LAWS5087

Law of Armed Conflict

Session 1, In person-scheduled-weekday, North Ryde 2024

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
Convenor
Shireen Daft
shireen.daft@mq.edu.au
Contact via email
17WW 208
Consults available by appointment

Credit points
10

Prerequisites
130cp including LAWS2000 or LAWS259 or LAW459 or LAWS1010 or LEX101

Corequisites

Co-badged status

Unit description
War presents one of the most serious and enduring challenges to the practice of international law. This unit explores the field of international humanitarian law, the body of law that has developed to limit and regulate armed conflict. International humanitarian law seeks to balance military objectives and priorities against considerations of human suffering and priorities against considerations of human suffering and the humanitarian impact of conflict. This course will explore the role of international law in providing a framework to address contemporary challenges during armed conflict, including the protection of civilians, the status and treatment of combatants, and the protection of the environment and cultural heritage. It will also explore the rules relating to the means and methods of warfare, including the challenges faced by rapid technological development.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at https://www.mq.edu.au/study/calendar-of-dates

Learning Outcomes

On successful completion of this unit, you will be able to:

ULO1: Articulate and apply the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict

ULO2: Evaluate past and present international developments in the area of humanitarian law, and analyse, interpret, and critique such developments from an international law perspective

ULO3: Research, analyse, synthesise, and interpret legal principles from international legal sources relevant to international humanitarian law

ULO4: Investigate and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance

ULO5: Demonstrate capacity for autonomous research by developing a project that critically analyses a contemporary issue or development in international law's approach to armed conflict

General Assessment Information

Late Assessment Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – A penalty of 5% of the total possible mark (of the task) will be applied each day a written assessment is not submitted, until the 7th day. The 7 days includes weekends. After the 7th day, a grade of '0' (zero) will be awarded even if the student submits the assessment. This is to allow for the release of assessment feedback to the remaining class. All assessments are due at 11.55 pm.

Submission

All written assessments in the unit (discussion forums excepted unless specifically requested by convenor) are to be submitted electronically by way of Turnitin on the iLearn page. Plagiarism detection software is used in this unit to check all written assessments.

Students should carefully check that they submit the correct file for an assessment as no re-submissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

Format

All assessment tasks in this unit must be typed in **Word format** and be **double spaced** to facilitate marking in Turnitin.

Word Limits

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation.

Moderation

Detailed marking rubrics will be made available on iLearn. In addition, tutors will be provided with detailed marking guides to ensure consistency. All fail papers will be double marked. The Unit Convenor and Tutors will meet to review final grades for the unit.

Use of AI

All uses of generated AI content are prohibited in this unit. Any AI generated content detected will not be marked. Students should refer to the University's policies on GAITs for further clarification about permitted uses.

Assessment Tasks

Name	Weighting	Hurdle	Due
Research Paper Proposal	10%	No	18th March 2024
Research Paper	50%	No	2nd June 2024
Discussion Forums	20%	No	Ongoing
Participation	20%	No	Ongoing

Research Paper Proposal

Assessment Type [1]: Plan
Indicative Time on Task [2]: 5 hours
Due: **18th March 2024**
Weighting: **10%**

Students required to develop and submit a research question and proposal for an independent research paper.

On successful completion you will be able to:

- Research, analyse, synthesise, and interpret legal principles from international legal sources relevant to international humanitarian law
- Demonstrate capacity for autonomous research by developing a project that critically analyses a contemporary issue or development in international law's approach to armed conflict

Research Paper

Assessment Type [1]: Essay
Indicative Time on Task [2]: 15 hours
Due: **2nd June 2024**
Weighting: **50%**

Students are required to submit a research paper that critically analyses international humanitarian law

On successful completion you will be able to:

- Articulate and apply the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict
- Evaluate past and present international developments in the area of humanitarian law, and analyse, interpret, and critique such developments from an international law perspective
- Research, analyse, synthesise, and interpret legal principles from international legal sources relevant to international humanitarian law
- Investigate and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Demonstrate capacity for autonomous research by developing a project that critically analyses a contemporary issue or development in international law's approach to armed conflict

Discussion Forums

Assessment Type [1]: Non-academic writing
Indicative Time on Task [2]: 10 hours
Due: **Ongoing**
Weighting: **20%**

Students will post blog-style contributions to discussion forums.

On successful completion you will be able to:

- Articulate and apply the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict
- Evaluate past and present international developments in the area of humanitarian law, and analyse, interpret, and critique such developments from an international law perspective
- Investigate and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance

Participation

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 0 hours
Due: **Ongoing**
Weighting: **20%**

Students will be required to contribute to the participation projects including a semester-long role play involving military decision making where they will be assessed on their ability to apply the rules of war, and assessed on contribution to class discussion about these rules.

On successful completion you will be able to:

- Articulate and apply the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict
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[1] If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the Writing Centre for academic skills support.

[2] Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

There will be a weekly 2 hour F2F lecture for this unit, which will be recorded, and available to all students. It will be followed by a 1 hour tutorial on the topic for internal students, and online classes offered for those enrolled in that option, or where required for those that have not been able to enrol online and cannot attend campus safely. Both lectures and tutorials will commence from week 1, though week 1 classes will be an introduction to the expectations of the unit.

Required Readings

There is no set textbook for this unit. Required readings will be available on Leganto and iLearn. Engagement with these readings will be necessary for effective contributions to the assessments, and in particular the online discussion forums will require demonstrated engagement with the recommended readings on Leganto, though there is flexibility on which of those readings is chosen.

Recommended Readings

While all readings for the unit will be made available on Leganto, including recommended readings, the following books provide excellent overview of the subject as a whole:

1. Dieter Fleck, *The Handbook of International Humanitarian Law* (OUP, 4th ed, 2021)
2. Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge University Press, 3rd ed, 2016)
3. Marco Sassoli, *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare* (Edward Elgar, 2019)
4. Andrew Clapham and Paola Gaeta (eds), *The Oxford Handbook of International Law in Armed Conflic*t (OUP, 2015)
5. Rain Livoja and Tim McCormack (eds), *Routledge Handbook of the Law of Armed Conflict* (Routledge, 2016)

Other recommended readings per topic will be provided on iLearn.

All Unit requirements and a weekly teaching schedule are outlined in iLearn.

All assessments are to be submitted electronically via Turnitin.

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://policies.mq.edu.au). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy
- Academic Integrity Policy
- Academic Progression Policy
- Assessment Policy
- Fitness to Practice Procedure
- Assessment Procedure
- Complaints Resolution Procedure for Students and Members of the Public
- Special Consideration Policy

Students seeking more policy resources can visit Student Policies (https://students.mq.edu.au/support/study/policies). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit Policy Central (https://policies.mq.edu.au) and use the search tool.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of

Conduct: https://students.mq.edu.au/admin/other-resources/student-conduct

Results

Results published on platform other than eStudent, (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in eStudent. For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe academic integrity – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free online writing and maths support, academic skills development and wellbeing consultations.

Student Support

Macquarie University provides a range of support services for students. For details, visit http://students.mq.edu.au/support/

The Writing Centre

The Writing Centre provides resources to develop your English language proficiency, academic writing, and communication skills.

- Workshops
- Chat with a WriteWISE peer writing leader
- Access StudyWISE
- Upload an assignment to Studiosity
- Complete the Academic Integrity Module

The Library provides online and face to face support to help you find and use relevant information resources.

- Subject and Research Guides
- Ask a Librarian

Student Services and Support

Macquarie University offers a range of Student Support Services including:

- IT Support
- Accessibility and disability support with study
- Mental health support
- Safety support to respond to bullying, harassment, sexual harassment and sexual

assault

- Social support including information about finances, tenancy and legal issues
- Student Advocacy provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via AskMQ, or contact Service Connect.

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the Acceptable Use of IT Resources Policy. The policy applies to all who connect to the MQ network including students.

Unit information based on version 2024.01 of the Handbook