



# LAW 459

## International Law

S1 External 2015

*Dept of Law*

### Contents

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<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	6
<u>Unit Schedule</u>	7
<u>Learning and Teaching Activities</u>	8
<u>Policies and Procedures</u>	8
<u>Graduate Capabilities</u>	10
<u>Changes since First Published</u>	15

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#### **Disclaimer**

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

## General Information

Unit convenor and teaching staff

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:

1. Describe how rules of international law evolve and operate.
2. Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.
3. 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.

4. Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
5. Explain how international law impacts on national legal systems, and confronts controversial facts of contemporary life.
6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.
7. Develop interpersonal skill and demonstration of common sense in augmenting and exercising professional judgment and initiatives.

## General Assessment Information

### **Assessment Task:**

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 for the written assignments. In cases of non-compliance with the time extension and/or of ongoing impact on performance, an alternative end of the semester test (2-hour and closed book) will be granted and arranged for each written assignment. Failure to comply with the time extension 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 instructions and marking rubrics see unit guide on iLearn.

### **Return of marked work**

Internal students: Marked assignments will be returned to students in their tutorials or may be viewed through Turnitin.

External students: Marked assignments will be available through Turnitin or to be returned by COE.

### **Raw marks:**

Marks available for each assessment are raw or indicative marks which may change through a moderation process to make marks consistent among markers and to make the overall result of the Unit consistent and comparable.

### **NO PROVISION FOR LATE SUBMISSION**

Any assignment submitted after the due date and without having obtained an extension on the

ground of STUDY DISRUPTION will not be marked. Options for late assignment submission subjecting to penalties are NO LONGER AVAILABLE (Law School Policy).

## Assessment Tasks

Name	Weighting	Due
<a href="#">Class participation</a>	10%	OCS
<a href="#">Problem solving assignment</a>	40%	02 April 2015; by 5 pm
<a href="#">Research Assignment</a>	50%	01 June 2015; by 5pm

### Class participation

Due: **OCS**

Weighting: **10%**

Students must read, understand, and be prepared to discuss issues scheduled for the OCS and be prepared to actively participate in class discussions (for marking rubrics, see unit guide).

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- 4. Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
- 5. Explain how international law impacts on national legal systems, and confronts controversial facts of contemporary life.
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- 7. Develop interpersonal skill and demonstration of common sense in augmenting and exercising professional judgment and initiatives.

## Problem solving assignment

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

Weighting: **40%**

This is a given take-home fact-based problem focusing on a problem of international law. This will require independently examining and researching legal rules and principles, and applying them to a new, real, or hypothetical factual situation of our contemporary international life. The assignment **MUST** be submitted through Turnitin (Law School policy).

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

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

Weighting: **50%**

This is a given written research assignment (essay, paper, report, or opinion) responding 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). This will require independent legal research, critical analytical ability, and coherent legal writing and presentation skill. The assignment **MUST** be submitted through Turnitin (Law School policy).

On successful completion you will be able to:

- 1. Describe how rules of international law evolve and operate.
- 2. Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.
- 3. 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.
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## **Delivery and Resources**

### **Delivery:**

1 Lecture and 1 Tutorial every week.

### **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, 5<sup>th</sup> 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.

### Technology used and required

Online units can be accessed at: <http://ilearn.mq.edu.au>

The web page for this unit is available through WebCT (the Online Teaching Facility) at: [http://online.mq.edu.au/SCRIPT/LAW459/scripts/serve\\_home](http://online.mq.edu.au/SCRIPT/LAW459/scripts/serve_home)

**iLectures** are available for downloading over the internet.

Information relating to the unit and assignments will be posted on the website. Please ensure that you check this site regularly for any important information relating to the unit.

## Unit Schedule

Weekly schedule of lecture and tutorials		
Week Starts:	Lecture Topics	Tutorial Topics
23 February		
Week 1	Introduction to the International Legal System	No tutorial
Week 2	Sources and Codification	Introduction to the International Legal System
Week 3	(a) International Law and Domestic Law; and (b) Subjects and Personality	Sources and Codification
Week 4	Statehood and Recognition	(a) International Law and Domestic Law (b) Subjects and Personality
Week 5	State Sovereignty and Responsibility	Statehood and Recognition
Week 6	Prohibited and Permissible Use of Force	State Sovereignty and Responsibility
<b>Week 7- 8</b>	<b>Mid-semester break: 03-17 April: NO Lecture</b>	<b>Mid-semester break: 03-17 April – No tutorial</b>
Week 9	International Law of Treaty	Prohibited and Permissible Use of Force

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 law	Human Rights, Humanitarian Intervention, and R2P

## 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 tutorial in each week. The lecture will provide an overview of the law and related issues for each topic. • The aim of the lecture is not only to provide students with an understanding of the applicable principles and practice but also to consider a critique of the operation of those principles and practices in the international legal system. 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 two days intensive face-to-face on-campus sessions of learning and teaching. • 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. • 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](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/)

## 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](http://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](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

### 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 outcomes

- 1. Describe how rules of international law evolve and operate.
- 2. Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.
- 3. 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.
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- 5. Explain how international law impacts on national legal systems, and confronts controversial facts of contemporary life.
- 6. Display effective communication skills by verbally defending views in a respectful environment and developing reasoned and supported written argument.
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#### Assessment tasks

- Problem solving assignment
- Research Assignment

### 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:

## Learning outcomes

- 1. Describe how rules of international law evolve and operate.
- 2. Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.
- 3. 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.
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- 7. Develop interpersonal skill and demonstration of common sense in augmenting and exercising professional judgment and initiatives.

## Assessment task

- Class participation

## 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 outcomes

- 1. Describe how rules of international law evolve and operate.
- 2. Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.
- 3. 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.

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- 7. Develop interpersonal skill and demonstration of common sense in augmenting and exercising professional judgment and initiatives.

## Assessment tasks

- Class participation
- Problem solving assignment
- Research Assignment

## 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

- 1. Describe how rules of international law evolve and operate.
- 2. Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.
- 3. 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.
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## Assessment tasks

- Problem solving assignment
- Research Assignment

## 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

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

- Problem solving assignment
- Research Assignment

## 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 outcomes

- 1. Describe how rules of international law evolve and operate.
- 2. Creatively apply theoretical scholarship (both legal and interdisciplinary) and international law principles to major international law problems and new fact situations.
- 3. 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.
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## Assessment tasks

- Class participation
- Problem solving assignment
- Research Assignment

## Changes since First Published

Date	Description
20/01/2015	.