



Presidenza Italiana
del Consiglio
dell'Unione Europea



International Institute of Humanitarian Law
Institut International de Droit Humanitaire
Istituto Internazionale di Diritto Umanitario

“Specialized Military Legal Advisors Course: Legal Issues Arising From EU Operations” Rome, 22 – 26 September 2014

Centro Alti Studi per la Difesa (CASD)

1. Aims

Aim of the Course is to:

- enhance and provide a common understanding of classic aspects of IHL (International Humanitarian Law) principles among military or case being civilian personnel of member States;
- enhance awareness of the latest aspects of IHL and HRL (Human Rights LAW) implementation arising from EU Operations;
- examine current and future trends, or apparent challenges within the field of IHL;
- create a network of professionals working in this field of work.

2. Cognitive Objectives

At the end of the course the participant will be able to:

- Identify and explain trends and best practices with regard to IHL and HRL and how to translate them into EU policy formulation and implementation in crisis scenarios.
- Explain the legal principles that come into play at every step of the planning and execution of an operation involving the use of force.
- Describe how these principles are practically implemented in EU led operations
- Demonstrate an understanding of complex legal and operational issues/an ability to provide sound and actionable legal solutions to these issues.
- Demonstrate an ability to work in a collaborative framework, taking into account different operational or legal backgrounds

3. Starting situation

The target group of this Course is participants, coming from relevant ministries of the EU Member States, EU Institutions, Agencies and CSDP Missions/Operations. It is expected that the participants have a basic knowledge of IHL/HRL and some experience in crisis management or coalition led military operations.

The course is designed for up to 25 participants. EU Member States and European institutions, Agencies and Missions/Operations are invited to nominate participants. Participants have to successfully complete the required IDL part (Internet-based distance learning) prior to the residential part of course.

Applications are to be filled via the ESDC secure internet system ENLIST (<https://webgate.ec.europa.eu/ENList/web/app.php/login>) by designated nominators, not later than 23th August 2014. Registration will not be final until confirmed by the ESDC Secretariat and upon completion of the registration form by the nominated participant.

The mentioned IDL part will be scheduled between 1st September and 20th September 2014.

The language regime of the CSDP will apply, i.e. the working language is English and French no translation will be provided.

Attendance to the course is mandatory on all days. A certificate will be awarded to those course participants who have successfully completed the full course, including the IDL part.

All costs for travelling, accommodation and catering shall be covered by the sending authorities.

Course venue: Centro Alti Studi per la Difesa (CASD), Piazza della Rovere 83, Rome.

4. Duration

The complete duration of the course is a week long, or five working days from 22nd September to the 27th September. The residential phase will be preceded by an Internet-based Distance Learning mandatory phase starting from September 1st. During this phase participants are to pass the following AKUs:

- AKU 3 – Role of EU Institutions in the field of CFSP/CSDP;
- AKU 6 – Planning for CSDP Missions and Operations;
- AKU 7 – Impact of Lisbon Treaty on CSDP.

5. Methodology and Overall structure

The teaching methodology used for this course comprises of a combination of central presentations/panel discussions and syndicate work. The syndicate work consists of exercises designed to encourage participants to interact and to explore practical ways to apply both the spirit of and the obligations created under IHL and IHRL to resolve typical issues faced by the deployed military and civilian officials.

IHL Teaching Staff and Facilitators are drawn from experienced senior military legal officers, leading academics, practicing lawyers and senior government officials practising in the field together with experts from international organisations. The course is articulated in lectures, plenary discussions, and working groups. Each participant will be encouraged to take an active role and will have the opportunity to ask questions and to interact with other participants. The course will be structured according to the following Agenda (tentative)

6. Implementing partners

The ESDC “Specialized Military Legal Advisors Course on Legal Issues Arising From EU Operations” will be jointly organized by the IASD (Istituto Alti Studi per la Difesa) and the International Institute of Humanitarian Law, SANREMO Italy.

7. Course’s Materials

- Geneva Conventions (1949) and Additional Protocols (1977)
- Other treaties and IHL conventions
- ICRC Customary IHL database at <http://www.icrc.org/customary-ihl/eng/docs/home>
- Tallinn manual at http://issuu.com/nato_ccd_coe/docs/tallinmanual?e=5903855/1802381
- Sanremo manual on rules of engagement at <http://www.iihl.org/Media/Default/PDF/Publications/RoE/ROE%20HANDBOOK%20ENGLISH%2009.05.2011%20PRINT%20RUN.pdf>
- Human rights challenges in EU civilian crisis management <http://www.iss.europa.eu/publications/detail/article/human-rights-challenges-in-eu-civilian-crisis-management/>

8. Course Agenda

(see next page)

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22/09/2014		Principles of IHL for Military Legal Advisers
08.30 – 09.00	Registration of Participants	
09.00 – 09.30	Welcome address, presentation of ESDC and Course activities	
09.30 – 10.00	Jus ad bellum (general)	
10.00 - 10.30	Coffee Break	
10.30 – 11.15	Jus ad bellum and new (Cyber/Space) uses of force	
11.15 – 11.30	Break	
11.30 – 13.00	Q&A Discussion	
13.00 – 14.00	Lunch Break	
14.00 – 15.00	UN Mandate and use of force	
15.00 – 16.30	Case Study: Libya	
23/09/2014		Principles of IHL for Military Legal Advisers
09.00 – 10.00	What is a NIAC: de jure and de facto	
10.00 – 10.30	Coffee Break	
10.30 – 13.00	NIAC and IHL and Q&A Discussion	
13.00 – 14.00	Lunch Break	
14.00 – 15.00	NIAC case study Mali and CAR	
15.00 – 16.30	HRL as an applicable law to NIAC	
24/09/2014		Principles of IHL for Military Legal Advisers
09.00 – 10.00	RoEs, an introduction	
10.00 – 10.30	Coffee Break	
10.30 – 11.00	Hostile Act, Hostile Intent and Escalation of Force	
11.00 – 11.45	RoEs and Peace support operations	
11.45 – 13.00	RoEs and Private Security Companies	
13.00 – 14.00	Lunch Break	
14.00 – 14.10	Introduction to RoEX Syndicate preparation	
14.10 – 14.30	Syndicate briefing	
14.30 – 16.30	Conclusions –	
25/09/2014		EU OPLAW gap filler coursePrinciples of IHL for Military Legal Advisers
09.00 – 10.00	Principles of distinction and proportionality	
10.00 – 10.30	Coffee Break	
10.30 – 11.30	Human rights law and TGTing	
11.30 – 12.00	Precautions in attack in urban environments	
12.00 – 13.00	Jus in bello in new environments (Space/Cyber)	
13.00 – 14.00	Lunch Break	
14.00 – 15.30	International criminal courts recent jurisprudence	
15.30 – 16.30	Question time	
26/09/2014		EU OPLAW gap filler coursePrinciples of IHL for Military Legal Advisers
09.00 – 10.30	Final Exercise: Preparation	
10.30 – 11.00	Coffee Break	
11.00 – 12.30	Final Exercise: Syndicate briefing	
12.30	Conclusion of Course's Activities	