



# LAWS530

## Jessup International Law Moot

S3 Day 2016

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Unit Convenor

Margaret Kelly

[margaret.kelly@mq.edu.au](mailto:margaret.kelly@mq.edu.au)

Contact via [margaret.kelly@mq.edu.au](mailto:margaret.kelly@mq.edu.au)

W3A 616

By email or phone

Credit points

3

Prerequisites

24cp in LAW or LAWS units and permission of Executive Dean of Faculty

Corequisites

Co-badged status

Unit description

This unit is based upon the Jessup International Law Moot Court Competition that is held each year and involves teams from around the world. An Australian regional round of competition is held annually in Canberra during February and from which the Australian representatives are selected to compete in the international round in Washington (USA), usually in the following April. Students in this unit work as a team in preparing written memorials in relation to a problem set by the competition organisers. The problems raise issues of current interest in the field of international law.

## 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 a thorough understanding of legal principles relating to selected principles of international law

Demonstrate an enquiring, critical, analytical and thoughtful approach to advocacy and procedure before the International Court of Justice

Formulate, present and evaluate oral and written arguments, drawing on relevant

precedent and policy considerations in the field of international law and practice  
Communicate effectively oral and written arguments  
Analyse a hypothetical fact situation, identify legal and factual issues involving international law, and apply relevant principles to solve legal problems  
Actively work as part of a team; contribute to overall outcomes; foster ethical and responsible working environment

## General Assessment Information

Teamwork, and understanding and co-operation between the 5 team members, as well as free interchange of ideas and free disagreement and compromise, are fundamental to any success for a Team in achieving a result in the National Rounds.

## Assessment Tasks

Name	Weighting	Due
<u>Preliminary Written Response</u>	10%	17 October 2016
<u>Teamwork</u>	10%	February 2016
<u>Written Memorials</u>	40%	27 December 2016
<u>Advocacy</u>	40%	February 2017

### Preliminary Written Response

Due: **17 October 2016**

Weighting: **10%**

Students will be required to submit a preliminary rough draft response to the *Compromis*.

This assessment task complies with the University's early assessment policy. Its purpose is to engage students with their unit as soon as possible and to provide an opportunity for early feedback.

More specifically, this assessment task is designed to direct students to identify the issues raised by the *Compromis*. The preliminary response should be prepared as though providing a memorandum on the relevant issues raised by the *Compromis*. Students are free to agree upon the format of the response. The preliminary response should raise the issues for both the Applicant and the Respondent, but these may be dealt with together. Issues need only be raised in a general sense; students are not expected to provide answers to the issues, merely to identify them and possible arguments.

The preliminary response should include:

- a) a table setting out a timeline of important events set out in the *Compromis*;
- b) a summary of the legal issues;
- c) a list of the most relevant cases or other materials;
- d)

a summary of each of the cases or other materials; and e) a short explanation of the relevance of the cases and other materials.

The Report is to be handed in to the Unit Convenor at her office. It is due Wednesday, 17 October 2016.

It is a group endeavour, and each individual contribution will be assessed by the Convenor (after consultation with the Team).

On successful completion you will be able to:

- Demonstrate a thorough understanding of legal principles relating to selected principles of international law
- Demonstrate an enquiring, critical, analytical and thoughtful approach to advocacy and procedure before the International Court of Justice
- Formulate, present and evaluate oral and written arguments, drawing on relevant precedent and policy considerations in the field of international law and practice
- Communicate effectively oral and written arguments
- Analyse a hypothetical fact situation, identify legal and factual issues involving international law, and apply relevant principles to solve legal problems
- Actively work as part of a team; contribute to overall outcomes; foster ethical and responsible working environment

## Teamwork

Due: **February 2016**

Weighting: **10%**

It is essential that all student participants work as a Team, both in constructing the Memorials, and in preparation for oral argument, and for support during oral argument. Contributions to the Team and to work on both written and oral arguments are to be made by all Team members at all times. While this is a Team-oriented assessment, there is a mark for each individual contribution, which will be determined by the Convenor after consultation with the Team.

On successful completion you will be able to:

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- Communicate effectively oral and written arguments
- Analyse a hypothetical fact situation, identify legal and factual issues involving international law, and apply relevant principles to solve legal problems

- Actively work as part of a team; contribute to overall outcomes; foster ethical and responsible working environment

## Written Memorials

Due: **27 December 2016**

Weighting: **40%**

The written Memorials must comply with the 2016-2017 Rules (to be available on iLearn for this unit). Students must be familiar with the current Rules, but may also wish to scrutinise previous years' Memorials.

**Word length:** The Pleadings section must be no longer than 9,500 words, which is inclusive of any footnotes and the Conclusion and/or Prayer for Relief; The Summary of Pleadings section must be no longer than 700 words; The Statement of Facts section must be no longer than 1,200 words. All parts of each Memorial shall be produced in a single file using Microsoft Word as appropriate. Word count shall be conducted using the standard 'word count' feature in Microsoft Word.

Please note that Cover Page, Table of Contents, Index of Authorities, Statement of Jurisdiction, or Questions Presented shall not be counted in calculating the number of words in each Memorial. The text of all parts of each Memorial (except for the cover page, table of contents, table of authorities and footnotes and headings) must be at least double-spaced. The text of footnotes and headings may be single-spaced, but there must be at least double-spacing between separate footnotes, *and between headings and the body-text of pleadings*. Quotations in excess of 50 words or more may be block-quoted and may be single-spaced.

### Important Note:

The draft 9,500 word Memorials submitted for this assessment task must comply with the current ILSA Rules, but will be able to be revised by the Team before submission in accordance with the Rules. The due date for submission of the Memorials for the competition will be advised when known; it will probably be sometime in the first or second week of January 2017. The date for submission of this draft group Memorial is 27 December 2016.

### Assessment:

Each individual's contribution to the Memorials will be assessed by the Convenor in consultation with the Team.

On successful completion you will be able to:

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- Demonstrate an enquiring, critical, analytical and thoughtful approach to advocacy and procedure before the International Court of Justice
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- Communicate effectively oral and written arguments
- Analyse a hypothetical fact situation, identify legal and factual issues involving international law, and apply relevant principles to solve legal problems
- Actively work as part of a team; contribute to overall outcomes; foster ethical and responsible working environment

## Advocacy

Due: **February 2017**

Weighting: **40%**

All students will make oral submissions during the preliminary parts of this Unit. The mark for oral submissions before the National Competition will be judged on the basis of each student's performance in all preliminary practice moots leading up departure for to the National Final. Students will be individually assessed on this assessment item. The majority of these practice moots will occur before submission of the Memorials, so as to acquaint students with the varying arguments. It is on these preliminary oral arguments, and those before departure for Canberra, that the Convenor will make preliminary judgements as to whom may be oralists in the National Finals. The decision as to whom will be the oralists in any of the National Competition rounds in Canberra will be that of the Convenor, in consultation with the Team.

Practice moots will commence as early as possible once the Memorials have been submitted to the competition organisers. Judges of practice moots will record a mark for each participant. Contributions of the non-speaking members for each practice moot will also be noted.

On successful completion you will be able to:

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## Delivery and Resources

**Technology:**

**This unit will use:**

iLearn.

The online unit can be accessed at: <https://ilearn.mq.edu.au/login/MQ/index.php>. **Most engagement will occur not online, but rather through discussions between the Team and the Convenor and the Coach (as limited by ILSA rules), and through regular Team meetings.**

The written assessments in this unit are fundamental, and are governed by the Rules of the Jessup International Mooting Competition. as promulgated by ILSA. This Unit will also use Practice moots as an essential learning tool. **This Unit will NOT use Turnitin (confidentiality of the Memorials is required, in accordance with the Jessup Rules)..**

Papers are to be delivered to the Convenor both in hard copy and by email (which email must be a contemporaneous copy of the hard copy). The Convenor will comment upon the hard copy or the soft copy, whichever is more expeditious given time constraints. the Convenor will comment according to the constraints imposed by the ILSA Rules.

#### Required and Recommended Texts and/or Materials

These will be available on iLearn, and also on the ILSA Jessup site.

#### Prescribed Materials

There are no prescribed texts or materials for this unit. All relevant material is available on the ILSA Jessup site, and also on iLearn

#### Reference Materials

Please see the ILSA Jessup site, and the iLearn site; in addition, the following is a list of texts may assist in your research in this unit.

Vaughan Lowe and Malgosia Fitzmaurice (eds) *Fifty Years of the International Court of Justice* (1996),

Shabtai Rosenne, *The Law and Practice of the International Court 1920-2005* (4th ed 2006),

Christopher Kee, *The Art of Argument: A Guide to Mooting* (2006)

David Pope and Dan Hill, *Mooting and Advocacy Skills* (2007).

Malcolm Shaw, *International Law* (2008, 6th ed, Cambridge University Press)

Ian Brownlie, *Principles of Public International Law* (2008, 7th ed, Oxford University Press)

Ian Brownlie (ed), *Basic Documents in International Law* (2009, 6th ed, Oxford University Press)

James Crawford, *The Creation of States in International Law* (2nd ed, 2006)

Gillian Triggs, *International Law: contemporary principles and practices* (2nd ed, 2011, LexisNexis Butterworths)

#### Cases:

International Court of Justice judgments are often quite long. Summaries of the judgments of the ICJ are all available on the ICJ website, and may be a useful starting point:

<http://www.icj-cij.org/homepage/index.php>

### **Statutes/Conventions:**

Students should be familiar with:

*Statute of the International Court of Justice*

*Charter of the United Nations*

*Vienna Convention on the Law of Treaties*, opened for signature 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980)

## **Unit Schedule**

There are no formal classes of any kind in this unit. Students are expected to work co-operatively in relation to preparation of the written assessment tasks and to attend meetings called by the unit convenor as well as participate in all practice moots organised for this unit. Continual engagement with the tasks and with other team members is essential.

## **Learning and Teaching Activities**

### **Continuous engagement and assessment**

There are no formal classes of any kind in this unit. Students are expected to work co-operatively in relation to preparation of the written assessment tasks and to attend meetings called by the unit convenor as well as participate in all practice moots organised for this unit.

## **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).

## 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

### Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

### Learning outcomes

- Demonstrate an enquiring, critical, analytical and thoughtful approach to advocacy and procedure before the International Court of Justice
- Formulate, present and evaluate oral and written arguments, drawing on relevant precedent and policy considerations in the field of international law and practice
- Communicate effectively oral and written arguments
- Analyse a hypothetical fact situation, identify legal and factual issues involving international law, and apply relevant principles to solve legal problems
- Actively work as part of a team; contribute to overall outcomes; foster ethical and responsible working environment

### Assessment tasks

- Preliminary Written Response
- Written Memorials
- Advocacy

### Learning and teaching activities

- There are no formal classes of any kind in this unit. Students are expected to work co-operatively in relation to preparation of the written assessment tasks and to attend meetings called by the unit convenor as well as participate in all practice moots organised for this unit.

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

## Learning outcomes

- Demonstrate a thorough understanding of legal principles relating to selected principles of international law
- Demonstrate an enquiring, critical, analytical and thoughtful approach to advocacy and procedure before the International Court of Justice
- Formulate, present and evaluate oral and written arguments, drawing on relevant precedent and policy considerations in the field of international law and practice
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## Assessment tasks

- Preliminary Written Response
- Teamwork
- Written Memorials
- Advocacy

## Learning and teaching activities

- There are no formal classes of any kind in this unit. Students are expected to work co-operatively in relation to preparation of the written assessment tasks and to attend meetings called by the unit convenor as well as participate in all practice moots organised for this unit.

## Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

## Learning outcomes

- Demonstrate a thorough understanding of legal principles relating to selected principles of international law
- Formulate, present and evaluate oral and written arguments, drawing on relevant precedent and policy considerations in the field of international law and practice

- Communicate effectively oral and written arguments
- Actively work as part of a team; contribute to overall outcomes; foster ethical and responsible working environment

## **Assessment tasks**

- Preliminary Written Response
- Teamwork
- Written Memorials
- Advocacy

## **Learning and teaching activities**

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## **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 a thorough understanding of legal principles relating to selected principles of international law
- Demonstrate an enquiring, critical, analytical and thoughtful approach to advocacy and procedure before the International Court of Justice
- Formulate, present and evaluate oral and written arguments, drawing on relevant precedent and policy considerations in the field of international law and practice
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## Assessment tasks

- Preliminary Written Response
- Teamwork
- Written Memorials
- Advocacy

## Learning and teaching activities

- There are no formal classes of any kind in this unit. Students are expected to work co-operatively in relation to preparation of the written assessment tasks and to attend meetings called by the unit convenor as well as participate in all practice moots organised for this unit.

## Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## Learning outcomes

- Demonstrate a thorough understanding of legal principles relating to selected principles of international law
- Demonstrate an enquiring, critical, analytical and thoughtful approach to advocacy and procedure before the International Court of Justice
- Formulate, present and evaluate oral and written arguments, drawing on relevant precedent and policy considerations in the field of international law and practice
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- Analyse a hypothetical fact situation, identify legal and factual issues involving international law, and apply relevant principles to solve legal problems

## Assessment tasks

- Preliminary Written Response
- Written Memorials
- Advocacy

## Learning and teaching activities

- There are no formal classes of any kind in this unit. Students are expected to work co-

operatively in relation to preparation of the written assessment tasks and to attend meetings called by the unit convenor as well as participate in all practice moots organised for this unit.

## 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

- Demonstrate a thorough understanding of legal principles relating to selected principles of international law
- Demonstrate an enquiring, critical, analytical and thoughtful approach to advocacy and procedure before the International Court of Justice
- Formulate, present and evaluate oral and written arguments, drawing on relevant precedent and policy considerations in the field of international law and practice
- Communicate effectively oral and written arguments
- Analyse a hypothetical fact situation, identify legal and factual issues involving international law, and apply relevant principles to solve legal problems
- Actively work as part of a team; contribute to overall outcomes; foster ethical and responsible working environment

### Assessment tasks

- Preliminary Written Response
- Written Memorials
- Advocacy

### Learning and teaching activities

- There are no formal classes of any kind in this unit. Students are expected to work co-operatively in relation to preparation of the written assessment tasks and to attend meetings called by the unit convenor as well as participate in all practice moots organised for this unit.

## Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to

read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

## **Learning outcomes**

- Demonstrate a thorough understanding of legal principles relating to selected principles of international law
- Demonstrate an enquiring, critical, analytical and thoughtful approach to advocacy and procedure before the International Court of Justice
- Formulate, present and evaluate oral and written arguments, drawing on relevant precedent and policy considerations in the field of international law and practice
- Communicate effectively oral and written arguments
- Actively work as part of a team; contribute to overall outcomes; foster ethical and responsible working environment

## **Assessment tasks**

- Preliminary Written Response
- Teamwork
- Written Memorials
- Advocacy

## **Learning and teaching activities**

- There are no formal classes of any kind in this unit. Students are expected to work co-operatively in relation to preparation of the written assessment tasks and to attend meetings called by the unit convenor as well as participate in all practice moots organised for this unit.

## **Engaged and Ethical Local and Global citizens**

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

## **Learning outcomes**

- Demonstrate a thorough understanding of legal principles relating to selected principles

of international law

- Formulate, present and evaluate oral and written arguments, drawing on relevant precedent and policy considerations in the field of international law and practice
- Communicate effectively oral and written arguments

## **Assessment tasks**

- Teamwork
- Written Memorials
- Advocacy

## **Learning and teaching activities**

- There are no formal classes of any kind in this unit. Students are expected to work co-operatively in relation to preparation of the written assessment tasks and to attend meetings called by the unit convenor as well as participate in all practice moots organised for this unit.

## **Socially and Environmentally Active and Responsible**

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

## **Learning outcomes**

- Demonstrate a thorough understanding of legal principles relating to selected principles of international law
- Demonstrate an enquiring, critical, analytical and thoughtful approach to advocacy and procedure before the International Court of Justice
- Actively work as part of a team; contribute to overall outcomes; foster ethical and responsible working environment

## **Assessment task**

- Teamwork

## **Learning and teaching activity**

- There are no formal classes of any kind in this unit. Students are expected to work co-operatively in relation to preparation of the written assessment tasks and to attend meetings called by the unit convenor as well as participate in all practice moots organised for this unit.