



# LAW 891

## Advanced International Law

S3 Day 2016

*Dept of Law*

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#### **Disclaimer**

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## General Information

### Unit convenor and teaching staff

Convenor

Dr Shireen Daft

[shireen.daft@mq.edu.au](mailto:shireen.daft@mq.edu.au)

Contact via Email

W3A 541

By Appointment

### Credit points

4

### Prerequisites

Admission to GradDipIntRel or JD or MIntEnvLaw or PGDipIntEnvLaw or PGCertIntEnvLaw or MIntTrdeComLaw or PGDipIntTrdeComLaw or PGCertIntTrdeComLaw or MIntRelMIntTrdeComLaw or MIntLawGovPubPol or LLM or MIntPubDip or 42cp in LAW or LAWS 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:

Articulate and critique the general characteristics and principles of public international law and the relationship between law and politics in international relations and global

governance.

Research, analyse, synthesise, interpret and derive legal principles from international legal sources

Describe and analyse how the actors, institutions, and processes of international law interact and operate in the current global environment

Evaluate past and present international developments, and be able to analyse, interpret and critique such developments from an international law perspective

Develop an individual research project that critically analyses a contemporary issue or development in international law

Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

Apply mature and considered approaches to written communication including plain English principles and legal citation methods

## General Assessment Information

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

All citations should be in accordance with the Australian Guide to Legal Citation 3rd Edition.

## Assessment Tasks

Name	Weighting	Due
<a href="#">Research Synopsis</a>	0%	18 December 2015, 11.59 pm
<a href="#">Research Paper</a>	50%	22 January 2016, 11.59pm
<a href="#">Online Participation</a>	30%	Ongoing
<a href="#">Class Presentations</a>	20%	5th January 2017

### Research Synopsis

Due: **18 December 2015, 11.59 pm**

Weighting: **0%**

You are required to develop and submit a research synopsis of not more than 1 page for the research paper you will be submitting at the end of semester. The synopsis must clearly set out the research topic you will be addressing, and the basic approach you will be taking.

The synopsis should clearly indicate the research question you are seeking to answer, why the topic is worthy of consideration, and the relevance of the analysis to the general principles of international law, and must clearly identify how it relates to the themes of the unit (for more guidance see the instructions for the research paper itself).

The proposal should not exceed 1 A4 page, and must cite at least 2 primary sources (eg Treaties or UN Documents) and 2 secondary sources (eg journal articles or book chapters).

This Assessment will be assessed on a Pass/Fail basis. Students must receive a Pass on this assessment to complete the unit. Students who receive a Fail on their first attempt will have the opportunity to resubmit.

On successful completion you will be able to:

- Articulate and critique the general characteristics and principles of public international law and the relationship between law and politics in international relations and global governance.
- Develop an individual research project that critically analyses a contemporary issue or development in international law

## Research Paper

Due: **22 January 2016, 11.59pm**

Weighting: **50%**

Students are required to submit a research paper, based on the research paper proposal, that critically analyses a current issue or development in international law of special interest, that falls within the guidelines listed below. The maximum word limit for the research paper will be 3500 words, which will be strictly adhered to, and anything beyond 3500 words will not be read.

Footnotes are excluded from the word count (but substantive text in footnotes will be counted).

Students will be assessed on their understanding, explanation and analysis of the legal issues presented, the depth of their research as well as their critical evaluation of the relevant issues.

Research should extend beyond the prescribed books and course materials (the recommended books and journals provide a starting point for further research).

Clarity of expression, presentation of argument, use of legal sources and correct and consistent reference style will also be taken into account. The paper should be appropriately structured, with sub-headings included, a clear introduction and conclusion, and a clear central thesis.

Students should choose a narrow topic of interest to them, but this topic should address the broader issues related to one of the following categories (which relate to the themes of the

course):

1. Compliance Theory - Why Do States Comply with International Law?
2. Modern Constructions of Statehood and Sovereignty
3. Beyond the State-centric Model of International Law: The Role of Non-State Actors
4. The Fragmentation of International Law
5. The North--South Divide, and the challenges for developing countries under general international law
6. International Law in the 21st Century - the impact of technology, terrorism and globalisation

If uncertain whether a desired topic of exploration is appropriate, please contact the convenor for advice. A marking rubric for this assessment will be posted on iLearn and discussed during the 3 Day Intensive for the unit.

On successful completion you will be able to:

- Articulate and critique the general characteristics and principles of public international law and the relationship between law and politics in international relations and global governance.
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources
- Describe and analyse how the actors, institutions, and processes of international law interact and operate in the current global environment
- Evaluate past and present international developments, and be able to analyse, interpret and critique such developments from an international law perspective
- Develop an individual research project that critically analyses a contemporary issue or development in international law
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

## Online Participation

Due: **Ongoing**

Weighting: **30%**

Online participation will involve participating in the discussion forums and related activities attached to each topic. To gain a passing grade a student will be expected to contribute substantively to each topic of the unit. Students will have until the start of the exam period to complete this task, and may contribute to topics at their own pace. Students however should be sufficiently conversant on each of the topics to be able to contribute to discussion during the 3

day intensive.

Online Participation will be assessed on the quality and substantive depth of the contributions, not on the quantity of participation. The quality and depth of the contributions will be assessed along the following criteria:

- **Ability to critically discuss the material** - the student is able to critically discuss the topic materials and contributes to forum discussions in a way that assists the learning of others. This will be demonstrated through the ability to respond to questions; initiating, responding to and participating effectively in debates and discussion; presenting counter arguments, and ability to link readings and topic materials to the discussion, to current events, and to hypothetical scenarios;
- **Preparation** - the student is able to demonstrate reading and engagement with any other content provided for each topic. This will be demonstrated by asking questions to clarify anything not understood; by application of the readings in answering questions and engaging in discussion; demonstrated engagement with materials beyond the required readings; supporting all arguments with evidence and application of relevant literature;
- **Written expression** - the student is able to express their ideas about the materials in a clear, coherent, and concise manner that may be readily understood by others;
- **Engaging with other students** - the student engages with others in the discussion, displaying respect for others' opinions, constructive feedback and dialogue, and responsiveness to the contributions of others

On successful completion you will be able to:

- Articulate and critique the general characteristics and principles of public international law and the relationship between law and politics in international relations and global governance.
- Describe and analyse how the actors, institutions, and processes of international law interact and operate in the current global environment
- Evaluate past and present international developments, and be able to analyse, interpret and critique such developments from an international law perspective
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

## Class Presentations

Due: **5th January 2017**

Weighting: **20%**

Students will present a 10-15 min presentation on a topic of their choice, aligned to one of the 6 core themes of the unit. This theme must be DIFFERENT one from the one chosen for the research paper. These presentations will all be made on the final day of the intensive, the 5th January 2017.

For example, if a student were to choose to focus their research paper on the use of Unmanned Aerial Vehicles (UAVs) under international law, addressing Theme 6, International Law in the 21st Century, they cannot select another topic relating to Theme 6. Instead, the student might choose the topic of Corporate Social Responsibility and Global Governance, addressing Theme 3: Beyond the State-Centric Model of International Law. More information on the unit themes can be found in the Unit Schedule, below.

The presentation should be accompanied with a Powerpoint presentation (or using similar presentation software, eg Prezi). The presentation should clearly set out the following elements:

- The Background of the Topic - what the topic is, and relevant issues (eg 'What is Corporate Social Responsibility')
- The Significance of the Topic - why the topic needs discussion
- The Relevant International Law
- The Challenges/Problems - (eg has international law been effective in addressing the issue? If not, why not?)
- Conclusions - personal (but researched and supported) opinion on the issues
- 3 Questions to pose to the audience related to the topic

A rubric outlining the marking criteria for this assessment will be provided on iLearn.

On successful completion you will be able to:

- Articulate and critique the general characteristics and principles of public international law and the relationship between law and politics in international relations and global governance.
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources
- Describe and analyse how the actors, institutions, and processes of international law interact and operate in the current global environment
- Evaluate past and present international developments, and be able to analyse, interpret and critique such developments from an international law perspective
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

## Delivery and Resources

There are no lectures in Semester 3 for this unit. This unit is delivered in two ways:

- 1) via online learning content that may include recorded material, readings, quizzes, discussions, online activities and links to external resources such as videos and blogs
- 2) a 3 day intensive session on campus, for face to face discussion of the topics canvassed throughout the unit. The 3 Day Intensive will run from the 3-5 January 2017, with class presentation delivered on the last day. More information about the intensive will be posted on iLearn.

### Required Readings

There is no required text for the unit, readings for each topic will be made available via ilearn and e-reserve. Students are expected to have read the required readings for each topic on a regular basis and apply these readings to their online discussion.

### Recommended Readings

All students, but especially those with no prior experience with international law are strongly encourage to obtain (or find access to) one or more of the following books:

1. James Crawford, *Brownlie's Principles of Public International Law* (Oxford University Press, 8th ed, 2013)
2. Dixon, M, McCorquodale, R, and Williams, S, *Cases and Materials on International Law* (OUP, 5<sup>th</sup> ed, 2011)
3. M Rafiqul Islam, *International Law: Current Concepts and Future Directions* (LexisNexis Australia, 2014)
4. J Crawford and M Koskeniemi, *The Cambridge Companion to International Law*, (Cambridge University Press, 6th ed, 2012).
5. Gillian Triggs, *International Law: Contemporary Principles and Practices*, (LexisNexis Butterworths, 2nd ed, 2010)

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.

## Unit Schedule

This unit will be broken into 6 topics that will be addressed across the semester. Students may attempt the unit at their own pace, but must be prepared for discussion during the 3 day intensive. More details about each topic, relevant materials, activities and readings will all be



provided on iLearn.

### **Topic 1: International Legal Theory and Compliance - Why do states comply with international law?**

This topic will include:

- Review of the nature of international law
- introduction to international legal theories
- compliance theories
- compliance challenges and international law

### **Topic 2: Modern Conceptions of Statehood and Sovereignty**

This topic will include:

- Traditional conceptions of sovereignty
- Challenges to traditional conceptions of sovereignty
- Statehood - definition and parameters
- Quasi-States
- Failed States

### **Topic 3: Beyond the State-centric Model of International Law: The Role of Non-State Actors**

This topic will include:

- International Legal Personality
- International Organisations
- The Role of NGOs in the international law making
- Multinational Corporations and international law norms
- Individuals and other entities

### **4.The Fragmentation of International Law**

This topic will include:

- Fragmentation of international law
- Hierarchies in international law
- The place of human rights in general international law

- The intersection of different areas of international law (eg trade and human rights; international environmental law and international criminal law)

## 5. The North-South Divide, and the challenges for developing countries under general international law

This topic will include:

- The role of politics and power in international law
- Treaty negotiations and the North-South dynamic
- Treaty Implementation challenges
- Capacity building and technology transfer

## 6. International Law in the 21st Century - the impact of technology, terrorism and globalisation

This topic will include:

- The development of international law
- Modern challenges to international law
- The impact of globalisation on international law
- Other

## 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)

**New Assessment Policy in effect from Session 2 2016** [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.html). For more information visit [http://students.mq.edu.au/events/2016/07/19/new\\_assessment\\_policy\\_in\\_place\\_from\\_session\\_2/](http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/)

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

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

Complaint Management Procedure for Students and Members of the Public [http://www.mq.edu.au/policy/docs/complaint\\_management/procedure.html](http://www.mq.edu.au/policy/docs/complaint_management/procedure.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).

## **Additional Macquarie Law School Policies on Assessment**

In the absence of a successful application for special consideration, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero.

Word limits will be strictly applied and work above the word limit will not be marked. Footnotes are only to be used for referencing. Substantive material in footnotes will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

## **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://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](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.

## 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 outcomes

- Develop an individual research project that critically analyses a contemporary issue or development in international law
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

#### Assessment tasks

- Research Paper
- Class Presentations

### 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 outcomes

- Articulate and critique the general characteristics and principles of public international law and the relationship between law and politics in international relations and global

governance.

- Research, analyse, synthesise, interpret and derive legal principles from international legal sources
- Describe and analyse how the actors, institutions, and processes of international law interact and operate in the current global environment
- Evaluate past and present international developments, and be able to analyse, interpret and critique such developments from an international law perspective
- Develop an individual research project that critically analyses a contemporary issue or development in international law

## **Assessment tasks**

- Research Paper
- Online Participation
- Class Presentations

## **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 outcomes**

- Articulate and critique the general characteristics and principles of public international law and the relationship between law and politics in international relations and global governance.
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources
- Describe and analyse how the actors, institutions, and processes of international law interact and operate in the current global environment
- Evaluate past and present international developments, and be able to analyse, interpret and critique such developments from an international law perspective
- Develop an individual research project that critically analyses a contemporary issue or development in international law

## **Assessment tasks**

- Research Synopsis

- Research Paper
- Online Participation
- Class Presentations

## 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 outcomes

- Research, analyse, synthesise, interpret and derive legal principles from international legal sources
- Describe and analyse how the actors, institutions, and processes of international law interact and operate in the current global environment
- Evaluate past and present international developments, and be able to analyse, interpret and critique such developments from an international law perspective
- Develop an individual research project that critically analyses a contemporary issue or development in international law

### Assessment tasks

- Research Synopsis
- Research Paper

## 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 outcomes

- Develop an individual research project that critically analyses a contemporary issue or development in international law
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

## Assessment tasks

- Research Paper
- Online Participation
- Class Presentations

## PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

## Learning outcome

- Evaluate past and present international developments, and be able to analyse, interpret and critique such developments from an international law perspective

## Assessment tasks

- Research Paper
- Online Participation
- Class Presentations

## Changes from Previous Offering

The assessment model for the unit has been changed slightly from previous offerings. Class panel discussions have been replaced with class presentations. The research paper synopsis has been changed to a PASS/FAIL component of the unit and is a hurdle assessment. Participation will now only be assessed on online participation not in class participation.