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.

The Executive Academic Board takes these factors into account when considering the award of *Certificates* to participants. Module leaders provide an evaluation report for each residential module. The Course Director is responsible for overall coordination, with the support of the ESDC Secretariat, and drafts the *final evaluation report* which is presented to the Executive Academic Board.

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	Suggested Working Hours (required for individual learning)	Suggested Contents
1. Module 1 International Operational Law	49 (10)	1.1. The legal basis of international military CMO 1.2. The actors in CMO 1.3. Use of Force in CMO, 1.4. Status of Forces (SOFA) issues 1.5. Human Rights Law in international military operations
2. Module 2 International Humanitarian Law	40 (2)	2.1. Legal framework of IHL 2.2. Protection of persons in IHL 2.3. Methods and means of warfare 2.4. Implementation and enforcement of IHL 2.5. International and National Criminal Courts and Tribunals
3. Module 3 Extended Practical Exercise	43	3.1. Legal Advisers in multinational HQs 3.2. Practice, on the basis of an exercise scenario, the role of a legal adviser in an EU-led military CMO
TOTAL	132 (12)	

<u>Materials</u>	<u>Additional information</u>
<p>Required: AKU 2 The EU Global Strategy</p> <p>Recommended: Relevant AKUs available on ILIAS, to be defined by the course director with support from the eLearning manager in the ESDC Secretariat. CSDP Handbooks Other relevant publications on CSDP/CFSP related issues – supplemental material aimed to enhance knowledge on a specific topic. 'Collection of Treaties and other Documents' 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: "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".</p>

To be reviewed by Feb. 2024	Activity number 15-1	Course on International Law for Military Legal Advisers Module 1: International Operational Law	ECTS 2
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Aim

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.

Learning Outcomes	
Knowledge	L01. identify the principles and rules of international law applicable to military CMO L02. specify the content of and interpret the applicable law L03. apply the law to the facts L04. specify identify L05. identify possible legal consequences resulting from given problems
Skills	L06. draft possible legal solutions for given problems L07. create focused legal presentations L08. strengthen oral juridical skills
Responsibility and Autonomy	L09. coordinate the distribution of tasks in a team of legal advisers L010. develop the process of identification, assessment and solving of given problems L011. present legal solutions to given problems

Evaluation and verification of learning outcomes

The course is evaluated according to the Kirkpatrick model: it makes use of *level 1 evaluation (based on participant's satisfaction with the course)*.
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 (*mandatory*), 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	Suggested Working Hours (required for individual learning)	Suggested Contents
1. Introduction to International Operational Law	1 (2)	1.1. Overview of the terminology 1.2. Explanation of the particular legal regimes 1.3. Introduction of the various actors
2. Legal basis for military operations on foreign territory	2	2.1. General aspects under public international law 2.2. Use of force, mandate, legitimacy 2.3. Actors (States, International Organisations, other)
3. States as actors in international CMO	1	3.1. Roles of states 3.2. Forms of cooperation 3.3. Troop contribution
4. The UN as actor in international CMO	2	4.1. Legal basis and framework for UN missions and operations 4.2. Protection of civilians (PoC) in UN missions 4.3. Key challenges for UN missions

5. The role of humanitarian actors in international CMO	1	5.1. Definition, types, mandate in IHL 5.2. Challenges 5.3. Approaches
6. The EU as actor in international military CMO	1 (8)	6.1. CSDP missions and operations 6.2. Decision-making bodies and structures 6.3. Comprehensive approach 6.4 Decision-making and planning process
7. Operation Plan (OPLAN) and Rules of Engagement (ROE); use of force issues at EU Level	1	7.1. Definition, legitimacy and main principles of the use of force 7.2. Implementation
8. Operation Plan (OPLAN) and Rules of Engagement (ROE); use of force issues at force level	2	8.1. Foundations of ROE 8.2. ROE synergies 8.3. Key principles
9. Military forces abroad – basic concepts	1	9.1. General legal status 9.2. Status of forces agreements (SOFA)
10. The Status of Forces as seen by the NATO SOFA	2	10.1. NATO treaties 10.2. NATO SOFA and PfP SOFA 10.3. Main provisions 10.4 Jurisdiction and claims
11. Status of forces issues in military CMO	1	11.1. UN practice 11.2. EU practice 11.3. Post-conflict deployments
12. International & European Human Rights Law 1	1	12.1 General overview
13. International & European Human Rights Law 2	1	13.1 Extraterritorial application 13.2 ECHR practice
14. International & European Human Rights Law 3	2	14.1 Application in international CMO 14.2 Specific operational impact
15. Syndicate Work	13	15.1 Provide an analysis of given problems, explain the applicable law and present solutions
TOTAL	49 (10)	

<u>Materials</u>	<u>Additional information</u>
<p>Required: 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>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: "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".</p>

To be reviewed by Feb. 2024	Activity number 15-2	Course on International Law for Military Legal Advisers Module 2: International Humanitarian Law	ECTS 2
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Aim

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.

Learning Outcomes	
Knowledge	L01. identify the scope of application of IHL L02. identify the principles and rules of IHL L03. apply the law to the facts L04. identify possible legal consequences resulting from given problems
Skills	L05. draft possible legal solutions for given problems L06. create focused legal presentations L07. strengthen oral juridical skills
Responsibility and Autonomy	L08. coordinate the distribution of tasks in a team of legal advisers L09. develop the process of identification, assessment and solving of given problems L010. present legal solutions to given problems

Evaluation and verification of learning outcomes

The course is evaluated according to the Kirkpatrick model: it makes use of *level 1 evaluation (based on participant's satisfaction with the course)*.
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 (*mandatory*), 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	Suggested Working Hours (required for individual learning)	Suggested Contents
1. IHL as part of public international law	4 (2)	1.1. Introduction 1.2. Jus ad bellum, jus in bello 1.3. Customary law, treaty law
2. Scope of application of IHL	1	2.1. Temporary scope 2.2. Material scope 2.3. Territorial scope
3. Personal status in armed conflicts	1	3.1. The significance of lawful combatancy 3.2. Historical background 3.3. Additional Protocol I
4. Protection of persons	2	4.1. Introduction 4.2. Protection of prisoners of war 4.3. Protection of civilian detainees 4.4. Protection of sick, wounded and shipwrecked, medical personnel

		4.5 Protected emblems
5. Protection of persons – the role of the ICRC	1	5.1. Working method of the ICRC 5.2. Re-establishment of family links 5.3. Visits to persons deprived of their liberty 5.4 Activities for the protection of the civilian population
6. The principle of distinction and direct participation in hostilities	1	6.1. Distinction and proportionality
7. Methods and means of warfare	2	7.1. Concept of Targeting 7.2. Military objectives 7.3. Limitations concerning certain objects 7.4. Limitations on certain weapons 7.5. Limitations on certain methods of combat 7.6. Targeting decisions
8. Implementation and enforcement of IHL	1	8.1. Overview 8.2. Implementation in national law 8.3. Enforcement
9. Command responsibility	3	9.1. Obligations 9.2. National implementation 9.3. Approaches 9.4. Alternatives
10. International criminal courts and tribunals	2	10.1. Models for prosecution 10.2. International tribunals 10.3. Internationalised justice 10.4 Prosecution issues
11. War crimes and national jurisdiction	2	11.1. Adoption and implementation of war crimes legislation on national level
12. Syndicate work	13	12.1 provide an analysis of given problems, explain the applicable law and present solutions
TOTAL	40 (2)	

<u>Materials</u>	<u>Additional information</u>
Collection of Treaties and other Documents Handout material	<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: "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".</p>

To be reviewed by Feb. 2024	Activity number 15-3	Course on International Law for Military Legal Advisers Module 3: Extended Practical Exercise	ECTS 2
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Aim

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.

Learning Outcomes	
Knowledge	L01. identify the legal impacts of situations occurring during a military CMO L02. identify the relevant legal questions and the applicable law L03. specify the content of and interpret the applicable law L04. apply properly the law to the facts L05. identify possible legal consequences resulting from commanders' decisions
Skills	L06. sort situational developments by their juridical impact on the operation L07. draft possible legal solutions for occurring problems L08. solve the problems by their urgency L09. create focused legal presentations L010. strengthen oral juridical skills
Responsibility and Autonomy	L011. assess the occurring legal problems by their impact on the operation L012. coordinate the distribution of tasks in a team of legal advisers L013. evaluate the process of identification, assessment and solving of the problems L014. 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 participant's satisfaction with the course)*. 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 (*mandatory*), 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).		
Main Topic	Suggested Working Hours (required for individual learning)	Suggested Contents
1. Legal advisers in multinational HQs	5	1.1. Structure and working methods in HQs 1.2. Role and tasks of legal advisers
2. Tasks 1-8	38	2.1. Syndicate work
TOTAL	43	

<u>Materials</u>	<u>Additional information</u>
Exercise scenario 'Collection of Treaties and other Documents' Working library	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: "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".