



# IRPG857

## International Law and Institutions

S1 Day 2017

*Dept of Modern History, Politics & International Relations*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Lecturer

Dr Lavina Lee

[lavina.lee@mq.edu.au](mailto:lavina.lee@mq.edu.au)

Contact via By email.

Building W6A 431

Thursdays 1.30 - 3 pm

Credit points

4

Prerequisites

Admission to MIntRel or PGDipIntRel or GradDipIntRel or MIntCommMIntRel or MIntBusMIntRel or MIntRelMIntTrdeComLaw or MTransInterMIntRel or MIntPubDip or GradCertIntRel or MPlan

Corequisites

Co-badged status

Unit description

This unit examines why international law and institutions have increasingly become instruments of choice for states in solving common problems and expressing common values. We focus first on the nature of international law and institutions, the historical and political context in they have developed and major theoretical approaches. We then look at substantive issue areas including the use of force and the UN collective security system; terrorism; international crimes; international trade; and international environmental institutions. Finally, we examine the impact of unequal power relations in international law and institutions as well as issues of legitimacy and global governance.

## 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:

The development of a body of knowledge about: the nature and sources of international law; international law with respect to the use of force, terrorism, war, international crimes, the sea, international trade and the environment; the historical development of

international law; and the specific core charters, functions, decision-making and dispute settlement procedures and processes of the United Nations, World Trade Organisation, Kyoto Protocol, and the ICC.

The ability to understand and critically evaluate the theoretical approaches to international law and international relations within the IR discipline and to reflect upon the role of power on the formation and effective operation of international law.

The ability to reflect upon the ethical, political and cultural context which informs and influences the operation of international law and institutions.

The ability to formulate and defend policy recommendations on important issues regarding international law and institutions.

The ability to undertake independent research and analysis.

The ability to communicate effectively in both written work and oral presentations. This involves being able to identify and organise relevant information and to formulate persuasive, coherent and critical arguments.

The ability to work collaboratively with ones peers on common projects.

The ability to express critical judgment about underlying theories, concepts, assumptions and arguments in the field.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Task 1: Class Participation</u>	10%	No	Ongoing
<u>Task 2 - Tutorial Leadership</u>	5%	No	Ongoing
<u>Task 3 - Mid-Semester Test</u>	15%	No	Wednesday 12 April 7.30pm
<u>Task 4 - Long Paper</u>	40%	No	Thursday 27 April 2017
<u>Task 5 - Final Exam</u>	30%	No	Saturday 17 June 2017

### Task 1: Class Participation

Due: **Ongoing**

Weighting: **10%**

Throughout the session, students will be assessed on their participation in class discussion during tutorials. Students are expected to be prepared for class discussion by reading the materials set as 'required reading' on ilearn, as well as doing additional research to adequately participate in activities such as role plays, debates and case studies. Required readings come from the textbook - Armstrong, Farrell and Lambert, *International Law and International*

*Relations*, 2nd edition, 2012 - and from journal articles, news reports, issue analyses etc.

On successful completion you will be able to:

- The development of a body of knowledge about: the nature and sources of international law; international law with respect to the use of force, terrorism, war, international crimes, the sea, international trade and the environment; the historical development of international law; and the specific core charters, functions, decision-making and dispute settlement procedures and processes of the United Nations, World Trade Organisation, Kyoto Protocol, and the ICC.
- The ability to understand and critically evaluate the theoretical approaches to international law and international relations within the IR discipline and to reflect upon the role of power on the formation and effective operation of international law.
- The ability to reflect upon the ethical, political and cultural context which informs and influences the operation of international law and institutions.
- The ability to communicate effectively in both written work and oral presentations. This involves being able to identify and organise relevant information and to formulate persuasive, coherent and critical arguments.
- The ability to work collaboratively with ones peers on common projects.
- The ability to express critical judgment about underlying theories, concepts, assumptions and arguments in the field.

## Task 2 - Tutorial Leadership

Due: **Ongoing**

Weighting: **5%**

This task is designed to develop your oral communication skills and ability to work with others. You will be assessed on criteria (set out below) that include your success in engaging the class. At the beginning of semester, we will assign tutorial topics to groups of two or more students. Together, you will run the first 15-25 minutes of the weekly tutorial (a strict 30 minute time limit will apply). Any activity is acceptable, except you must not read a written paper. You could conduct a debate, run a role play, propose a hypothetical, put students in small groups for discussion of materials etc. Your presentation should help others to gain greater understanding by analysing the week's topic. You may find it helpful to link the week's topic to contemporary issues (e.g. UN debates over Syria, ICC trials etc) .

Each group must email [lavina.lee@mq.edu.au](mailto:lavina.lee@mq.edu.au) a 700 word paper at least 48 hours before your presentation. This is a group paper (not an individual paper) but please cc all group members on the email sent to Lavina so that feedback can easily be given to all members of the group. This paper should explain 1) what you have sought to achieve in the class, 2) how you have sought to engage the group and 3) the resources you have drawn on. You will be assessed on three criteria:

- Preparation & organization
- How effectively you engage the class
- Research & understanding of concepts

You will be marked as a group for this task and further information/discussion about the task will be available on ilearn.

On successful completion you will be able to:

- The development of a body of knowledge about: the nature and sources of international law; international law with respect to the use of force, terrorism, war, international crimes, the sea, international trade and the environment; the historical development of international law; and the specific core charters, functions, decision-making and dispute settlement procedures and processes of the United Nations, World Trade Organisation, Kyoto Protocol, and the ICC.
- The ability to understand and critically evaluate the theoretical approaches to international law and international relations within the IR discipline and to reflect upon the role of power on the formation and effective operation of international law.
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- The ability to communicate effectively in both written work and oral presentations. This involves being able to identify and organise relevant information and to formulate persuasive, coherent and critical arguments.
- The ability to work collaboratively with ones peers on common projects.
- The ability to express critical judgment about underlying theories, concepts, assumptions and arguments in the field.

## Task 3 - Mid-Semester Test

Due: **Wednesday 12 April 7.30pm**

Weighting: **15%**

The mid-semester test will be a 1 hour online examination administered through ilearn. It will be released at 7.30 pm and is due for submission at 8.30 pm. It will consist of a mixture of multiple choice and short-answer questions on the material covered in weeks 1, 2, 3 and 4 of the course.

On successful completion you will be able to:

- The development of a body of knowledge about: the nature and sources of international law; international law with respect to the use of force, terrorism, war, international crimes, the sea, international trade and the environment; the historical development of

international law; and the specific core charters, functions, decision-making and dispute settlement procedures and processes of the United Nations, World Trade Organisation, Kyoto Protocol, and the ICC.

- The ability to understand and critically evaluate the theoretical approaches to international law and international relations within the IR discipline and to reflect upon the role of power on the formation and effective operation of international law.
- The ability to reflect upon the ethical, political and cultural context which informs and influences the operation of international law and institutions.
- The ability to communicate effectively in both written work and oral presentations. This involves being able to identify and organise relevant information and to formulate persuasive, coherent and critical arguments.
- The ability to express critical judgment about underlying theories, concepts, assumptions and arguments in the field.

## Task 4 - Long Paper

Due: **Thursday 27 April 2017**

Weighting: **40%**

Students are required to submit a research paper of 2,500 words in length. Essays which are 10% or more over this word limit will be penalised. A list of essay questions will be posted on ilearn in week 1.

On successful completion you will be able to:

- The development of a body of knowledge about: the nature and sources of international law; international law with respect to the use of force, terrorism, war, international crimes, the sea, international trade and the environment; the historical development of international law; and the specific core charters, functions, decision-making and dispute settlement procedures and processes of the United Nations, World Trade Organisation, Kyoto Protocol, and the ICC.
- The ability to understand and critically evaluate the theoretical approaches to international law and international relations within the IR discipline and to reflect upon the role of power on the formation and effective operation of international law.
- The ability to reflect upon the ethical, political and cultural context which informs and influences the operation of international law and institutions.
- The ability to formulate and defend policy recommendations on important issues regarding international law and institutions.
- The ability to undertake independent research and analysis.

- The ability to communicate effectively in both written work and oral presentations. This involves being able to identify and organise relevant information and to formulate persuasive, coherent and critical arguments.
- The ability to express critical judgment about underlying theories, concepts, assumptions and arguments in the field.

## Task 5 - Final Exam

Due: **Saturday 17 June 2017**

Weighting: **30%**

This is 1 day open book examination. The final examination paper will be released onto ilearn on Saturday 17 June 2017 at 9.30 am and is due for submission by 9.30 am on Sunday 18 June 2017. Students are responsible for ensuring that they have access to ilearn to download the paper and to re-submit it. The paper will cover material discussed in weeks 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

On successful completion you will be able to:

- The development of a body of knowledge about: the nature and sources of international law; international law with respect to the use of force, terrorism, war, international crimes, the sea, international trade and the environment; the historical development of international law; and the specific core charters, functions, decision-making and dispute settlement procedures and processes of the United Nations, World Trade Organisation, Kyoto Protocol, and the ICC.
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- The ability to formulate and defend policy recommendations on important issues regarding international law and institutions.
- The ability to communicate effectively in both written work and oral presentations. This involves being able to identify and organise relevant information and to formulate persuasive, coherent and critical arguments.
- The ability to express critical judgment about underlying theories, concepts, assumptions and arguments in the field.

## Delivery and Resources

### Required Reading

We will be using the following **textbook**: David Armstrong, Theo Farrell and Helene Lambert, *International Law and International Relations* (Cambridge UK: Cambridge University Press 2012).

Second hand copies of this textbook are likely to be available. Please ensure that you buy the 2012 edition.

In addition from week to week additional journal articles, news articles etc will be set as required reading and posted on ilearn.

### **Technologies Used**

This unit has an online presence in in ilearn. Students will require access to reliable broadband and a computer.

### **Tutoring Staff**

TBA

## **Unit Schedule**

### **Week 1**

Introduction to course; Evolution of International Law

Wednesday 1 March – Lecture 1 (but **no seminar/tutorial**)

See ilearn materials

### **Week 2**

The Nature of International Law; Sources of International Law

Wednesday 8 March - First seminar/tutorial

### **Week 3**

Sources of International Law; Theoretical Approaches Part 1

Wednesday 15 March

### **Week 4**

Theoretical Approaches Part 2

Wednesday 22 March

### **Week 5**

The Use of Force

Wednesday 29 March

### **Week 6**

Terrorism



Wednesday 5 April

**Week 7**

No Lecture or Tutorial

**Mid-Semester Test - Wednesday 12 April 7.30 pm - 8.30 pm**

**MID SEMESTER BREAK**

Friday 14 April to Friday 28 April

**Long Paper Due: Thursday 27 April**

**Week 8**

International Humanitarian Law

Wednesday 3 May

**Week 9**

International Crimes and the ICC

Wednesday 10 May

**Week 10**

International Trade and the WTO

Wednesday 17 May

**Week 11**

The Environment

Wednesday 24 May

**Week 12**

The Law of the Sea and Great Power Politics

Wednesday 31 May

**Week 13**

Revision Lecture and Tutorials

Wednesday 7 June

**Final Examination – one day take home paper**

Released on ilearn at 9.30 am on **Saturday 17 June and due for submission on Sunday 18 June at 9.30 am**

## 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](http://ask.mq.edu.au).

## Additional Policies for this Unit

### Essays will be failed for the following reasons

1. **Plagiarism** – for example, where sentences or paragraphs are taken word-for-word or nearly word-for-word from another source and presented as original expression. See the University's Academic Honesty Policy for an in depth explanation of what constitutes plagiarism. Plagiarism is taken very seriously by the Convenor and the Department generally. A plagiarised essay will get zero marks and the student will receive a fail grade. In addition it is Faculty policy that a note of the offence is placed on the student's academic record. If this is a second offence the penalties may escalate to failure of the course, and expulsion from the degree.
2. **Excessive use of direct quotes** may result in a fail grade. As a general rule no more than 10% of your overall word length should appear in direct quotes. You must try to express your ideas and arguments in your own words as much as possible. This demonstrates true understanding.
3. Identical or nearly **identical essays** will all fail – regardless of the original authorship.

4. Work that is significantly below the required **word length**.
5. Essays written with **poor English grammar and expression** may be failed if the marker is unable to understand the argument(s) raised.

### Examination

The only exception to sitting an examination at the designated time (above) is because of documented illness or unavoidable disruption. In these circumstances you may wish to consider applying for 'disruption of studies'. Consult the Disruption of Studies Policy (above) for further information.

If a Supplementary Examination is granted as a result of the Disruption of Studies process, the examination will be scheduled after the conclusion of the official examination period.

You are advised that it is Macquarie University policy not to set early examinations for individuals or groups of students. All students are expected to ensure that they are available until the end of the teaching semester, that is the final day of the official examination period.

### Extensions and Penalties

The following policies will apply in relation to the short paper and major research paper.

#### EXTENSIONS

Any student seeking an extension of time to submit their research paper must, except in extraordinary circumstances, submit to the Convenor (or have submitted on their behalf) a request in writing and supportive documentary evidence before the due date. Extensions will not be given other than in **exceptional cases of illness**. In such cases, a certificate signed by a medical practitioner must be submitted as supportive documentary evidence. In extraordinary circumstances where a written request for an extension cannot be submitted, an application for an extension can be sought verbally. However, in such cases, any extension granted will be subject to the student subsequently submitting such documentary evidence as is deemed appropriate by the Convenor. If an extension is sought due to the death of a family member, proof must be provided in the form of a death certificate.

Whilst we do understand that many or most students support themselves through paid employment, extensions cannot be granted on this basis alone. Students must manage their time and workloads accordingly. Essay topics will be made available early in the semester leaving sufficient time for essay preparation. Meeting deadlines for assignments is treated very seriously in this course. **Accordingly, the penalties for late submission are high.**

#### PENALTIES FOR LATE SUBMISSION

Any research paper that is submitted after the due date and without having obtained an extension will be penalised at a rate of 3% per day. For example:

- a 9% penalty will be applied to an assignment that is 3 days late
- a 21% penalty will be applied to an assignment that is 7 days late.

Any paper that is submitted after the 10th day will not be marked and the student submitting such a paper will be deemed not to have completed and submitted the paper.

## Assignment Submission

Hard copy submission of assignments will not be required for this course. All assignments are to be submitted online using the ilearn website for this unit. A Turnitin link for submission will be set up there. Comments and grades will also be available online.

## Turn-it-in

All written work in this course is also required to be uploaded onto Turnitin by students at the time of submission. Work that is not uploaded onto Turnitin will not be graded and will receive a mark of zero.

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

## **Learning outcomes**

- The ability to formulate and defend policy recommendations on important issues regarding international law and institutions.
- The ability to undertake independent research and analysis.
- The ability to work collaboratively with ones peers on common projects.

## **Assessment task**

- Task 4 - Long Paper

## **PG - Discipline Knowledge and Skills**

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

## **Learning outcomes**

- The development of a body of knowledge about: the nature and sources of international law; international law with respect to the use of force, terrorism, war, international crimes, the sea, international trade and the environment; the historical development of international law; and the specific core charters, functions, decision-making and dispute settlement procedures and processes of the United Nations, World Trade Organisation, Kyoto Protocol, and the ICC.
- The ability to understand and critically evaluate the theoretical approaches to international law and international relations within the IR discipline and to reflect upon the role of power on the formation and effective operation of international law.
- The ability to reflect upon the ethical, political and cultural context which informs and influences the operation of international law and institutions.
- The ability to formulate and defend policy recommendations on important issues regarding international law and institutions.
- The ability to express critical judgment about underlying theories, concepts, assumptions and arguments in the field.

## **Assessment tasks**

- Task 1: Class Participation
- Task 2 - Tutorial Leadership
- Task 3 - Mid-Semester Test

- Task 4 - Long Paper
- Task 5 - Final Exam

## PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

### Learning outcomes

- The ability to understand and critically evaluate the theoretical approaches to international law and international relations within the IR discipline and to reflect upon the role of power on the formation and effective operation of international law.
- The ability to reflect upon the ethical, political and cultural context which informs and influences the operation of international law and institutions.
- The ability to formulate and defend policy recommendations on important issues regarding international law and institutions.
- The ability to express critical judgment about underlying theories, concepts, assumptions and arguments in the field.

### Assessment tasks

- Task 1: Class Participation
- Task 2 - Tutorial Leadership
- Task 3 - Mid-Semester Test
- Task 4 - Long Paper
- Task 5 - Final Exam

## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

### Learning outcomes

- The ability to formulate and defend policy recommendations on important issues regarding international law and institutions.

- The ability to undertake independent research and analysis.

## **Assessment tasks**

- Task 3 - Mid-Semester Test
- Task 4 - Long Paper
- Task 5 - Final Exam

## **PG - Effective Communication**

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

## **Learning outcomes**

- The ability to formulate and defend policy recommendations on important issues regarding international law and institutions.
- The ability to communicate effectively in both written work and oral presentations. This involves being able to identify and organise relevant information and to formulate persuasive, coherent and critical arguments.
- The ability to work collaboratively with ones peers on common projects.

## **Assessment tasks**

- Task 1: Class Participation
- Task 2 - Tutorial Leadership
- Task 3 - Mid-Semester Test
- Task 4 - Long Paper
- Task 5 - Final Exam

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

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

This graduate capability is supported by:

## **Learning outcomes**

- The ability to reflect upon the ethical, political and cultural context which informs and

influences the operation of international law and institutions.

- The ability to formulate and defend policy recommendations on important issues regarding international law and institutions.

## Changes since First Published

Date	Description
07/02/2017	Textbook information moved to 'delivery and resources'