



# LAW 891

## Advanced International Law

S1 External 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

TBA

### 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 of 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 global governance

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

Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues

Develop an independent 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, 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. 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 via Turnitin. Plagiarism detection software is used in this unit.

All assessments must be appropriately referenced, applying the AGLC3 for all citation.

## Assessment Tasks

Name	Weighting	Due
<a href="#">Research Paper Proposal</a>	10%	Week 3
<a href="#">Research Paper</a>	50%	20 June 2016
<a href="#">Class Participation</a>	20%	Ongoing

Name	Weighting	Due
<u>Class Panel Discussion</u>	20%	Dependent on Topic Chosen

## Research Paper Proposal

Due: **Week 3**

Weighting: **10%**

You are required to develop and submit a research question and proposal for your research essay. The proposal must clearly set out the research question you are proposing to answer and the basic proposed approach to the question. It should include a draft structure of the paper (headings and subheadings in a table of contents format).

The proposal must clearly indicate what current issue you are intending to consider, why the issue is worthy of consideration, and the relevance of the analysis to the general principles of international law (including how the topic will address one of the 5 broad areas available for research). The proposal should not exceed 2 A4 pages.

On successful completion you will be able to:

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

## Research Paper

Due: **20 June 2016**

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:

1. The Role of Non-State Actors in International Law
2. The Humanisation of International Law
3. The Intersection of Areas of International Law (eg the intersection of international humanitarian law and human rights law or the intersection of international criminal law and international environmental law)
4. The North-South Divide, and the challenges for developing countries under general international law
5. Theoretical Perspectives on International Law
6. The Role of International Law in the 21st Century - the impact of technology, terrorism, and xenophobia

If uncertain whether a desired topic of exploration adequately addresses any of these broad topics, please contact the convenor for advice.

On successful completion you will be able to:

- Articulate and critique the general characteristics and principles of public international law and the relationship of 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 global governance
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective
- Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues
- Develop an independent 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

## Class Participation

Due: **Ongoing**

Weighting: **20%**

Class participation will be worth 20%. Class participation is not the same thing as class

attendance. You will be required to attend each tutorial and participate in any set activities, including class discussions, debates, group work, and any other set work. Participation requires consistent demonstration of understanding and critical engagement with the required readings.

If you cannot attend a tutorial you must inform your tutor as soon as possible. Extended absences of more than two tutorials must meet the criteria for Disruption to Studies. Applications for Disruptions to Studies are made online at [ask.mq.edu.au](https://ask.mq.edu.au) in response to a serious and unavoidable event.

External students will be assessed on their participation at the compulsory on-campus session.

Class participation will be assessed on the quality and regularity of participation, not on its quantity. Class participation will be assessed on the following criteria:

- **Preparation** - the student is able to demonstrate reading and engagement with the materials, lectures and any other content provided for each week's tutorial. This will be demonstrated by ability to answer relevant questions, responding to and participating effectively in class debates, and by asking questions to clarify anything not understood;
- **Ability to critically discuss the material** - the student is able to critically discuss the tutorial materials and contributes to class discussions in a way that assists the learning of others. This will be demonstrated through the ability to respond to questions, counter-arguments and the ability to link readings and lecture materials to class activities, to current events, and to hypothetical scenarios;
- **Oral expression** - the student is able to verbally express their ideas about the materials in a clear, coherent, and concise manner;
- **Engaging with other students** - the student engages with others in the class, displaying respect for others' opinions, active listening, constructive feedback and dialogue, and ability to work collaboratively and productively in small groups.

On successful completion you will be able to:

- Articulate and critique the general characteristics and principles of public international law and the relationship of 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 global governance
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective
- Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

## Class Panel Discussion

Due: **Dependent on Topic Chosen**

Weighting: **20%**

Students will elect a chosen topic from those available via iLearn. Each group of students will form a panel during the second half of semester (the schedule will be posted on iLearn) and be expected to answer questions and able to continue a dialogue on the chosen topic. In preparation students will need to familiarise themselves well with the required readings, to be able to discuss the topic in depth.

External students will conduct the assessment during the OCS, as with internal students, external students will select their topics via iLearn.

Students will be assessed on their communication skills, their understanding of the law and related issues, and their responsiveness to the questions posed.

Further details on the structure of the 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 of 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 global governance
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective
- Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

## Delivery and Resources

There will be a weekly 2 hour lecture for this unit, which will be recorded. It will be followed by a 1 hour tutorial on the topic for internal students and a 3 day on campus session for external students. As class participation will be assessed in this unit, tutorial and OCS attendance is compulsory. Both lectures and tutorials will commence from week 1.

## 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 class 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. M Rafiqul Islam, *International Law: Current Concepts and Future Directions* (LexisNexis Australia, 2014).
3. Dixon, M, McCorquodale, R, and Williams, S, *Cases and Materials on International Law* (OUP, 5<sup>th</sup> ed, 2011)
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

The schedule of topics is outlined in the iLearn site for this unit, along with related activities for each topic.

## 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

- Research, analyse, synthesise, interpret and derive legal principles from international legal sources
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective
- Develop an independent 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 Proposal
- Research Paper
- Class Participation
- Class Panel Discussion

## 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 of 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 global governance
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective
- Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues
- Develop an independent research project that critically analyses a contemporary issue or development in international law

### Assessment tasks

- Research Paper Proposal
- Research Paper
- Class Participation
- Class Panel Discussion

## 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 of 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 global governance
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective
- Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues
- Develop an independent research project that critically analyses a contemporary issue or development in international law

## **Assessment tasks**

- Research Paper Proposal
- Research Paper
- Class Participation
- Class Panel Discussion

## **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 global governance
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective
- Develop an independent research project that critically analyses a contemporary issue or development in international law

## **Assessment tasks**

- Research Paper Proposal
- Research Paper

- Class Participation
- Class Panel Discussion

## 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 independent 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 Proposal
- Research Paper
- Class Participation
- Class Panel Discussion

## 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 outcomes

- Evaluate past and present international developments, and 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

## Assessment tasks

- Research Paper
- Class Participation
- Class Panel Discussion

## Changes from Previous Offering

LAW891 is being run differently to the previous s1 offerings. This unit does not presume international law knowledge, but is designed to be of use for students that have completed international law units previously. As such it will run as a series of case studies that draw out issues related to general international law.