



# LAW 459

## International Law

S1 External 2014

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Unit Convenor

Rafiqul Islam

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Credit points

3

Prerequisites

18cp in LAW or LAWS units and (admission prior to 2014 to LLB or BAppFinLLB or BALLB or BA-MediaLLB or BA-PsychLLB or BBALLB or BComLLB or BCom-ProfAccgLLB or BEnvLLB or BITLLB or BIntStudLLB or BPsych(Hons)LLB or BScLLB or BSocScLLB)

Corequisites

Co-badged status

Unit description

This unit provides an understanding of various international legal principles, rules, and practices, as well as their role in shaping and reshaping the contemporary international system. The goal of this unit is to equip students with an understanding of the foundational principles guiding the operation of international law. Students develop an appreciation of the relevance and effectiveness of International Law in a range of issue areas. These inclusively include: sources of International Law, its interaction with domestic law, personality, statehood, recognition, use of force, law of treaties, diplomatic immunities, law of the sea, human rights, terrorism, and international justice system.

## 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:

Describe how rules of international law evolve and operate.

Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.

By analysing diverse stakeholders' perspectives (including the constraints international

law imposes on their actions, and opportunities and challenges they encounter in the system), display mutual respect for different values and provide concrete suggestions for efficacious legal development relative to the international law goal of a just, sustainable, and peaceful international community.

Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.

Explain how international law impacts on national legal systems, and confronts controversial facts of contemporary life.

Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## Assessment Tasks

Name	Weighting	Due
<u>Class Participation</u>	10%	Every tutorial
<u>Class Test</u>	20%	7-8 April
<u>Problem Solving Question</u>	30%	30 April
<u>Research-based Legal Opinion</u>	40%	7 June

### Class Participation

Due: **Every tutorial**

Weighting: **10%**

Active **Class Participation**, worth 10% of the assessment, will require students to read and understand various issues scheduled for discussions. It is designed to augment the communication and interpersonal skills of students to prepare them to be a sound and socially responsible citizens who can be ambassadors of a just and environmentally sustainable society.

On successful completion you will be able to:

- Describe how rules of international law evolve and operate.
- By analysing diverse stakeholders' perspectives (including the constraints international law imposes on their actions, and opportunities and challenges they encounter in the system), display mutual respect for different values and provide concrete suggestions for efficacious legal development relative to the international law goal of a just, sustainable,

and peaceful international community.

- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## Class Test

Due: **7-8 April**

Weighting: **20%**

Testing the basic comprehension of international law doctrines, principles, and theories; this assessment will require students to demonstrate understanding of their reading materials to gather discipline specific knowledge in answering a series of short basic questions.

On successful completion you will be able to:

- Describe how rules of international law evolve and operate.
- Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
- Explain how international law impacts on national legal systems, and confronts controversial facts of contemporary life.

## Problem Solving Question

Due: **30 April**

Weighting: **30%**

A take-home fact-based problem focusing on a problem of international law, this assessment will require students to independently examine and research legal rules and principles, and apply these to a new, real, or hypothetical factual situation.

On successful completion you will be able to:

- Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.
- By analysing diverse stakeholders' perspectives (including the constraints international law imposes on their actions, and opportunities and challenges they encounter in the system), display mutual respect for different values and provide concrete suggestions for efficacious legal development relative to the international law goal of a just, sustainable, and peaceful international community.
- Explain how international law impacts on national legal systems, and confronts controversial facts of contemporary life.

- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## Research-based Legal Opinion

Due: **7 June**

Weighting: **40%**

This written research assignment (essay, paper, report, or opinion) will require students to respond to issues in international law (existing issues warranting reform, critical analysis of contemporary issues, reporting on a case study, or emerging issues to chart their future direction of evolution). It will require independent legal research, critical analytical ability, and coherent legal writing and presentation skills.

On successful completion you will be able to:

- Describe how rules of international law evolve and operate.
- By analysing diverse stakeholders' perspectives (including the constraints international law imposes on their actions, and opportunities and challenges they encounter in the system), display mutual respect for different values and provide concrete suggestions for efficacious legal development relative to the international law goal of a just, sustainable, and peaceful international community.
- Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
- Explain how international law impacts on national legal systems, and confronts controversial facts of contemporary life.
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## Delivery and Resources

**Modes of Delivery:** Two full-day on campus sessions (compulsory).

**Resources:** Text book and reading materials are prescribed in the detailed unit guide posted on iLearn.

**Working hour requirement:** Students are required to engage in at least 150 hours over the semester.

All written work must be submitted through Turnitin.

## Unit Schedule

Teaching Weeks	Lecture Topic	Tutorial Topic
<b>Starts: 3 March</b>		
Week 1	Introduction to the International Legal System	Explaining Administration of the Unit and the Study Guide
Week 2	Sources and codification of International Law	Introduction to the International Legal System
Week 3	(a) International Law and Domestic Law; and (b) Subjects and Personality	Sources and codification of International Law
Week 4	Statehood and Recognition	(a) International Law and Domestic Law  (b) Subjects and Personality
Week 5	State Sovereignty, Domestic Jurisdiction and Responsibility	Statehood and Recognition
<b>Week 6-7</b>	<b>Mid-semester break: 14-25 April – No lecture</b>	<b>Mid-semester break: 14-25 April – No tutorial</b>
Week 8	Prohibited and Permissible Use of Force and Intervention	State Sovereignty, Domestic Jurisdiction and Responsibility
Week 9	International Law of Treaty	Prohibited and Permissible Use of Force and Intervention
Week 10	Sovereign and Diplomatic Immunities	International Law of Treaty
Week 11	International Law of the Sea	Sovereign and Diplomatic Immunities
Week 12	International Dispute Settlement: ICJ and ICC	International Law of the Sea
Week 13	Human Rights, Humanitarian Intervention, and R2P	International Dispute Settlement: ICJ and ICC

Week 14	New Challenges in the 21st Century: International Law of: Environment, Economic Governance, Terrorism, and Counter-terrorism	Human Rights, Humanitarian Intervention, and R2P
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## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy [http://mq.edu.au/policy/docs/grievance\\_management/policy.html](http://mq.edu.au/policy/docs/grievance_management/policy.html)

Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html) *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

## Student Support

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

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide

appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

#### Assessment task

- Research-based Legal Opinion

### Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

#### Assessment task

- Research-based Legal Opinion

### Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary



solutions to problems.

This graduate capability is supported by:

## **Learning outcome**

- Describe how rules of international law evolve and operate.

## **Assessment tasks**

- Class Participation
- Class Test
- Problem Solving Question
- Research-based Legal Opinion

## **Critical, Analytical and Integrative Thinking**

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## **Learning outcomes**

- Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.
- Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
- Explain how international law impacts on national legal systems, and confronts controversial facts of contemporary life.

## **Assessment tasks**

- Class Test
- Problem Solving Question
- Research-based Legal Opinion

## **Problem Solving and Research Capability**

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

## Learning outcomes

- Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.
- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## Assessment task

- Research-based Legal Opinion

## Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

## Learning outcome

- Explain how international law impacts on national legal systems, and confronts controversial facts of contemporary life.

## Assessment tasks

- Class Participation
- Class Test
- Problem Solving Question
- Research-based Legal Opinion

## Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

## Learning outcome

- Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument

## Assessment tasks

- Class Participation
- Research-based Legal Opinion

## Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

## Learning outcomes

- By analysing diverse stakeholders' perspectives (including the constraints international law imposes on their actions, and opportunities and challenges they encounter in the system), display mutual respect for different values and provide concrete suggestions for efficacious legal development relative to the international law goal of a just, sustainable, and peaceful international community.
- Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.

## Assessment task

- Research-based Legal Opinion

## Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

## Assessment tasks

- Problem Solving Question
- Research-based Legal Opinion