

Syllabus – Law 211: Law of Armed Conflict & Operational Law

Antonin Scalia Law School – Fall 2021

Prof. Todd E. McDowell and Dr. Crane Lopes

Brief Course Description: The Law of Armed Conflict and Operational Law course provides students with an introduction and overview of the law of armed conflict (LOAC) and answers key questions like: Why do we have this body of law? How does it apply? When may a country use force against another country? Are there limits in the kinds and types of force used in armed conflict? Who can be targeted and when? Detained? What role does policy play? And how does technology change our conceptions of accountability? The course will be delivered through a variety of methodologies that seek to maximize the learning experience, with an emphasis on scenario-based learning from different perspectives of those who encounter LOAC, including the armed forces, non-state actors, nongovernmental organizations, and civilians. The class will also include discussion of materials related to military operations, and will examine the legal analysis supporting these specific efforts and the policy questions raised by them.

Class Format:

Hybrid format, with in person lectures. Class of up to 25 students; two credits; one class per week, for two hours. Active participation in class discussions is required and students are expected to be fully prepared for each class session.

Grading:

Grades for the course will be based primarily on a final written exam, along with two issue papers, a 10-15 minute in-class oral presentation and class participation consistent with GMU policy. Students are expected to come to class having done the assigned readings and to be prepared to discuss topical issues related to the course material.

Issue Papers: Students will write two short issue papers of no more than 1500 words each. The issue papers will apply the course information to scenario-based situations provided to the students and relevant to LOAC/operational law. The first point paper will be due no later than class 5 (September 23), and the second issue paper will be due no later than class 10 (October 28). The issue papers (each worth 100 points) will be weighted together as 20% of the final course grade.

Oral Presentation: Students will prepare and present a 10-15 minute oral presentation to the class concerning a LOAC/operational issue chosen by the student and coordinated by the student with the instructors no later than class 10 (October 28). The oral presentation will be made in classes 12-13, (November 11 and 18). The oral presentation will be worth 50 points and weighted as 10% of the final grade.

Final Exam: The final exam will provide students with essay questions based on real world events or relevant matters from the instructors' work dockets. Students will be expected to demonstrate their knowledge of LOAC/operational law. The essay questions will be designed to reflect actual legal work; thus, it will be open book, open notes, and

the essay responses will be structured as legal advice to a client seeking advice on the topic. The final exam will be 70% of the final grade.

Student Learning Outcomes: By the end of the course students should be able to:

- Identify and apply the five LOAC principles in armed conflict scenarios however characterized.
- Understand the classification of personnel in the context of LOAC.
- Understand how the means and methods of war are regulated by LOAC.
- Identify how LOAC applies in U.S. military operations across various operational domains.
- Explain how LOAC is enforced.
- Apply LOAC concepts appropriately in scenario-based issue analysis and effectively communicate that analysis orally and in writing to a variety of audiences.

Class Details: Thursdays: 6:05 pm – 8:05 pm.

Faculty Contact Information:

Prof. McDowell Email: toddemcdowell@yahoo.com Phone: 910-584-6536

Dr. Lopes Email: cranelopes@gmail.com Phone: 571-239-5084

Office Hours: By appointment only.

Course Materials: The primary source for readings for this class will be the Department of Defense Law of War (LoW) Manual, June 2015 (updated December 2016) available at <https://dod.defense.gov/Portals/1/Documents/pubs/DoD%20Law%20of%20War%20Manual%20-%20June%202015%20Updated%20Dec%202016.pdf?ver=2016-12-13-172036-190>

Additional course materials will be posted on TWEN. Please be sure to check TWEN regularly—at least once a week—for syllabus and course material updates.

Course Assignments:

Class 1 – August 26 - Course Overview and Introduction to International Law Principles

Reading: DoD LoW Manual, Review Chapter 1, pp. 7-49

Class 2 – September 2 - Principles of the Law of War

Reading: DoD LoW Manual, Chapters 2-3

Class 3 – September 9 - Classification and Status of Persons

Reading: DoD LoW Manual, Chapter 4

Class 4 – September 16 – Means and Methods: Regulating Hostilities and Belligerent Parties

Reading: DoD LoW Manual, Chapter 5

Class 5 – September 23 – Means and Methods: Weapons of War

Reading: DoD LoW Manual, Chapter 6

Due: Issue Paper #1 Due

Class 6 – September 30 – Detention and Prisoners of War

Reading: DoD LoW Manual, Chapters 8-9

Class 7 – October 7 – Non-International Armed Conflict

Reading: DoD LoW Manual, Chapter 17

Class 8 – October 14 – Naval and Air Warfare

Reading: DoD LoW Manual, Chapters 13 & 14 (up to p. 932)

Class 9 – October 21 – Cyber and Space Warfare

Reading: DoD LoW Manual, Chapters 14 (940-45) & 16

Class 10 – October 28 – Emerging Technology and the Law of War

Reading: TBD

Due: Issue Paper #2; Oral Presentation Topic

Class 11 – November 4 - Enforcing the Law of War

Reading: TBD

Class 12 – November 11 – Class Presentations

Class 13 – November 18 – Class Presentations