



LAW 891

Advanced International Law

S1 External 2015

Dept of Law

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Disclaimer

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General Information

Unit convenor and teaching staff

Professor

Rafiqul Islam

rafiquel.islam@mq.edu.au

Contact via rafiquel.islam@mq.edu.au

W3A 444

Tuesday 1-2 pm or by appointment

Credit points

4

Prerequisites

Admission to JD or MIntEnvLaw or PGDipIntEnvLaw or PGCertIntEnvLaw or MIntTrdeComLaw or PGDipIntTrdeComLaw or PGCertIntTrdeComLaw or MIntRelMIntTrdeComLaw or MIntLawGovPubPol or LLM or MIntPubDip or GradDipIntRel or 42cp in LAW units at 400 or 500 level

Corequisites

Co-badged status

Unit description

International Law affords an understanding of legal principles, rules, norms, and practices. The unit analyses the contribution of these elements to the progressive development of international law. The theory is applied to contemporary international events and crises to test and evaluate its operational adequacy and effectiveness in keeping pace with the changing nature and shared expectation of the international community. The unit examines the ongoing transformation of the structure of international law in terms of its expanding frontiers, new actors, and reorientation to appreciate its continuing dynamism and relevance in the twenty-first century.

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:

1. Discipline specific knowledge: Describe how the actors, institutions, and processes of international law interact and operate in their international relations.
2. Application skill:

Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new, particularly pressing issues and fact situations of contemporary relevance. 3. Application skill: Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience. 4. Research skill: 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. 5. Verbal communication and interpersonal skills: Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views. This would enable them to develop their professional judgment and personal initiatives.

General Assessment Information

Assessment Tasks

All three modes of assignment are *compulsory* and substantive academic requirements for all students to pass the Unit. A failure to take part in and/or submit any of the three modes of the assessment will, irrespective of marks obtained in partial assessment/s, result in a 'Fail' grade, even in cases where special consideration for study disruption is determined as NOT "serious and unavoidable". Where special consideration for study disruption is determined as "serious and unavoidable", a time extension of up to 7 days maximum may be granted. In cases of non-compliance with the time extension and/or ongoing impact on performance, an alternative end of the semester test (2 hours/closed book) will be granted and arranged for each written assignment. Failure to comply with the time extension and/or alternative test will result in a "Fail" grade. These rules are applicable ***separately and independently for both written assignments (see special consideration below)***.

For more information and marking rubrics, see unit guide on iLearn.

Extension through Special Consideration

Students are required to take all assessment modes very seriously from the start of the semester. Both major assignments are given in this unit guide. Students are strictly advised to plan and embark on both assignments right from the beginning of the semester to guard against any unexpected rainy days. As such, there is no scope for any extension of the due dates at the eleventh hour. No student is expected to avoid any modes of assignment and/or seek any extension of time to submit his/her assignment by the due dates, except in extraordinary circumstances of ***study disruption and severe medical conditions***. Extensions due to work

commitments, family and personal matters, competing study demands, last minute emergencies, or poor organisation will not be granted, as you should plan your study schedule to allow for other activities and emergencies of normal life.

In cases of extensions sought on disruption and/or disability grounds, students must read the new university policy and rules relating to study disruption (2014) and register their conditions in advance with the Campus Health and Wellbeing Unit and the application for extension must come to the Convenor through the this Unit. In seeking such extensions, students must include: (a) the extent of disruption to enable the Convenor to determine the extent of relief appropriate in a given case, (b) a specific indication of relief or waiver sought, that is special consideration in relation to compulsory tutorial attendance, or time extension for assignment submission, or marking etc; (c) a duly completed **Professional Authority Form**; and (c) a **medical certificate/s** signed by a medical practitioner/s. No other modes of special consideration application will be entertained. Students must also follow other rules and policy of study disruption application stated below.

Study disruption due to medical and/or disability provides only a ground to seek special consideration, the granting of which is not automatic but contingent upon other factors and considerations, particularly academic. Every student must learn and acquire the necessary stated 'learning outcomes' and 'graduate capabilities' of the unit, which is the substantive requirement of completing the unit successfully. ***Special consideration on any ground does not override this substantive academic requirement. As a result, a successful special consideration applicant will be required to participate in a sit-in closed book test of 2 hours duration on the unit contents covered in the semester to be held at the end of the semester and the date to be announced on iLearn. This condition applies to both written assignments separately and independently.***

Extensions longer than seven (7) days from the due date will not be granted under any circumstances. Failure to comply with the time extension will result in the "Fail" grade.

Special Consideration Policy

http://www.mq.edu.au/policy/docs/special_consideration/policy.html

Applying for Special Consideration:

Read the University new policy and rules on special consideration for study disruption (2014).

Students applying for Special Consideration circumstances of three (3) consecutive days duration, within a study period, and/or prevent completion of a formal examination must submit an on-line application with the Faculty of Arts. For an application to be valid, it must include a completed Application for Special Consideration form and all supporting documentation.

The on-line Special Consideration application is found at:

http://www.arts.mq.edu.au/current_students/undergraduate/admin_central/special_consideration.

Assessment Tasks

Name	Weighting	Due
On Campus Session (OCS)	10%	Two OCS
Legal Opinion	40%	02 April 2015 by 5 pm
Research assignment	50%	01 June 2015 by 5pm

On Campus Session (OCS)

Due: **Two OCS**

Weighting: **10%**

Students must read, understand in advance (at least prior to their OCS) various issues scheduled for discussions (see Unit Guide for week-by-week topics), and be prepared to actively participate in class discussions (for marking rubrics, see unit guide).

On successful completion you will be able to:

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- 2. Application skill: Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new, particularly pressing issues and fact situations of contemporary relevance.
- 3. Application skill: Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
- 4. Research skill: 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.
- 5. Verbal communication and interpersonal skills: Display effective communication and

interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views. This would enable them to develop their professional judgment and personal initiatives.

Legal Opinion

Due: **02 April 2015 by 5 pm**

Weighting: **40%**

Legal opinion is a take-home assignment on the applied aspects of international law. It is intended to provide students with an opportunity to acquire independent skill in applying relevant rules and principles of international law to a new, real, or hypothetical factual situation of modern international relations. The opinion would be thought-provoking, warranting an innovative and interdisciplinary approach. The assignment **MUST** be submitted through Turnitin (Law School policy).

On successful completion you will be able to:

- 1. Discipline specific knowledge: Describe how the actors, institutions, and processes of international law interact and operate in their international relations. 2. Application skill: Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new, particularly pressing issues and fact situations of contemporary relevance. 3. Application skill: Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience. 4. Research skill: 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. 5. Verbal communication and interpersonal skills: Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views. This would enable them to develop their professional judgment and personal initiatives.

Research assignment

Due: **01 June 2015 by 5pm**

Weighting: **50%**

The research paper is meant to give students an opportunity to write on a topic of their own choice (within the limits given), to go deeper into it and to present it in a logically coherent manner. It is intended to develop independent legal research capacity, analytical ability, and

legal writing skill. This method of assignment enables the students to be free and innovative thinkers, adopt a policy-oriented approach, and the ventilators of new ideas, thereby contributing to the progressive development of modern international law. The assignment **MUST** be submitted through Turnitin (Law School policy).

On successful completion you will be able to:

- 1. Discipline specific knowledge: Describe how the actors, institutions, and processes of international law interact and operate in their international relations. 2. Application skill: Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new, particularly pressing issues and fact situations of contemporary relevance. 3. Application skill: Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience. 4. Research skill: 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. 5. Verbal communication and interpersonal skills: Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views. This would enable them to develop their professional judgment and personal initiatives.

Delivery and Resources

Delivery

1 Lecture (2-hour) per week and Two Day OCS.

Resources

Required text/s and cases and materials book are the CORE readings and prescribed with the intention that every student **MUST** consult them, preferably by acquiring their own personal copy. Students may need to consult more than one text for the better understanding of some issues. For advanced knowledge and better performance in the assignments, some select scholarly articles have also been prescribed in lecture/tutorial sessions. The prescribed textbook is also available in the Reserve section of the Macquarie Library. There is no prepared materials book for this unit. Should you encounter difficulty in accessing these sources, contact your tutors and/or the Convenor.

Required Compulsory Textbook

M Rafiqul Islam, *International Law: Current Concepts and Future Directions*, LexisNexis Australia, 2014.

Cases and Materials Book (in their priority and may collect one of them)

1. Dixon, M, McCorquodale, R, and Williams, S, *Cases and Materials on International Law*, Oxford University Press, 4th ed. 2011.
2. Rothwell, D R, Kaye, S, Akhtarkhavari, A, and Davis, R, *International Law: Cases and Materials with Australian Perspectives*, Port Melbourne: Cambridge University Press, 2014.

Unit Schedule

	Date	Time	Location
Session 1	14 April	9 am – 4 pm	TBA
Session 2	15 April	9 am – 4 pm	TBA
Session 3	16 April	9am – 4 pm	TBA

Learning and Teaching Activities

Teaching and Learning Strategy

• The unit is taught through a two-hour lecture and one hour face-to-face discussion-driven seminar/tutorial in each week. The lecture will provide a critical examination of the legal topic at hand and related issues on a weekly basis. • The aim of the lecture is not only to provide students with an understanding of the applicable principles and their application but also to consider a critique of the operation of those principles and applications. The lectures will draw students' attention to the relevant cases and other international legal documents that are part of the readings for that week. Students will be challenged to think more critically and analytically about the materials under discussions. • External students are taught through correspondence and three days intensive face-to-face on-campus sessions of learning and teaching. • Seminars/tutorials and on-campus sessions will provide opportunities to explore different aspects of each topic in detail. Students are expected to be realistically critical and contribute, wherever appropriate, to a better understanding of international law with a view to contribute to its progressive development. • For these classes, students are expected to have read in advance the assigned readings for each topic and to participate in discussion based upon the assigned discussion topic as well as based on the readings more generally. • Each student in this unit must consult first his or her compulsory text and/or material books as appropriate. Additional

relevant reading materials may be found in the Supplementary Reading list. Further reading materials may be suggested whenever necessary and appropriate.

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

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

Disruption to Studies Policy 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/

Results

Results shown in *iLearn*, 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.

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) 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

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

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcome

- 1. Discipline specific knowledge: Describe how the actors, institutions, and processes of international law interact and operate in their international relations. 2. Application skill: Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new, particularly pressing issues and fact situations of contemporary relevance. 3. Application skill: Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience. 4. Research skill: 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. 5. Verbal communication and interpersonal skills: Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views. This would

enable them to develop their professional judgment and personal initiatives.

Learning and teaching activities

- The unit is taught through a two-hour lecture and one hour face-to-face discussion-driven seminar/tutorial in each week. The lecture will provide a critical examination of the legal topic at hand and related issues on a weekly basis.
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- Each student in this unit must consult first his or her compulsory text and/or material books as appropriate. Additional relevant reading materials may be found in the Supplementary Reading list. Further reading materials may be suggested whenever necessary and appropriate.

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcome

- 1. Discipline specific knowledge: Describe how the actors, institutions, and processes of international law interact and operate in their international relations.
- 2. Application skill: Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new, particularly pressing issues and fact situations of contemporary relevance.
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Assessment tasks

- On Campus Session (OCS)
- Legal Opinion
- Research assignment

Learning and teaching activities

- The unit is taught through a two-hour lecture and one hour face-to-face discussion-driven seminar/tutorial in each week. The lecture will provide a critical examination of the legal topic at hand and related issues on a weekly basis. • The aim of the lecture is not only to provide students with an understanding of the applicable principles and their application but also to consider a critique of the operation of those principles and applications. The lectures will draw students' attention to the relevant cases and other international legal documents that are part of the readings for that week. Students will be challenged to think more critically and analytically about the materials under discussions.
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appropriate.

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcome

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Learning and teaching activities

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PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcome

- 1. Discipline specific knowledge: Describe how the actors, institutions, and processes of international law interact and operate in their international relations.
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- 5.

Verbal communication and interpersonal skills: Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views. This would enable them to develop their professional judgment and personal initiatives.

Assessment tasks

- Legal Opinion
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- Each student in this unit must consult first his or her compulsory text and/or material books as appropriate. Additional relevant reading materials may be found in the Supplementary Reading list. Further reading materials may be suggested whenever necessary and appropriate.

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcome

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