



LAWS601

International Law

S2 External 2016

Dept of Law

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General Information

Unit convenor and teaching staff

Unit Convenor

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For consultation times see iLearn

Credit points

4

Prerequisites

Admission to JD or GradDipLaw or GradCertLaw

Corequisites

LAWS600

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:

Demonstrate advanced knowledge of the general characteristics and principles of public international law.

Identify, find and correctly cite key primary sources of international law.

Describe the role, rights and responsibilities of some major international organisations under international law.

Explain and apply to complex situations international law as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.

Explain and apply to complex situations international law as it relates to the rights and responsibilities of states when it comes to the treatment of their own nationals and corporations, as well as those of other states.

Analyse the relationship between international and national law, particularly Australian law.

Describe various means for the non-violent settlement of disputes between states.

Participate constructively in discussion and other classroom activities in order to understand, analyse and critique the basics of international law.

Advise on international law under time constraints and using limited resources.

General Assessment Information

In order to pass this unit, external students must achieve all four of the following:

1. participate satisfactorily at on-campus sessions (all three days: see below under *OCS Participation*);
2. satisfactorily complete all formative quizzes by 11 pm, Sunday 27 November 2016 (see below under *Formative Quizzes*);
3. satisfactorily complete both citation modules by 11 pm, Sunday 27 November 2016 (see below under *Citation Modules*), and
4. attain an aggregate mark of at least 50 out of 100 in the unit as a whole, those marks coming from the weekly quizzes, citation tests, Problem Questions 1 and 2 and final examination.

Assessment Tasks

Name	Weighting	Due
<u>Formative quizzes</u>	0%	11 pm, Sunday 27 November 2016
<u>OCS participation</u>	0%	Various: see Schedule below
<u>Citation tests</u>	4%	11 pm, 4 September 2016
<u>Summative quizzes</u>	20%	Various: see Schedule below
<u>Problem Question I</u>	25%	11 pm, 4 September 2016

Name	Weighting	Due
Problem Question 2	25%	11 pm, 16 October 2016
Final examination	26%	During exam period

Formative quizzes

Due: **11 pm, Sunday 27 November 2016**

Weighting: **0%**

Formative Quizzes and Citation Modules

The formative quizzes and citation modules are discussed further below (under 'Delivery and Resources'). By 11 pm, Sunday 27 November 2016 students must satisfactorily complete:

1. the formative quizzes relating to all 12 topics, and
2. the exercises comprising both citation modules.

Satisfactory completion entails obtaining 100% in relation to all of the questions and exercises that make up each formative quiz and citation module, doing so on the student's final attempt.

Although students have until 27 November to complete these tasks, they will need to satisfactorily complete a topic's formative quizzes before they are able to attempt the summative quiz set for that topic. What is more, they will need to complete a citation module before they can attempt the citation test that corresponds with that citation module.

On successful completion you will be able to:

- Demonstrate advanced knowledge of the general characteristics and principles of public international law.
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of some major international organisations under international law.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states when it comes to the treatment of their own nationals and corporations, as well as those of other states.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.

OCS participation

Due: **Various: see Schedule below**

Weighting: **0%**

There will be two on-campus sessions (OCS). The first will consist of one day (28 August 2016) and the second will last two days (9 & 10 October 2016). In order to pass this unit external students must attend all three days and participate satisfactorily during each day. OCS participation is therefore a hurdle requirement.

Satisfactory participation involves:

1. demonstrating that the student has prepared adequately for each OCS. Adequate preparation means listening to the relevant lecture, completing and thinking about the prescribed essential readings, as well as preparing answers to any seminar questions posted to iLearn prior to the OCS;
2. actively participating in OCS activities, which can include answering tutors' questions, making appropriate contributions to discussions and asking relevant questions of tutors or fellow students as appropriate;
3. respectfully listening and responding to views expressed by tutors and fellow students;
4. cooperating in OCS activities as directed by tutors; and
5. refraining from activities unrelated to the OCS, such as surfing the web, checking text messages, working on assignments, etc.

OCS participation will not be deemed satisfactory simply on the basis that you always turn up to class.

Notwithstanding the requirements relating to satisfactory participation, OCS should be non-threatening environments in which students can make mistakes and own up to any difficulties with the material being studied. An OCS is a place to learn, not just to demonstrate what you have previously learned. While tutors may need to correct mistakes, every effort will be made to avoid causing any degree of embarrassment.

In particular, your OCS participation will not be assessed as unsatisfactory simply on the basis that you:

1. answer questions incorrectly or otherwise display a lack of understanding, or
2. indicate that you find something difficult to understand (eg by asking questions);

provided that it is nevertheless evident that you adequately prepared for class, in that you made sufficient effort to try to understand the material. In short, tutors should be highly tolerant of failures to understand, highly intolerant of failures to try to understand.

Students will be notified at the OCS (or shortly after the first OCS) if their participation is considered unsatisfactory and will be offered guidance on how to improve it.

On successful completion you will be able to:

- Participate constructively in discussion and other classroom activities in order to understand, analyse and critique the basics of international law.

Citation tests

Due: **11 pm, 4 September 2016**

Weighting: **4%**

The unit comprises two citation modules (discussed further below under 'Delivery and Resources'). Each module culminates in two questions testing your ability to correctly formulate citations. Each question is worth one mark.

On successful completion you will be able to:

- Identify, find and correctly cite key primary sources of international law.

Summative quizzes

Due: **Various: see Schedule below**

Weighting: **20%**

Twelve weekly assessable quizzes will be set. These will be identified as Quizzes A to M. The questions will become available to students once they have successfully completed all formative quizzes relating to that week's topic. The summative quizzes will be conducted using iLearn and students must post their responses via iLearn.

Students stand to gain marks in relation to the first 10 summative quizzes they attempt. Students will be deemed to have attempted a summative quiz once they open it (ie once they have seen the questions). Students may attempt more than 10 summative quizzes in order to further their learning but they will not gain marks for the 11th or 12th quiz they attempt.

Each summative quiz will consist of two questions, making 24 questions in total. Each question will be worth one mark. Generally speaking, the first question in each quiz will focus on the issues looked at in previous topics, while the second question will tend to relate to the present topic. Most questions will follow a multiple choice format, with students being required to select the best out of a range of possible answers. In relation to some questions students might stand to lose marks if they choose the wrong answer. Students will be notified if that is the case prior to attempting the question. Students are permitted to choose not to attempt any question.

In addition to selecting an answer to each question, students will be required to write a short statement justifying their choice of answer. Students will receive a mark for a question only if they select the correct answer **and** adequately justify their choice. Students will receive no marks for a question if they provide no adequate justification for their choice of answer, regardless of whether that answer is correct.

A justification will be deemed adequate only if it fulfils all of the following criteria:

- it displays a sound understanding of the relevant information and concepts covered in the lectures and/or readings;
- it displays an ability to correctly apply that material in answering the question;
- it does not exceed 100 words in length, and
- it is provided as part of the student's on-line response to the quiz (ie not as a separate email, etc).

Note that it is not enough to choose the wrong answer but then accurately describe the law in your written statement. The questions are designed to test the application of the law, which is not the same as simply stating what the law says. Note also that in relation to each question you either receive the mark or you do not: there are no half marks.

Guidance on writing succinct justifications, as well as examples of what will be deemed adequate and inadequate, can be found in the document entitled *Guide to Answering Summative Quiz Questions*, which can be found on iLearn.

Unlike with formative quizzes, in the case of summative quizzes students only have one opportunity to submit and justify their answers. Once submitted, neither the answer nor the justification can be amended or supplemented.

Answers to each summative quiz will be released on iLearn immediately after its deadline, along with additional feedback via a pdf document posted to iLearn. For that reason, under no circumstances can an extension be granted for submission of answers.

On successful completion you will be able to:

- Demonstrate advanced knowledge of the general characteristics and principles of public international law.
- Describe the role, rights and responsibilities of some major international organisations under international law.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states when it comes to the treatment of their own nationals and corporations, as well as those of other states.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.

Problem Question I

Due: **11 pm, 4 September 2016**

Weighting: **25%**

Date for release of question: 1.00 pm, Tuesday 23 August 2016 (Week 4) (unless seminars are scheduled for later that week)

Deadline for student submission: 11.00 pm, Sunday 4 September 2016 (end of Week 5)

Target date for completion of marking: Week 8

Students will write a 2,000-word answer in relation to a hypothetical situation. Guidance on how to succeed in relation to Problem Question 1, along with the marking rubric, will be posted online at the time of the question's release. The assignment will relate to issues covered in Topics 1 – 4 (inclusive).

On successful completion you will be able to:

- Demonstrate advanced knowledge of the general characteristics and principles of public international law.
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of some major international organisations under international law.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states when it comes to the treatment of their own nationals and corporations, as well as those of other states.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.

Problem Question 2

Due: **11 pm, 16 October 2016**

Weighting: **25%**

Date for release of question: 1.00 pm, Tuesday 4 October 2016 (Week 8) (unless seminars are scheduled for later that week)

Deadline for student submission: 11 pm, Sunday 16 October 2016 (end of Week 9)

Target date for completion of marking: Week 13

Students will write a 2,000-word answer in relation to a hypothetical situation. Guidance on how to succeed in relation to Problem Question 2, along with the marking rubric, will be posted online at the time of the question's release. The assignment will relate to issues covered in Topics 1 – 7 (inclusive).

On successful completion you will be able to:

- Demonstrate advanced knowledge of the general characteristics and principles of public international law.
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of some major international organisations under international law.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states when it comes to the treatment of their own nationals and corporations, as well as those of other states.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.

Final examination

Due: **During exam period**

Weighting: **26%**

There will be a formal, invigilated examination held during the examination period (14 November to 2 December inclusive). The examination will be of two hours' duration, plus 10 minutes' reading time at the start of the exam. The final examination may relate to issues covered in any part of the unit. The examination will be open book. Students may take into the examination room and consult during the examination any amount of printed material, including books, primary and secondary sources such as journal articles, treaties, reports and resolutions, as well as written (and printed) notes (including diagrams and the like) prepared by the student or anyone else. Students may not take into the examination room any electronic device.

The examination will consist of one or more questions based on one or more real or hypothetical fact scenarios. The examination may also consist of a number of true/false, multiple choice or short answer questions. Further details on the final examination (including the type(s) of question), along with the marking rubric, will be posted online at least one week prior to the exam.

On successful completion you will be able to:

- Demonstrate advanced knowledge of the general characteristics and principles of public international law.
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of some major international organisations under international law.

- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states when it comes to the treatment of their own nationals and corporations, as well as those of other states.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.
- Advise on international law under time constraints and using limited resources.

Delivery and Resources

Lectures

This unit consists of 12 topics, as set out on the iLearn website. Each topic is divided into sub-topics. Most sub-topics are accompanied by a short, recorded lecture. These will vary in length, with some as short as a few minutes. Lectures are available for download from iLearn (click on the 'Echo 360' logo on the right hand side of the screen). Lectures are intended to give you an overview of the topic, indicate its most important aspects and, hopefully, make the related readings more interesting and accessible.

Accompanying the lectures are lecture slides. These are available from iLearn in .pptx (Powerpoint) and .pdf format. The two are identical, so you need not download both versions. When listening to lectures, be sure to have the accompanying slides in front of you, since they will be referred to during lectures. Each slide has a number, which you will find in the bottom right hand corner. Note that the slides for all sub-topics are combined together in one file, which is downloadable from the top of each topic in iLearn.

Readings

The lectures should give you a broad overview of the subject, but it is vital that you then develop your understanding by completing the related readings. The **prescribed textbook** for this unit is:

- Stephen Hall, *Principles of International Law* (LexisNexis, 4th ed, 2014, ISBN: 978-0-409-33450-0).

If you would like to acquire a second book, you are recommended the following as an affordable and interesting survey of the issues we study (and more):

- Jan Klabbers, *International Law* (Cambridge University Press, 2013, ISBN: 978-0-521-14406-3).

The readings for each topic are listed in the *Schedule of Readings* (available from iLearn). The pages of the readings that relate to each sub-topic are also set out in iLearn itself. References to 'Hall' and 'Klabbers' refer to the above books.

In relation to each topic, students are expected to read the following so as to ensure that they gain at least two perspectives on the issues we study:

1. the prescribed extract from the primary textbook (Hall, see above), and
2. at least one out of the following:
 1. the relevant extract from Klabbers (see above), or
 2. the relevant chapter from another leading textbook, those chapters being available to students online in pdf format from the Macquarie library website (via Multisearch: <http://libguides.mq.edu.au/MultiSearch>).

The above is intended to afford students some choice: buy Klabbers or rely on the pdf chapters from the library. Klabbers tends to be rather more succinct than the chapters obtainable via the library website. Obviously students would, in an ideal world, read Klabbers and the pdf chapters (as well as Hall). Even so, priority should be given to the readings from Hall.

In addition to completing the readings, you should appropriately consult the primary legal sources referred to in the lecture and readings (ie treaties, cases, etc). I would say that study of the primary sources is more valuable than trying to read three different textbook chapters relating to the same topic. At times study of primary sources will be essential in order to satisfactorily complete the assignments. All relevant primary materials are available online and you are expected to have sufficient research skills to locate and download them. (We cover how to find and cite international law primary material in the two Citation Modules.) If you are having problems finding and citing international material even after completing the citation modules then the library website and staff are likely to be your best source of assistance, although your tutor may also be able to help.

Tips on active reading

Many of us find it difficult to concentrate when we read. If you find that there is a tendency for your mind to wander then there are various techniques for making the task more engaging and enjoyable. For instance:

- Before reading a chapter or article, skim its contents, looking just at the headings and dipping into the contents here and there. On this initial skim the goal is simply to establish what the reading is about and how it is structured. Then ask yourself, say, ten basic questions about the subject that you would like answered. Here the formative quizzes should help, since these will raise questions to which you will need answers. But you should also make up your own questions: just follow your curiosity. Then read, looking primarily for answers to the questions you have set yourself. Once you have all ten answers, if you have time, set yourself ten more questions to answer. This time you might be getting into detail, but your questions will also be better informed and so more useful. Repeat this exercise until you feel you have exhausted the reading. If you still have unanswered questions, try to find answers by, if necessary, going beyond the set

readings.

- At least on an initial reading, do not be afraid to skim passages that do not seem important or interesting. If they turn out to be important then you can always go back to them.
- Imagine your job is to explain the reading to someone else. Better still, find someone to explain it to, such as a fellow student. How would you explain it? Think of the similes and hypothetical or real examples you might use. Think of the questions the other person might raise, and then find the answers to them.
- Challenge yourself to summarise the reading within a certain number of words. Be strict with your self-imposed word limit (eg 50 words for every page of the reading). Once you have achieved your goal, halve the word limit and then repeat the exercise. Keep doing this until you don't feel you can go further. This will also provide practice in concise writing, a skill some students lack.
- Design diagrams, mind maps, etc. Flow charts are particularly helpful when it comes to working out how to apply the law. They take a while to devise, but in the process you should come to thoroughly understand how the law works.
- We are most likely to find something boring if we do not see how it relates to ourselves personally. For that reason, think about ways in which the issues we cover affect you, or might affect you in the future. Imagine you have to give advice on these issues tomorrow: that should bring sufficient anxiety to sharpen your mind!

All of the above should also encourage you to look for the big picture, rather than getting hung up on too much detail. But most importantly, they should help you to read actively and purposefully, which is the key to enjoying academic study.

Formative Quizzes

Each sub-topic has related to it certain online activities identified as numbered quizzes: Quiz 1.1, Quiz 1.2, etc. These quizzes are designed to test and enhance your understanding of the material, and to ensure that you are well prepared for attendance at OCS.

Students must satisfactorily complete all formative quizzes relating to all 12 topics prior to 11 pm, Sunday 27 November 2016. Satisfactory completion entails obtaining 100% in each formative quiz on the student's final attempt. Students are encouraged to tick the boxes on the right-hand side of the iLearn site in order to record when they have completed each formative quiz.

Unlike with assessable, summative quizzes (identified as Quiz A, B, C, etc: see above under *Assessable Tasks*), where you only have one go at answering the questions, you may attempt formative quizzes as many times as you like. However, you will be unable to commence your second and subsequent attempts at a formative quiz until a certain number of minutes have elapsed after your last attempt. This is to encourage students to actively engage with the questions and not just guess the answers.

You have satisfactorily completed a formative quiz when you have obtained 100% on your final attempt. You will know when you have satisfactorily completed a formative quiz because the on-line activities for the next sub-topic will automatically become available on the iLearn site. Students will not be able to advance to the next sub-topic's activities until they have satisfactorily completed the preceding formative quiz.

Although students have until 11 pm, 27 November to complete formative quizzes, they will need to satisfactorily complete a topic's formative quizzes before they are able to attempt the assessable summative quiz set for that topic.

Citation Modules

In addition to the 12 topics that make up this unit, on iLearn you will find two self-study Citation Modules. These are designed to train you in finding and then correctly citing important international sources. Citation Module A relates to UN documents, while Citation Module B relates to the treaties. Students are required to complete these citation modules prior to 11 pm, 27 November. A Citation Module is considered complete only when a student has achieved 100% on their last attempt in relation to all exercises comprised within it. As with the formative quizzes, you are allowed an unlimited number of attempts at each exercise.

Even though you have until 27 November to complete these Citation Modules, you are strongly advised to complete Citation Module A in between studying Topics 2 and 3, and to complete Citation Module B in between your study of Topics 3 and 4. (iLearn is structured in accordance with this sequence of learning.) I make those recommendations for two reasons:

1. the Citation Modules are likely to make most sense to you if you complete them at those stages in your study;
2. a number of formative quizzes ask you to cite documents. You will find those exercises easier once you have completed the citation modules;
3. you will be expected to use correct citations in your answers to Problem Questions 1 and 2, as well as the final exam. For that reason it makes sense to get yourself trained in citation prior to embarking on Problem Question 1.

In order to encourage you to complete the citation modules in a timely manner, upon completion of each citation module students will gain online access to a corresponding citation test. Each test will consist of two questions and each question will be worth one mark. Students only stand to gain marks from the citation tests if they complete them prior to the deadline for Problem Question 1. Unlike citation exercises, students are permitted only one attempt at the citation test questions.

Note on collaboration re formative quizzes and citation modules

When it comes to the assessable summative quizzes, citation tests, the problem questions and the final exam, the normal rules relating to academic honesty apply. That means that your answers to those assignments should be your own individual work. Collaboration in relation to answering those assignments will constitute academic dishonesty.

The formative quizzes (including the citation exercises that make up the citation modules) are treated differently. I have no objection to students working collaboratively in relation to those tasks. Indeed, if you are finding the citation exercises difficult then you are positively encouraged to work on them in groups. That said, if you decide to collaborate in relation to formative quizzes or citation exercises then please do so actively. If you simply copy someone else's answers then you will be learning almost nothing.

In order to facilitate collaboration on formative quizzes and citation exercises, a specific discussion forum has been provided. Students are welcome to post to that forum if they are experiencing particular difficulties. When responding to another student's request for help, please don't just provide the answer. You need to exercise a basic skill of teaching, which is to let your fellow student work out the answer for themselves as much as possible. For instance, if there is a problem with a student's punctuation in a citation then you might refer them to the relevant rule in the Australian Guide to Legal Citation. That way the student is required to find and read the rule and then apply it. That is far more beneficial to the student's learning than simply saying something like 'you need to place a full stop at the end'.

On-campus sessions

Having developed a basic understanding of each topic by completing the on-line activities, on-campus sessions (OCS) are your chance to discuss the issues raised, as well as ask questions in order to clear up any lingering doubts as to whether you understand the material correctly. OCS are generally meant to come towards the end of the learning process, not the beginning. Certainly they are no substitute for listening to the lectures or doing the readings, although if you are totally stumped by even a basic point then there is no shame in raising it in class.

Please try not to be late arriving at an OCS.

How to make OCS interesting and useful

OCS only succeed if students actively participate. They are not meant to be simple rehashes of the lecture. In order to participate you need to adequately prepare for each OCS. This means listening to the lecture, completing the readings and online activities and thinking about the issues covered before you arrive.

Participation can take the form of answering tutor's questions, but you are also free to pose your own questions, either to tutors or fellow students. You should also regularly contribute appropriately to discussions. This involves listening respectfully to what others say and responding courteously. We should all be trying to develop our own and each other's learning, rather than scoring points off each other.

General discussion forum

A general discussion forum will be set up on iLearn. Students are encouraged to contribute to these discussions, provided the general rules of etiquette are observed. The forum is intended for discussion relating to the issues we are studying. Please post questions relating to administrative matters to the forum called 'Discussion Forum re Administrative Matters', while posting questions relating to the formative quizzes and citation exercises to the forum headed 'Discussion Forum re Formative Quizzes and Citation Exercises'.

Unit Schedule

General notes:

- Lectures are delivered only via iLearn: there are no 'live' lectures in this unit.
- Each week's readings are listed in the *Schedule of Readings* (available via iLearn). The pages of the essential readings relevant to each sub-topic are also set out on iLearn itself.

Topic 1: Introduction to International Law

A primary purpose of international law is to govern the relationship between different sovereign states. We begin by examining the scope and history of this fascinating subject. Besides introducing some key institutions such as the United Nations, this topic also addresses the oft raised question: are international relations really under the rule of law, or is it more a matter of might equalling right?

- **Deadline for Quiz A: 11.00 pm, Sunday 7 August**

Topic 2: Sources of International Law

All systems of law require a degree of certainty as to what rules govern any particular act or event. This topic considers how those rules are created and where they can be found. It also looks at some basic principles of international law which, though traceable back to classical times, are very much alive today.

- **Deadline for Quiz B: 11.00 pm, Sunday 14 August**

Topic 3: The Formation of Treaties

Treaties form much of the substance of international law. But what are treaties, how are they formed and how do they impact on states that sign them as well as those that do not? This topic also considers the issue of reservations: mechanisms whereby states seek to modify or avoid certain effects of treaties.

- **Deadline for Quiz C: 11.00 pm, Sunday 21 August**

Topic 4: Interpretation and Enforceability of Treaties

Continuing our examination of the law as it relates to treaties, this topic looks at what is probably the most difficult issue of all: their interpretation. It also explores the various ways in which states might try to escape liability under a treaty, for instance by declaring it invalid, or by simply refusing to comply with it.

- **Deadline for Quiz D: 11.00 pm, Sunday 28 August**

On-campus Session 1: Sunday 28 August

Topic 5: International and National Law

What is the relationship between national and international law? If Australia were to breach

international law, what effect can that have on the rights and responsibilities of ordinary Australians? This topic answers those questions, also giving thought to the part played by international law in other legal systems, such as those found in civil law countries.

- **Deadline for Quiz E: 11.00 pm, Sunday 4 September**

Topic 6: Statehood and Personality

The concept of state sovereignty is central to international law. What is more, much is made of the right of certain peoples to self-determination. But what is a state? And what does it mean to have legal personality in international law? This topic considers issues such as what is involved when a state decides to recognise the existence of another state or government, as well as the increasing role of international organisations in international law.

- **Deadline for Quiz F: 11.00 pm, Sunday 11 September**

Topic 7: State Responsibility

To what extent can a state be blamed for the wrongdoings of its agents or officials? Are states responsible for the acts of their citizens or corporations? If foreign property is damaged in a riot or an insurrection, can the state be required to make restitution? This topic answers these and other questions relating to state responsibility in international law.

- **Deadline for Quiz G: 11.00 pm, Monday 3 October**

Topic 8: Treatment of Foreign Nationals

When you visit a foreign country, can that country be held to account under international law if it mistreats you, such as imprisons you without trial or confiscates your property? Is a state obliged to treat non-nationals as generously as it does its own citizens? Conversely, is it free to treat them just as badly? This topic also examines how and when a state may be entitled to protect its nationals when abroad.

- **Deadline for Quiz H: 11.00 pm, Sunday 9 October**

On-campus Session 2: Sunday 9 & Monday 10 October

Topic 9: State Jurisdiction and Immunity

Jurisdiction refers to the scope of a state's lawful authority. This topic considers issues such as the extent to which one state can make laws relating to events that occur in another, as well as what laws apply on a ship or onboard a plane. It also explains concepts such as sovereign, diplomatic and consular immunity.

- **Deadline for Quiz J: 11.00 pm, Sunday 16 October**

Topic 10: International Dispute Settlement

Ultimately, states can settle their differences by going to war. Since 1945, however, concerted efforts have been made to find peaceful means of dispute resolution. This topic looks at institutions such as the International Court of Justice, as well as mechanisms designed to encourage negotiation and compromise.

- **Deadline for Quiz K: 11.00 pm, Sunday 23 October**

Topic 11: International Use of Force

Despite humanity's efforts, the scourge of international armed conflict is yet to be eradicated. This topic examines the general prohibition on the use or threat of force, as well as exceptions to that rule in cases such as self defence or when military action is authorised by the United Nations. It also looks at situations that raise difficult legal and moral questions, such as the disputed right to anticipatory self defence, as well as military interventions against oppressive regimes or to prevent humanitarian disasters.

- **Deadline for Quiz L: 11.00 pm, Sunday 30 October**

Topic 12: International Criminal Law

Traditionally, individuals were merely the objects of international law. The 20th century saw a growing concern for the protection of the individual under human rights conventions. The signs are that the 21st century will be the age of individual responsibility under international law, as the global community becomes increasingly reluctant to allow those who commit the most heinous of crimes to escape personal responsibility.

- **Deadline for Quiz M: 11.00 pm, Sunday 6 November**

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

New Assessment Policy in effect from Session 2 2016 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/

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

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>.

Communicating with teaching staff

By far the best way to communicate with the convenor is via **email**: roy.baker@mq.edu.au

The convenor checks his emails regularly and you can expect a response within a few business days. If you do not hear within four business days then it is likely that your email has gone missing. Only then should you send another chasing it up.

When emailing, it is vital that you use your Macquarie email account ([student.name]@students.mq.edu.au). Messages sent from other accounts (Hotmail, etc) generally go straight to spam. You can set up your Macquarie account so that emails received there are forwarded to your regular account.

Phoning the convenor is not a good idea unless the call is prearranged, since his phone is not regularly checked for messages.

If you wish to talk to the convenor or a tutor face-to-face then it is best to attend their **consultation sessions** (see *iLearn* for the day and time). If you wish to attend then you should notify the convenor or tutor (as appropriate) in advance. If you are unable to attend due to timetable clashes then you should email the convenor or tutor (as appropriate) to arrange a mutually convenient appointment.

Disruption to study

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 special consideration are to be submitted electronically via <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.

Note below under 'General Assessment Information' for information on what to do if you miss a summative quiz or a seminar.

Word limits and submission of work

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.

What do I do if I miss a quiz?

Ultimately, the situation is governed by the University's Disruption to Studies Policy. Even so,

note that students are afforded 12 opportunities to complete just 10 quizzes. That means that if you miss one or two quizzes during the course of the session then you need not rush to apply for special consideration. That saves you the burden of needing to compile documentary evidence and applying online in accordance with the Disruption to Studies Policy. You only need to apply for special consideration via the Policy if you miss more than two quizzes.

If your application for special consideration is successful on the basis that your disruption will prevent you from completing 10 quizzes then you will be granted permission to complete a substitute quiz. Questions for these substitute quizzes will be released at the beginning of Week 13 and the deadline for these substitute quizzes will fall at the end of Week 13.

If you do not qualify for special consideration then you will simply have to forego the marks for the missed quiz. If you miss more than two quizzes then that does not automatically result in a fail.

You are strongly recommended not to miss a quiz unless it is unavoidable to do so. By assiduously attempting all quizzes from the outset you will be able to keep two quizzes in reserve. Having quizzes in reserve may prove extremely helpful if you later miss a quiz due to circumstances that do not qualify for special consideration (eg you suffer a disruption of fewer than three days' duration or you simply forget a quiz deadline). By holding two quizzes in reserve, you would still have an opportunity to achieve full marks in the quiz component of the 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) 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://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

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

- Demonstrate advanced knowledge of the general characteristics and principles of public international law.
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of some major international organisations under international law.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states when it comes to the treatment of their own nationals and corporations, as well as those of other states.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.
- Advise on international law under time constraints and using limited resources.

Assessment tasks

- Formative quizzes
- Citation tests
- Summative quizzes
- Problem Question 1
- Problem Question 2
- Final examination

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

- Identify, find and correctly cite key primary sources of international law.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states when it comes to the treatment of their own nationals and corporations, as well as those of other states.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.
- Advise on international law under time constraints and using limited resources.

Assessment tasks

- Formative quizzes
- Citation tests
- Summative quizzes
- Problem Question 1
- Problem Question 2
- Final examination

Effective Communication

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

This graduate capability is supported by:

Learning outcome

- Participate constructively in discussion and other classroom activities in order to

understand, analyse and critique the basics of international law.

Assessment task

- OCS participation

Changes from Previous Offering

The following changes have been made since the first 2016 offering of this unit:

1. A formal, invigilated examination has replaced the previous online exam;
2. The standard remedy for missing a tutorial has been changed slightly.