



10th VIENNA COURSE ON INTERNATIONAL LAW FOR MILITARY LEGAL ADVISERS 2019

COURSE DESCRIPTION

1. Introduction

The Austrian Federal Ministry of Defence (MoD) is organizing the “10th Vienna Course on International Law for Military Legal Advisers” in 2019. This course is provided under the auspices of the European Security and Defence College (ESDC) with the aim to contribute to the establishment of a common European Security Culture.

2. Course aims

- To convey core knowledge about the legal problems involved in international crisis-management operations (CMO) by military and security forces and the relevance of international law to such operations
- To ensure thorough and detailed knowledge of the core principles and rules of international humanitarian law, operational law and human rights law applicable in situations of armed conflict and internal violence, as well as in CMO
- To practice the application of the law in the planning and execution of CMO
- To facilitate co-operation between military commanders and legal advisers

3. Course objectives

- To improve the participants’ substantive legal knowledge in the relevant fields of international law
- To advance the participants’ practical skills in, e.g., presentation and drafting exercises
- To develop the participants’ ability to adapt and react to a changing scenario that evolves “in real time”
- To test the participants’ ability to apply legal knowledge to a factual (fictitious) scenario

4. Course structure and methodology

The Course consists of three modules each of one week’s duration, to take place at intervals of several weeks. The three modules of the Course are as follows:

- Module I: International Operational Law
- Module II: International Humanitarian Law (IHL)
- Module III: Extended Practical Exercise

Module I will cover the following topics, *inter alia*:

- Legal basis of the use of force by States and legitimacy of CMO in public international law
- Actors in CMO, their legal status and role (including the UN, the EU, NATO etc.)
- Use of force issues in CMO at policy level and force level
- Status of Forces issues (including applicability of national/local law, claims and jurisdictional issues etc.)
- Relevant aspects of human rights law and its applicability to military operations, with special reference to the European Convention on Human Rights

Module II will cover the following topics, *inter alia*:

- Sources, development and scope of application of IHL
- Protection of persons in IHL
- Methods and means of warfare
- Implementation and enforcement of IHL, including command responsibility
- International and national criminal courts and tribunals

The methodology of modules I and II will consist of lectures supplemented by class work. The participants will be divided into working groups and each group will be required to give a presentation each day. The presentations will be commented on and discussed in daily plenary debriefings.

Module III will be conducted as an extended practical exercise requiring participants to act as legal advisers in an evolving simulation of an international CMO.

5. **Criteria for participation**

The Course is designed primarily for **military lawyers or civilian legal advisers** in the Armed Forces or the Ministry of Defence of Austria and other European States, dealing with legal issues related to international law and its application to operational issues, particularly those who have been or are **likely to be assigned to military CMO** as legal advisers. The number of participants will be limited to a maximum of twenty-five. Selection of Austrian participants is done in accordance with the criteria established by the Austrian MoD. To ensure a proper selection process of non-Austrian course participants in line with the course objectives, the selection will be done by the course organisers on the basis of the nominations. Priority will be given to military legal advisers who in the near future are likely to be assigned to CMO.

The Course language will be **English**. Participants must have a **good command** of the English language.

At the beginning of Module III a short written test concerning the content of Modules I and II will be conducted.

Participants will be issued with certificates of attendance by the Austrian MoD and the ESDC. In order to be eligible for both certificates of attendance, participants will be required to **attend all three modules** of the Course. For the ESDC certificate, participants will additionally be required to complete **compulsory Internet-based distance learning modules** (available after selection to participate in the course and to be completed before the beginning of the first week of the course).