

MODULE DESCRIPTOR

MODULE TITLE	INTER/INTRA-STATE CONFLICT RESOLUTION		
MODULE CODE	LA4604 (L7)	CREDIT VALUE	20 UK CREDITS / <u>10 ECTS</u>
SCHOOL	SCHOOL OF LAW		

MODULE AIMS

This module aims to identify and discuss the legal issues that arise during the peace negotiation process following intra or inter-state conflicts. It focuses on the constitution-making process and the extent to which the law – in the form of Security Council or General Assembly resolutions, human rights treaties and case law – can contribute to some of the dilemmas that arise. In addition to exploring these general issues, it examines the specific effect of the law on four frequently occurring questions that arise during conflict settlement negotiations: the question of self-determination of one or more parties to the conflict, the democratic structure of the state in question, the remedying of displaced persons and the extent of international intervention in the domestic affairs of the state. Finally, it assesses whether the international community's expectations about the contribution of the law are realistic and questions whether other (non-legal) tools are more appropriate to help move the negotiations beyond their impasse.

MODULE CONTENT

Indicative syllabus content:

1. Different approaches to constitution making in post-conflict societies
2. Lex pacificatoria – the law of peace
3. The contribution of international law in conflict settlement: Security Council and General Assembly Resolutions and case law
4. The question of self-determination and the contribution of the law
5. Dilemmas for the democratic structure of post-conflict states – the contribution of the right to vote
6. Legal provisions for the remedying of displaced people
7. The legality of international intervention in post-conflict states
8. Moving past the impasse of peace settlements

INTENDED LEARNING OUTCOMES

On successful completion of this module a student will be able to:

1. Critically evaluate the issues that commonly arise during negotiations for inter or intra-state conflict settlement, and identify the different ways and approaches that have been adopted to resolve inter or intra state conflicts.
 2. Assess the contribution of international law in resolving these issues and critically assess whether there is such a thing as *lex pacificatoria*, or law of peace, and whether it is helpful in inter/intra state conflict settlement.
 3. Critically examine the way in which specific constitutional dilemmas have been resolved in various case studies (with main focus on Bosnia and Herzegovina, South Africa, Cyprus and Iraq).
 4. Discuss the right to self-determination and how that applies to conflict settlement.
 5. Research, critically evaluate and present well-structured arguments in written and oral work.
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TEACHING METHODS

This module is organised into 2-hour weekly seminars. During each seminar, the tutor will deliver a short presentation and facilitate a discussion of critical issues within the said topic led by the students, either working in groups or individually. Some topics may be divided between two Seminars. Students will be expected to have independently researched the issues for discussion in each seminar and to come to seminars prepared to respond and participate in an open and active critical discussion.

ASSESSMENT METHODS

This module is assessed through an individual presentation and a written assignment.