



# LAWS587

## War Law

S1 Day 2017

*Dept of Law*

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### Disclaimer

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## General Information

Unit convenor and teaching staff

Convenor

Dr Shireen Daft

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Contact via email

W3A 541

TBD

Credit points

3

Prerequisites

39cp at 100 level or above

Corequisites

LAWS259 or LAW409 or LAW459 or LAW509

Co-badged status

Unit description

The maintenance of international peace and security is one of the driving aims of the international legal order. International law seeks to both prevent, and when that is not possible, regulate the conduct of armed conflict. This unit will consider this role of international law, examining the nature of armed conflict and the role of international humanitarian law and international criminal law in providing a framework to address contemporary challenges during armed conflict, including the protection of civilians, the status and treatment of combatants, the protection of the environment and cultural heritage, and the pursuit of peace.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

- Articulate and critique the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict
- Evaluate past and present international developments in the area of the law of war, and analyse, interpret and critique such developments from an international law perspective

Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict

Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance

Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

Apply mature and considered approaches to written communication including plain English principles and legal citation methods

## General Assessment Information

In the absence of a successful application for special consideration, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero.

Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](https://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required

Word limits will be strictly applied and work above the word limit will not be marked. Footnotes are only to be used for referencing. Substantive material in footnotes will not be marked.

All assessments in the unit are to be submitted electronically via Turnitin. Plagiarism detection software is used in this unit.

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

Detailed marking rubrics for each assessment will be made available on iLearn.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Research Paper Proposal</a>	10%	No	Week 4
<a href="#">Class Panel Discussions</a>	40%	No	Ongoing
<a href="#">Research Paper</a>	50%	No	9 June 2017, 11.59pm

### Research Paper Proposal

Due: **Week 4**

Weighting: **10%**

You are required to develop and submit a research question and proposal for your research

essay (see below). The proposal must clearly set out the research question you are proposing to answer and the basic proposed approach to the question.

The research question must directly relate to one of the topics canvassed over the course of the unit.

The proposal must clearly indicate what current issue you are intending to consider, why the issue is worthy of consideration, and the relevance of the analysis to the development and understanding of the law of armed conflict. It should include evidence of research of the topic, citing at least 2 primary sources (eg treaties, case law, UN resolutions) and 2 secondary sources (preferably journal articles).

The proposal should not exceed 2 A4 pages.

On successful completion you will be able to:

- Evaluate past and present international developments in the area of the law of war, and analyse, interpret and critique such developments from an international law perspective
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

## Class Panel Discussions

Due: **Ongoing**

Weighting: **40%**

Students will have the opportunity to elect 3 weeks in which to sit on the 'expert panel' during tutorials commencing from w3. The panels (which can extend to a maximum of 8 students per week) will focus on the topic of the week, but each panelist will have the opportunity to choose their particular area of interest within that topic. These students will field questions from the convenor and their fellow students and have the opportunity to ask fellow students opinions and questions. The structure of this process will be discussed in detail in w1 classes.

For external students, these panels will be run during the OCS. Students will have an opportunity to select their panels via iLearn.

For each expert panel, the student will earn a mark out of 10. Students will be assessed on their understanding of the topic, their ability to answer questions posed, their interaction with fellow panelists and students' opinions, and their level of analytical thought.

The remaining 10% of this assessment will be based on the level of engagement of the student

on weeks when they are not on the panel - did they ask the panelists pertinent questions, did they engage in the class discussion? etc.

A marking rubric for this assessment will be provided on ilearn and discussed in class.

On successful completion you will be able to:

- Articulate and critique the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict
- Evaluate past and present international developments in the area of the law of war, and analyse, interpret and critique such developments from an international law perspective
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

## Research Paper

Due: **9 June 2017, 11.59pm**

Weighting: **50%**

Students are required to submit a research paper that critically analyses a current issue or development in the law of armed conflict of special interest, that falls within the scope of the unit. The maximum word limit for the research paper will be 3000 words, which will be strictly adhered to, and anything beyond 3000 words will not be read. Footnotes are excluded from the word count (but substantive text in footnotes will be counted).

Students will be assessed on their understanding, explanation and analysis of the legal issues presented, the depth of their research as well as their critical evaluation of the relevant issues. Research should extend beyond the prescribed books and course materials (the recommended books and journals provide a starting point for further research). Clarity of expression, presentation of argument, use of legal sources and correct and consistent reference style will also be taken into account. The paper should be appropriately structured, with sub-headings included, a clear introduction and conclusion, and a clear central thesis.

A detailed marking rubric will be provided on iLearn.

If uncertain whether a desired topic of exploration is suitable, please contact the convenor for advice, preferably in consult hours.

On successful completion you will be able to:

- Articulate and critique the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict
- Evaluate past and present international developments in the area of the law of war, and analyse, interpret and critique such developments from an international law perspective
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

## Delivery and Resources

There will be a weekly 2 hour lecture for this unit, which will be recorded. It will be followed by a 1 hour tutorial on the topic for internal students and a 2 day on campus session for external students. Both lectures and tutorials will commence from week 1.

### Required Readings

The required textbook for this unit is Emily Crawford and Alison Pert, *International Humanitarian Law* (Cambridge University Press, 2015). This book is available from the Co-Op Bookshop and is also available as an ebook. Details of additional readings are provided on ilearn.

### Recommended Readings

Students are strongly urged to obtain a copy of Adam Roberts and Richard Guelff, *Documents on the Laws of War* (OUP, 3rd ed, 1996). Other recommended books are:

1. Dieter Fleck, *The Handbook of International Humanitarian Law* (OUP, 3rd ed, 2013)
2. Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge University Press, 3rd ed, 2016)
3. Yoram Dinstein, *Non-International Armed Conflicts in International Law* (Cambridge University Press, 2014)
4. Andrew Clapham and Paola Gaeta (eds), *The Oxford Handbook of International Law in Armed Conflict* (OUP, 2015)

Other recommended readings per topic will be provided on iLearn.

All Unit requirements and a weekly teaching schedule are outlined in iLearn.

All assessments are to be submitted electronically via Turnitin.

## Unit Schedule

**W1 – History, Theory, Scope of Application**

**W2 – International v Non-International Armed Conflict**

**W3 – Lawful Combatancy**

**W4 - Protected Persons**

**W5 – Civilians and Civilian Objects in Armed Conflict**

**W6 – Methods of Warfare**

**W7 – Means of Warfare**

**W8 – Implementation and Enforcement**

**W9 – Non-State Actors**

**W10- Protection of Cultural Property and the Environment**

**W11 – Peace Operations**

**W12 – Post-Conflict (transitional justice, peacebuilding, etc)**

## 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](#).

## Additional Macquarie Law School Policies on Assessment

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 a Disruption to Studies are made electronically via [ask.mq.edu.au](#) and should be accompanied by supporting documentation. Students should refer to the Disruption to Studies policy for complete details of the policy and a description of the supporting documentation required.

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.

## Student Support

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

## Learning Skills

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

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

## Student Services and Support

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

## Student Enquiries

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

## IT Help

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

#### Learning outcomes

- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

#### Assessment tasks

- Class Panel Discussions
- Research Paper

### 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 outcome

- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

#### Assessment task

- Research Paper

## 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

- Articulate and critique the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict
- Evaluate past and present international developments in the area of the law of war, and analyse, interpret and critique such developments from an international law perspective
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

### Assessment tasks

- Research Paper Proposal
- Class Panel Discussions
- Research Paper

## 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

- Evaluate past and present international developments in the area of the law of war, and analyse, interpret and critique such developments from an international law perspective
- Research, analyse, synthesise, interpret and derive legal principles from international

legal sources relevant to the law of armed conflict

- Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

## **Assessment tasks**

- Research Paper Proposal
- Class Panel Discussions
- Research Paper

## **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**

- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

## **Assessment tasks**

- Research Paper Proposal
- Class Panel Discussions
- Research Paper

## **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**

- Develop an independent research project that critically analyses a contemporary issue or

development in international law's approach to armed conflict

- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

## **Assessment tasks**

- Research Paper Proposal
- Class Panel Discussions
- Research Paper

## **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**

- Evaluate past and present international developments in the area of the law of war, and analyse, interpret and critique such developments from an international law perspective
- Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

## **Assessment tasks**

- Research Paper Proposal
- Class Panel Discussions
- Research Paper

## **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 outcome**

- Develop an independent research project that critically analyses a contemporary issue or

development in international law's approach to armed conflict

## **Assessment tasks**

- Research Paper Proposal
- Research Paper