

Faculty of Economic, Social and Political Sciences



HUMA3845 Special political and internal legal questions

[30h] 5 credits

This course is taught in the 2nd semester

Teacher(s): Amine Ait-Chaalal, Henri Bosly, Tanguy de Wilde d'Estmael (coord.), Valérie Rosoux
Language: French
Level: Third cycle

Aims

To give students who completed Course HUMA 3DS the tools with which to understand the international context that determines crises and humanitarian needs.

Content and teaching methods

Content

A specific study of the issues, resources and methods employed in international relations that make it possible to make sense of the ins and outs - the issues - of humanitarian questions, and in particular:

- the theories and methods of international negotiations;
- foreign policy in developing countries;
- the impact of international sanctions.

These days, recourse is made less often than in the past to criminal law when judging the perpetrators of (often enormous) crimes in regions where humanitarian interventions are also taking place.

There are two kinds of problem.

1. The perpetrators of crimes against humanity committed in the course of armed conflicts are likely to be found guilty, or will effectively be found guilty, by national or international criminal courts. The Pinochet affair and those of the Rwandans accused of genocide who were in Belgium are examples at the level of national jurisdictions. The former allows us to study Spanish, British, Belgian and Chilean case law; the latter will probably result in the four accused living in Belgium standing trial before the Court in Brussels during 2001. There has also been activity in the international criminal courts covering former Yugoslavia and Rwanda. The case law of these courts is already sufficiently important to justify a relatively detailed study in itself. It is also accessible.

2. Legal problems, seen from a legal standpoint, linked to the participation of the armed forces in humanitarian operations. These armed forces may be the Blue Helmets, and there then arises the question as to the content of the rules of engagement laid down by the United Nations. However, these armed forces may also take orders from states or another international organisation (e.g. NATO), and there then arises the question as to the application of legal regulations covering armed conflicts in the course of interventions or peacekeeping missions (e.g. the first phase of the intervention in Somalia, SFOR and KFOR). The course will include reflection on the (hoped for) effectiveness of criminal law in preventing the violations of human rights in situations of major crisis.

Methodology

This will be based on a reading list and participative teaching.

Assessment: Analysis of a reflection question and participation in the sessions.

Each section of the course will be based on a small corpus of prior reading to be presented in one hour by the teacher; two hours will then be given to read the material, and another two hours will be given to a participative lesson. In line with the system of teaching teams advocated by the UCL, there will be three ex officio joint teachers, but the possibility of some rotation between them in future years is not ruled out.

In terms of teaching methodology, the course will look at case-studies, and judgements in particular. It will harmonise with a follow-up to the course on Humanitarian law in the first term, but there will be no overlap as the problems referred to above will not be alluded to here. For example, although the institutional framework of the international criminal courts at The Hague and Arusha are examined in the course of humanitarian law, case law and judicial practice will not be analysed for lack of time.

Other credits in programs

HUMA3DS	Diplôme d'études spécialisées en actions humanitaires internationales	(5 credits)	Mandatory
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