

International Law and the Use of Force

Course Rationale

1. For states, it is important to understand when it is permissible to use force (jus ad bellum). In this regard, more specifically, it is essential to understand the principles of international law that regulate the use of force among states. Besides the prohibition of resort to force in Article 2(4) of the United Nations Charter, there exist various exceptions to that prohibition. These include right of self-defence, humanitarian intervention and the responsibility to protect, pro-democratic intervention, and the protection of nationals and the criminalization of aggression.
2. Specifically during the current century so far, the issue of the use of force among states has become a very thorny subject. Terrorist attacks of September 11, 2001 while unleashed the wave of US counter-attacks against numerous states, it also raised many questions about the effectiveness of laws to contain and regulate violence among states. Whereof, the use of force through drones has only contributed in making the situation worse.
3. Pakistan for being at the centre of war on terror and victim of drone attacks should have to pay a closer look to her responsibilities and rights to better negotiate the situation.

Educational Objectives

4. The proposed course shall help acquaint the students with international institutions and regulations of war. Such knowledge is essential to make students understand that while war itself is breakdown of law and order yet it is not a lawless terrain and there plenty legal norms and principles regulating violence among states as well as non-state actors.

Input Obtained from Industry/Corporate Sector/Subject Specialists/Academia

5. Relevant course curriculum of different universities was consulted and opinion of different persons already teaching this course was duly solicited.

International Practice

6. Following courses on international law and the use of force are being taught in reputed universities around the world as well as in Pakistan:
 - a. International law and the use of force: MSc Conflict Studies, University of Pennsylvania.

b. International law and the use of force: MS Strategic Studies, Air University, Islamabad.

c. International law and the use of force: MPhil Defence and Strategic Studies, Quaid-i-Azam University, Islamabad.

Proposed Timeframe of Commencement

7. The course is proposed for the Fall 2022 as part of the elective courses to be taught at CIPS

Course Content

8.a.**Course Code:** SS-811

b.**Title:** International Law and the Use of Force

c.**Credit Hours:** 3hrs

d.**Objectives.** Identify the nature of international law and the structure of the international legal system and explain the basic elements of public international law. Undertake legal research using primary and secondary material to resolve practical and theoretical problems

e.**Outcomes.** The students of this course should be able to:

(1) Apply international law in practical contexts, including the law surrounding the use of force, space law, law of the sea, etc.

(2) Construct legal argument, and analyse and communicate issues of international law, both orally and in writing.

f. **Contents with suggested contact hours:** This will be a 16 classes *3hrs = 48 credit hours course. Following topics will be covered in this module and the content of the course will be spread along the following topics and issues:

(1) International law and its sources

(2) International law and the interpretation of treaties

(3) State responsibility and international law

(4) International law and recourse to war

(5) International law and self-defence

(6) Necessity of self-defence

(7) Proportionality of counter-armed measures

(8) Counter-terrorism and international law

(9) Autonomous and semi-autonomous weapons and international law

g. Details of lab work, workshops practice (if applicable). NA

h. Recommended Reading (including Textbooks and Reference books).

(1) Shaw, Malcolm N, *International Law* (Cambridge University Press, 6th ed, 2008).

(2) Harris, David, *Cases and Materials on International Law* (Sweet and Maxwell, 7th ed, 2010).

(3) Dinstein, Yoram. *War, Aggression and Self-Defence*. 6th ed. Cambridge, UK: Cambridge University Press, 2017.

(4) Franck, Thomas. *Recourse to Force: State Action against Threats and Armed Attacks*. Cambridge, UK: Cambridge University Press, 2002.

(5) Gray, Christine. *International Law and the Use of Force*. 4th ed. Oxford: Oxford University Press, 2018.

(6) Ruys, Tom, and Olivier Corten, eds. *The Use of Force in International Law: A Case-Based Approach*. Oxford: Oxford University Press, 2018.

(7) Weller, Marc, ed. *The Oxford Handbook of the Use of Force in International Law*. Oxford: Oxford University Press, 2015.