



# LAWS259

## International Law

S2 External 2017

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Unit Convenor

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Contact via email

W3A 509

For consultation times see iLearn

Credit points

3

Prerequisites

(18cp at 100 level or above) including (LEX101 or LAW115)

Corequisites

Co-badged status

Unit description

This unit introduces public international law's key principles, rules and concepts, examining how they shape contemporary international relations. It focuses on the role of the United Nations, international law as it governs treaties, the rights and responsibilities of states vis-à-vis each other, their own nationals and those of other states, the limits of state jurisdiction, state and diplomatic immunity, international dispute settlement, international use of force, international criminal law and the relationship between international law and Australia's legal system. In covering these areas students explore how international law seeks to resolve real problems facing the international community.

## 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 broad and coherent 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 unpredictable 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 unpredictable 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 and consistently 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:

1. satisfactorily complete Foundation Quizzes 1.1 to 1.4 (see below under *Foundation Quizzes 1.1 to 1.4*),
2. participate satisfactorily at the on-campus session (see below under *On-Campus Session Participation*), and
3. attain an aggregate mark of at least 50 out of 100 in the unit as a whole, those marks coming from the weekly assessed quizzes, citation tests, problem question and final online assessment.

A fail grade for one or more of the weekly assessed quizzes (Quizzes A to M), citation tests, problem question or final online assessment will not result in an automatic fail of the unit.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Foundation Quizzes 1.1 to 1.4</a>	0%	Yes	11 pm, 27 August 2017
<a href="#">OCS participation</a>	0%	Yes	16 & 17 September 2017
<a href="#">Weekly quizzes (Quiz A to M)</a>	30%	No	Various: see Schedule below
<a href="#">Citation tests</a>	4%	No	11 pm, 15 September 2017
<a href="#">Problem question</a>	30%	No	11 pm, 15 October 2017

Name	Weighting	Hurdle	Due
<a href="#">Final online assessment</a>	36%	No	12 noon, 13 November 2017

## Foundation Quizzes 1.1 to 1.4

Due: **11 pm, 27 August 2017**

Weighting: **0%**

**This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)**

In order to pass this unit, students must satisfactorily complete Foundation Quizzes 1.1 to 1.4. Satisfactory completion of these quizzes is therefore a hurdle requirement of this unit. Satisfactory completion involves attaining 100% in each quiz on the student's last attempt. Students are allowed unlimited attempts at each quiz and quiz attempts are not timed.

The purpose of the quizzes is to ensure that students are conversant with how the unit will be run. They are also intended to clarify staff and student expectations, thus promoting effective learning.

On successful completion you will be able to:

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

## OCS participation

Due: **16 & 17 September 2017**

Weighting: **0%**

**This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)**

The on-campus session (OCS) for this unit will be held on 16 and 17 September 2017. For external students, full attendance on both days of the OCS is compulsory. Students who are unable to attend all or part of the OCS must apply for special leave using the disruption to studies procedure. If that application is accepted, alternative work may be set in lieu of on-campus attendance.

In order to pass this unit, external students must participate satisfactorily at the OCS. Satisfactory tutorial participation is therefore a hurdle requirement of this unit. Satisfactory participation involves:

1. demonstrating that the student has prepared adequately for the OCS. Adequate preparation means listening to the relevant lectures, completing and thinking about the prescribed essential readings, as well as preparing answers to any questions posted to iLearn prior to the OCS;
2. actively participating in OCS activities, which can include answering tutors' questions,

- making suitable 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 because you turn up.

Notwithstanding the requirements relating to satisfactory participation, the OCS is meant to present a non-threatening environment 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.

On successful completion you will be able to:

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

## Weekly quizzes (Quiz A to M)

Due: **Various: see Schedule below**

Weighting: **30%**

Twelve weekly assessable quizzes will be set. These will be identified as Quizzes A to M. (There is no Quiz I.) Each quiz will relate to the topic due to be studied at the tutorial following the quiz deadline. The quizzes will be conducted using iLearn and students must post their responses via iLearn. Students must submit their answers for each quiz by the deadline stipulated in the Schedule below. Generally the deadline falls at 11 pm on the Sunday prior to the tutorial at which the relevant topic will be discussed.

Subject to that 11 pm deadline, students will have 30 minutes from when they first open the quiz to submit all of their answers. At the end of 30 minutes the quiz is submitted automatically with whatever answers have been filled in so far. If you open the quiz after 10.30 pm on the day of the deadline then the quiz will nevertheless close at 11 pm, meaning that you will have less than 30 minutes to submit your answers.

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

Each quiz will contain six questions as follows:

1. Questions 1, 2, 3 and 4 will each present a statement. Students will be asked to decide whether that statement is true or false. Each question will be worth one quarter of a mark. (When calculating the overall unit mark all marks will be rounded up or down to the nearest integer.)
2. Question 5 will take the form of a multiple choice question. Students will receive one mark for answering correctly.
3. Question 6 will ask a question to which students are required to write a short answer. Answers should not exceed 100 words and in many instances could be considerably shorter. Students will receive one mark for an appropriate answer. No fractional marks will be given. Answers that exceed 100 words will not receive a mark.

Please see below under 'Policies and Procedures' in relation to what you should do if you miss a quiz.

On successful completion you will be able to:

- Demonstrate broad and coherent 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.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.

## Citation tests

**Due: 11 pm, 15 September 2017**

**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. Missing one or both of the citation tests will not result in an automatic fail.

On successful completion you will be able to:

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

## Problem question

Due: **11 pm, 15 October 2017**

Weighting: **30%**

Date for release of question: 9 am, Monday 18 September 2017 (during recess)

Deadline for student submission: 11 pm, Sunday 15 October 2017 (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 this exercise, 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 2 – 8 (inclusive).

On successful completion you will be able to:

- Demonstrate broad and coherent 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 unpredictable 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 unpredictable 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 online assessment

Due: **12 noon, 13 November 2017**

Weighting: **36%**

Final Online Assessment (36%)

Date for release of exam question: 9 am, Monday 13 November 2017

Deadline for student submission: 12 noon, Monday 13 November 2017

There will be a final online assessment. This will involve advising in relation to one or more hypothetical fact scenarios, doing so under a strict time constraint. Details of the hypothetical scenario(s) and the assessment questions will be released online via iLearn at 9 am, 13 June. Students will be required to post their responses to iLearn (via Turnitin) three hours later (at noon). Guidance on how to succeed in this assessment, along with the marking rubric, will be

posted online at least one week prior to the assessment's release. The assessment may relate to issues covered in any part of the unit.

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 broad and coherent 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 unpredictable 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 unpredictable 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 13 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. Lectures are intended to provide 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, 5<sup>th</sup> ed, 2016, ISBN: 978-0-409-34324-3).

References to 'Hall' on iLearn refer to the prescribed textbook. If you would like to buy a second textbook then you are particularly recommended the following, since it offers an affordable, concise and interesting survey of what we study (and more):

- Jan Klabbers, *International Law* (Cambridge University Press, 2<sup>nd</sup> ed, 2017, ISBN: 978-1-316-50660-8).

Readings for the unit are categorised as follows:

- **Essential readings** largely consist of extracts from the prescribed textbook (Hall, see above). Students are expected to complete all essential readings each week.
- **Recommended readings** consist of chapters from the recommended additional textbook (Klabbers, see above). Students are not obliged to acquire or read this book, although you are likely to find the unit more interesting and easier to understand if you do so.
- **Additional readings** largely consist of chapters from other leading textbooks. These chapters are made available to you online in pdf format from the Macquarie library website (via Multisearch). Students are not expected to routinely complete the additional readings: they are offered as an additional resource, particularly in relation to assignments.

On occasion, assessable (and formative) quizzes may ask questions directly about the additional readings. It will be evident when they do so. All assignments assume knowledge of the essential readings and lecture content.

Each week's readings are listed in the *Schedule of Readings* available from iLearn. The pages of the essential readings relevant to each sub-topic are also listed on iLearn itself.

In addition to the secondary sources (book chapters, journal articles, etc) listed in the *Schedule of Readings*, you are expected to consult relevant primary legal sources (treaties, draft articles, cases, etc) as much as possible. It should be evident to you from the lectures and secondary sources which primary sources (and which parts of those primary sources) are most important. Sometimes you will need to consult primary sources in order to complete assignments. All relevant primary sources 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 and weekly 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 enjoyment of academic study.

## Foundation Quizzes (Quizzes 1.1 - 1.4)

Students are required to satisfactorily complete the Foundation Quizzes. Satisfactory completion means getting 100% in each quiz. You may attempt each quiz as many times as necessary and your attempts are not timed. Even though you have until the stipulated deadline to complete the Foundation Quizzes, you are strongly encouraged to do so prior to your tutorial in Week 1.

The questions are designed to ensure that we all understand how the unit should run. The questions are available under the 'Topic 1' tab on iLearn. You should submit your answers via iLearn.

## Formative Quizzes (Quizzes numbered 2.1 onwards)

Each sub-topic In Topics 2-13 has related to it certain online activities identified as numbered quizzes: Quiz 2.1, Quiz 2.2, 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 the relevant tutorial. Participation in the formative quizzes is voluntary and is not assessed. 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 the assessable, weekly quizzes (identified as Quiz A, B, C, etc: see above under *Assessment Tasks*), where you only have one go at answering each question, you may attempt formative quizzes as many times as you like. However, sometimes 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. That is to encourage students to actively engage with the questions and not just guess the answers.

## Citation Modules

In addition to the 13 topics that make up this unit, you will find on iLearn three 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 treaties. Citation Module C is offered in order to train students in citing the sources they are most likely to need when answering the Problem Question or in the Final Online Assessment. Completion of the citation modules is optional. However, you will be assessed on your ability to cite international sources in your answers to the Problem Question and the Final Online Assessment. As with the formative quizzes, you are allowed an unlimited number of attempts at each exercise.

You are strongly advised to complete Citation Module A in between studying Topics 3 and 4, and to complete Citation Module B in between your study of Topics 4 and 5. (iLearn is structured in accordance with this sequence of learning.) It is suggested that you attempt the relevant questions in Citation Module C as and when you need to develop the relevant skills for the

written assignments.

In order to encourage you to complete Citation Modules A and B in a timely manner, two citation tests have been set up. Students are permitted to attempt those tests even if they have not completed the citation modules, although they will find the tests far easier once they have done so. Each test will consist of two questions and each question will be worth one mark. Your citations will be automatically marked by iLearn. Students only stand to gain marks from the citation tests if they complete the required citations with absolute accuracy. The smallest variation from the prescribed answer (eg entering two spaces instead of one, or incorrect capitalisation) will mean that the mark is forfeited. Unlike citation exercises, students are permitted only one attempt at the citation test questions. No half marks will be awarded.

### **Note on collaboration re formative quizzes and citation modules**

When it comes to the assessable tasks (the weekly quizzes, citation tests, problem question and 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 will be 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'.

## **OCS**

The on-campus session (OCS) will be held on 16 and 17 September 2017. Both days will start promptly at 9 am and finish at 4 pm, with appropriate breaks. Please try not to be late arriving at the OCS or returning from breaks. External students must attend both days in full.

Having developed a basic understanding of each topic by completing the on-line activities, the OCS is 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. The OCS is 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 during the OCS.

## How to make the OCS interesting and useful

OCS only succeed if students actively participate. The OCS is not meant to simply rehash lectures. In order to participate you need to adequately prepare for the 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 the tutor's questions, but you are also free to pose your own questions, either to the tutor 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

*This schedule sets out the essential, recommended and additional reading for each topic. This information supplements that on iLearn, which provides precise essential and additional reading page numbers for each sub-topic.*

### **General notes:**

- Lectures are delivered only via iLearn: there are no 'live' lectures in this unit.
- 'Hall' refers to the prescribed textbook:
  - Stephen Hall, *Principles of International Law* (LexisNexis, 5<sup>th</sup> ed, 2016, ISBN: 978-0-409-34324-3).
- 'Klabbers' refers to the recommended additional book:
  - Jan Klabbers, *International Law* (Cambridge University Press, 2<sup>nd</sup> ed, 2017, ISBN: 978-1-316-50660-8).

*At the time of writing it was not possible to provide precise page numbers for the readings from Klabbers.*

- *Unless otherwise indicated, other readings are available from Macquarie University library as a unit reading. You can find them using MultiSearch: <http://libguides.mq.edu.au/MultiSearch>.*

## Topic 1: Unit Introduction

*This topic introduces the unit: its learning outcomes, its learning material and activities, and also its methods of assessment. Besides discussing administrative matters, the topic also considers the expectations of staff and students.*

- **Formative Quizzes 1.1 to 1.4 relate to Topic 1. The absolute deadline for completion of those quizzes is 11 pm, Sunday 27 August. Ideally, however, you should complete them in Week 1 (31 July – 4 August).**
- Readings:
  - Essential:
    - LAWS259 Unit Guide (available from iLearn).

## Topic 2: The Nature of 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 6 August**
- Readings:
  - Essential:
    - Hall, chapter 1 (part), paras 1.1 1.78 (pp 2 – 26)
  - Recommended:
    - Klabbers, chapter 1
  - Additional:
    - Malcolm N Shaw, *International Law* (Cambridge Uni Press, 7<sup>th</sup> ed, 2014), chapters 1 & 2 (pp 1 – 48);
    - Gillian D Triggs, *International Law: Contemporary Principles and Practices* (LexisNexis, 2<sup>nd</sup> ed, 2011), chapter 1 (pp 1 – 19);
    - Martin Dixon, Robert McCorquodale & Sarah Williams, *Cases & Materials on International Law* (Oxford Uni Press, 6<sup>th</sup> ed, 2016), chapter 1 (pp 1 – 17)

## Topic 3: 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 13 August**
- Readings:
  - Essential:
    - Hall, chapter 1 (part), para 1.79 onwards (pp 26 – 74)
  - Recommended:
    - Klabbers, chapter 2
  - Additional:
    - James Crawford, *Brownlie's Principles of Public International Law* (Oxford Uni Press, 8<sup>th</sup> ed, 2012), chapter 2 (pp 20 – 47)

## Topic 4: 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 20 August**
- Readings:
  - Essential:
    - Hall, chapter 2 (part), paras 2.1 – 2.74 (pp 80 – 108)
  - Recommended:
    - Klabbers, chapter 3 (part)
  - Additional:
    - Martin Dixon, Robert McCorquodale & Sarah Williams, *Cases & Materials on International Law* (Oxford Uni Press, 6<sup>th</sup> ed, 2016), chapter 3 (pp 55 – 82)

## Topic 5: 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 27 August**
- Readings:
  - Essential:
    - Hall, chapter 2 (part), para 2.75 onwards (pp 108 – 139)
  - Recommended:
    - Klabbers, chapter 3 (part)

- Additional:
  - Martin Dixon, Robert McCorquodale & Sarah Williams, *Cases & Materials on International Law* (Oxford Uni Press, 6<sup>th</sup> ed, 2016), chapter 3 (pp 82 – 102)

## Topic 6: 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 3 September**
- Readings:
  - Essential:
    - Hall, chapter 3 (pp 149 – 209)
  - Recommended:
    - Klabbers, chapter 16
  - Additional:
    - Donald R Rothwell et al, *International Law: Cases and Materials with Australian Perspectives* (Cambridge Uni Press, 2<sup>nd</sup> ed, 2014), chapter 4 (pp 196 – 267)

## Topic 7: 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 10 September**
- Readings:
  - Essential:
    - Hall, chapter 4 (pp 213 – 252)
  - Recommended:
    - Klabbers, chapter 4 and chapter 6 (part)
  - Additional:
    - Martin Dixon, *Textbook on International Law* (Oxford Uni Press, 7<sup>th</sup> ed, 2013), chapter 5 (pp 115 – 147)



## Topic 8: International Responsibility

*To what extent can a state or an international organisation 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 the responsibilities of states and international organisations in international law.*

- **Deadline for Quiz G: 11.00 pm, Monday 2 October**
- Readings:
  - Essential:
    - Hall, chapter 5 (part), paras 5.1 – 5.114 (pp 260 – 297)
  - Recommended:
    - Klabbers, chapter 7 (available from the library website)

## Topic 9: Diplomatic Protection

*Diplomatic protection refers to the right of a state to intervene on behalf of its nationals when they face mistreatment by other states. In this topic we consider the standard of treatment that you should receive when you visit a foreign country, and the circumstances in which your country can intercede on your behalf if those standards are not met. We also look at a state's ability to nationalise foreign-owned industries or other assets.*

- **Deadline for Quiz H: 11.00 pm, Sunday 8 October**
- Readings:
  - Essential:
    - Hall, chapter 5 (part), paras 5.115 onwards (pp 297 – 329)
  - Recommended:
    - Klabbers, chapter 6 (part)
  - Additional:
    - James Crawford, *Brownlie's Principles of Public International Law* (Oxford Uni Press, 8<sup>th</sup> ed, 2012), chapter 28 (pp 607 – 633)

## Topic 10: 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 15 October**
- Readings:
  - Essential:

- Hall, chapter 6 (pp 337 – 370)
- Recommended:
  - Klabbers, chapter 5 (available from the library website)
- Additional:
  - Gillian D Triggs, *International Law: Contemporary Principles and Practices* (LexisNexis, 2<sup>nd</sup> ed, 2011), chapter 8 (pp 427 – 503)

## Topic 11: 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 22 October**
- Readings:
  - Essential:
    - Hall, chapter 8 (pp 405 – 437)
  - Recommended:
    - Klabbers, chapter 8
  - Additional:
    - Ademola Abass, *International Law: Text, Cases, and Materials* (Oxford Uni Press, 2<sup>nd</sup> ed, 2014), chapter 14 (pp 489 – 522)

## Topic 12: 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 29 October**
- Readings:
  - Essential:
    - Hall, chapter 9 (pp 443 – 486)
  - Recommended:
    - Klabbers, chapters 10 and 12 (part)
  - Additional:
    - Ademola Abass, *International Law: Text, Cases, and Materials* (Oxford

- Uni Press, 2<sup>nd</sup> ed, 2014), chapter 10 (pp 333 – 370);
- Yoram Dinstein, *War, Aggression and Self-Defence* (Cambridge Uni Press, 5<sup>th</sup> ed, 2011), chapter 4 (pp 85 – 123)

## Topic 13: International Criminal Law

*Traditionally, individuals were merely the objects of international law. The 20<sup>th</sup> century saw a growing concern for the protection of the individual under human rights conventions. The signs are that the 21<sup>st</sup> 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 5 November**
- Readings:
  - Essential:
    - Malcolm N Shaw, *International Law* (Cambridge Uni Press, 7<sup>th</sup> ed, 2014), chapter 8 (pp 285 – 320)
  - Recommended:
    - Klabbers, chapter 12 (part)
  - Additional:
    - James Crawford, *Brownlie's Principles of Public International Law* (Oxford Uni Press, 8<sup>th</sup> ed, 2012), chapter 30 (pp 671 – 690);
    - Hall, chapter 10 (pp 491 – 596)

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.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 (in effect until Dec 4th, 2017): [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html)

Special Consideration Policy (in effect from Dec 4th, 2017): <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

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](#).

## Communicating with teaching staff

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

## 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 weekly assessed quizzes during the course of the session then you need not rush into taking action. That saves you the burden of needing to compile documentary evidence and applying online for special consideration in accordance with the Disruption to Studies Policy. You only need to do that if you miss more than two quizzes.

If your Disruption to Studies application is successful then you will be granted permission to complete a supplementary quiz in the event of your being unable to complete 10 out of the 12 standard quizzes. Questions for these supplementary quizzes will be released at the beginning of Week 13 and the deadline for these supplementary 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 are busy with other assignments 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.

## 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.

## Moderation

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked.

## 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

### 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:

#### Assessment task

- Foundation Quizzes 1.1 to 1.4

### 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 broad and coherent 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 unpredictable 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 unpredictable 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**

- Weekly quizzes (Quiz A to M)
- Citation tests
- Problem question
- Final online assessment

## **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 unpredictable 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 unpredictable 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**

- Problem question
- Final online assessment

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

### Assessment tasks

- Foundation Quizzes 1.1 to 1.4
- OCS participation

## Changes from Previous Offering

The following changes have been made since the last offering in Session 1, 2017:

1. the use of a new edition of Jan Klabbbers' *International Law*;
2. introduction of Citation Module C, which offers training in citing key primary sources.