



# LAWS601

## International Law

S1 External 2018

*Dept of Law*

### Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	10
<u>Unit Schedule</u>	15
<u>Policies and Procedures</u>	20
<u>Graduate Capabilities</u>	22
<u>Changes from Previous Offering</u>	24
<u>Changes since First Published</u>	25

#### **Disclaimer**

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

## General Information

Unit convenor and teaching staff  
Unit Convenor  
Dr Roy Baker  
[roy.baker@mq.edu.au](mailto:roy.baker@mq.edu.au)  
Contact via email  
W3A 509  
For consultation times see iLearn

Credit points  
4

Prerequisites  
Admission to JD or GradDipLaw or GradCertLaw

Corequisites  
LAWS600

Co-badged status

### Unit description

This unit provides an introduction to public international law's key principles, rules, norms and practices. Its coverage includes the role of the United Nations, the law of 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. Through independent research, students evaluate the effectiveness of international law in addressing real problems that confront 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 advanced knowledge of the general characteristics and principles of public international law.

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

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

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

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

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

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

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

## General Assessment Information

In order to pass this unit, students must:

1. satisfactorily complete Foundation Quizzes 1.1 to 1.4 prior to 11 pm, 25 March 2018 (see below under *Foundation Quizzes 1.1 to 1.4*),
2. satisfactorily complete all formative quizzes (quizzes numbered 2.1 through to 13.3, excluding quizzes constituting Citation Modules A, B or C) prior to 11 pm, 10 June 2018, 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 1, Problem Question 2 and final online exam.

A fail grade for one or more of the weekly assessed quizzes (Quizzes A to M), citation tests, Problem Question 1, Problem Question 2 or final online assessment will not result in an automatic fail of the unit.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Foundation Quizzes 1.1 to 1.4</u>	0%	Yes	11 pm, 25 March 2018
<u>Weekly formative quizzes</u>	0%	Yes	11 pm, Sunday 10 June 2018

Name	Weighting	Hurdle	Due
<u>Weekly quizzes (Quiz A to M)</u>	20%	No	Various: see Schedule below
<u>Citation tests</u>	4%	No	11 pm, 1 April 2018
<u>Problem Question I</u>	25%	No	11 pm, 15 April 2018
<u>Problem Question 2</u>	25%	No	11 pm, 20 May 2018
<u>Final examination</u>	26%	No	12 noon, 12 June 2018

## Foundation Quizzes 1.1 to 1.4

Due: **11 pm, 25 March 2018**

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 is a hurdle requirement. 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 is run. They are also intended to clarify staff and student expectations, thus promoting effective learning.

On successful completion you will be able to:

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

## Weekly formative quizzes

Due: **11 pm, Sunday 10 June 2018**

Weighting: **0%**

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

For each topic, students are set a number of formative quizzes. These are numbered 2.1 through to 13.3. Students must satisfactorily complete all formative quizzes for any given topic in order to gain access to the assessed weekly quiz (Quizzes A, B, C, etc) associated with that topic. So, for instance, students will be unable to complete Quiz A without first satisfactorily completing Formative Quizzes 2.1 to 2.4, or Quiz B without first satisfactorily completing Quizzes 3.1 to 3.5. Satisfactory completion of a formative quiz entails attaining 100% in that quiz on the student's final attempt. Students may attempt each formative quiz as many times as necessary to attain 100%. Formative quiz attempts are not timed.

All formative quizzes must be completed by 11 pm, Sunday 10 June 2018. This constitutes a hurdle requirement for the unit. This rule does not apply to the quizzes that make up Citation Modules A, B or C. Completion of the citation modules is optional.

On successful completion you will be able to:

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

## Weekly quizzes (Quiz A to M)

Due: **Various: see Schedule below**

Weighting: **20%**

**Release of questions:** 9 am, Wednesday each week

**Deadline for submission:** 11 pm, Sunday each week (see Schedule below)

Twelve weekly assessed quizzes will be set. These will be identified as Quizzes A to M. (There is no Quiz I.) The quizzes will be conducted using iLearn. In order to access a quiz the student must first satisfactorily complete all formative (numbered) quizzes relating to that week's topic. So, for instance, in order to access Quiz A, students must first attain 100% (on their final attempt) in each of Quizzes 2.1 to 2.4. Note, however, that under no circumstances can an assessed quiz be accessed prior to 9 am on the Wednesday of the week of the quiz.

Students must submit their answers for each quiz by the deadline stipulated in the Schedule below. Deadlines fall at 11 pm each Sunday. This is a timed assessment and no late submissions will be accepted. In the event of a successful application for special consideration the standard remedy will be a substitute quiz to be attempted during the exam period.

Students will receive a mark for each of the 12 quizzes they attempt. If a student does not attempt a quiz then 0% will be entered as the student's mark for that quiz. A student's best 10 quiz marks will count towards the student's unit grade. Students are advised to complete as many quizzes as possible. Missing one or more quizzes will not result in an automatic fail.

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

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

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

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

Note that it is not enough to choose the wrong answer but then accurately describe the law in your written statement. The questions are designed to test the application of the law, which is not the same as simply stating what the law says.

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

Unlike with formative quizzes (ie those numbered 2.1, 2.2, etc), in the case of weekly assessed quizzes students only have one opportunity to submit and justify their answers. Once submitted, neither the answer nor the justification can be amended or supplemented.

Answers to each weekly assessed quiz will be released on iLearn immediately after its deadline, along with additional feedback via a pdf document posted to iLearn. These are timed assessments and no late submissions will be accepted. If a student is awarded special consideration for a missed quiz then the special consideration will take the form of a supplementary quiz to be attempted during the exam period (see below under *Policies and Procedures* for details).

On successful completion you will be able to:

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

## Citation tests

Due: **11 pm, 1 April 2018**

Weighting: **4%**

The unit comprises three citation modules (discussed further below under 'Delivery and Resources'). The first two modules culminate in a citation test. Each test consists of two questions assessing your ability to correctly formulate citations. Each question is worth one mark. Participation in the questions leading up to the tests, as well as the entire third citation module, is optional.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two marks out of 100 will be deducted per day for answers submitted after the due date – and (b) no answers will be accepted more than seven days (incl. weekends) after the original submission deadline.

On successful completion you will be able to:

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

## Problem Question I

Due: **11 pm, 15 April 2018**

Weighting: **25%**

**Date for release of question:** 6 pm, Tuesday 27 March 2018 (Week 5) (unless seminars are scheduled for later that week)

**Deadline for student submission:** 11 pm, Sunday 15 April 2018 (end of Week 7)

**Date for release of model answer:** 9 am, Saturday 5 May 2018 (Week 8): extensions cannot exceed this date

Students will write a 2,000-word answer in relation to a hypothetical situation. Guidance on how to succeed in relation to Problem Question 1, along with the marking rubric, will be posted online at the time of the question's release. The assignment will relate to issues covered in Topics 2 – 5 (inclusive).

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two marks out of 100 will be deducted per day for answers submitted after the due date – and (b) no answers will be accepted more than seven days (incl. weekends) after the original submission deadline.

On successful completion you will be able to:

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

under international law.

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

## Problem Question 2

Due: **11 pm, 20 May 2018**

Weighting: **25%**

**Date for release of question:** 6pm, Tuesday 8 May 2018 (Week 9) (unless seminars are scheduled for later that week)

**Deadline for student submission:** 11 pm, Sunday 20 May 2018 (end of Week 10)

**Date for release of model answer:** 9.am, Saturday 2 June 2018 (Week 12): extensions cannot exceed this date

Students will write a 2,000-word answer in relation to a hypothetical situation. Guidance on how to succeed in relation to Problem Question 2, along with the marking rubric, will be posted online at the time of the question's release. The assignment will relate to issues covered in Topics 2 – 9 (inclusive).

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two marks out of 100 will be deducted per day for answers submitted after the due date – and (b) no answers will be accepted more than seven days (incl. weekends) after the original submission deadline.

On successful completion you will be able to:

- Demonstrate advanced knowledge of the general characteristics and principles of public international law.
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of some major international organisations under international law.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Explain and apply to complex situations international law as it relates to the rights and responsibilities of states when it comes to the treatment of their own nationals and



corporations, as well as those of other states.

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

## Final examination

Due: **12 noon, 12 June 2018**

Weighting: **26%**

**Date for release of exam question:** 9 am, Tuesday 12 June 2018

**Deadline for student submission:** 12 noon, Tuesday 12 June 2018

There will be a final online exam. 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 exam questions will be released online via iLearn at 9 am, 12 June. Students will be required to post their responses to iLearn (via Turnitin) three hours later (at noon). Guidance on how to succeed in the exam, along with the marking rubric, will be posted online at least two weeks prior to it. The exam may relate to issues covered in any part of the unit. The exam will not require attendance on campus or at any other specified location. This is a timed assessment and no late submission will be accepted.

On successful completion you will be able to:

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

## Delivery and Resources

### Lectures

This unit consists of 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 are available for download from iLearn (see the Echo active learning platform). Lectures are intended to give you an overview of the topic, indicate its most important aspects and, hopefully, make the related readings more interesting and accessible.

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

### Readings

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

- Stephen Hall, *Principles of International Law* (LexisNexis, 5<sup>th</sup> ed, 2016, ISBN: 978-0-409-34324-3).

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

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

The pages of the readings that relate to each sub-topic are set out in iLearn. References to 'Hall' and 'Klabbbers' refer to the above books.

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

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

The above is intended to afford students some choice: buy Klabbbers or rely on the pdf chapters from the library. Klabbbers tends to be rather more succinct than the chapters obtainable via the library website. Obviously students would, in an ideal world, read Klabbbers and the pdf chapters

(as well as Hall). Even so, priority should be given to the readings from Hall.

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

## **Tips on active reading**

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

- Before reading a chapter or article, skim its contents, looking just at the headings and dipping into the contents here and there. On this initial skim the goal is simply to establish what the reading is about and how it is structured. Then ask yourself, say, ten basic questions about the subject that you would like answered. Here the formative quizzes should help, since these will raise questions to which you will need answers. But you should also make up your own questions: just follow your curiosity. Then read, looking primarily for answers to the questions you have set yourself. Once you have all ten answers, if you have time, set yourself ten more questions to answer. This time you might be getting into detail, but your questions will also be better informed and so more useful. Repeat this exercise until you feel you have exhausted the reading. If you still have unanswered questions, try to find answers by, if necessary, going beyond the set readings.
- At least on an initial reading, do not be afraid to skim passages that do not seem important or interesting. If they turn out to be important then you can always go back to them.
- Imagine your job is to explain the reading to someone else. Better still, find someone to explain it to, such as a fellow student. How would you explain it? Think of the similes and hypothetical or real examples you might use. Think of the questions the other person might raise, and then find the answers to them.
- Challenge yourself to summarise the reading within a certain number of words. Be strict with your self-imposed word limit (eg 50 words for every page of the reading). Once you have achieved your goal, halve the word limit and then repeat the exercise. Keep doing

this until you don't feel you can go further. This will also provide practice in concise writing, a skill some students lack.

- Design diagrams, mind maps, etc. Flow charts are particularly helpful when it comes to working out how to apply the law. They take a while to devise, but in the process you should come to thoroughly understand how the law works.
- We are most likely to find something boring if we do not see how it relates to ourselves personally. For that reason, think about ways in which the issues we cover affect you, or might affect you in the future. Imagine you have to give advice on these issues tomorrow: that should bring sufficient anxiety to sharpen your mind!

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

## 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. Participation in the formative quizzes is not assessed. However, students must satisfactorily complete all formative quizzes for any given topic in order to gain access to the assessed weekly quiz (Quizzes A, B, C, etc) associated with that topic. (See above under *Assessment Tasks*). 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 assessed, weekly quizzes, 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 problem questions 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 assessed 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'.

## On-Campus Session

The on-campus session (OCS) will be held on 21, 22 and 23 April 2018. Each day will begin at 9 am and end at 4 pm, with appropriate breaks. A timetable will be released on iLearn at least two weeks prior to the OCS.

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 at the OCS.

On-campus sessions are marked as 'compulsory' in the Handbook and all external students are expected to attend the three days in full. If an external student misses all or part of the OCS then that student will not face a formal penalty. Even so, the unit will be taught on the assumption that all external students attend all of the OCS and unit material and assignments will be pitched accordingly. Students who choose to miss all or part of the OCS can expect to find studying the unit much harder, and they will almost certainly miss crucial information. For instance, much of the OCS will be spent going over questions of the kind you will face in the exam. Certainly students should not expect the convenor or their tutor to accommodate absence from the OCS by providing information on what was said or done there, or any other kind of additional material, guidance, etc. The OCS is there to help students. If they choose not to avail themselves of it then they need to take responsibility for that decision.

### How to make the OCS interesting and useful

The OCS will only succeed if students actively participate. The OCS is not meant to be a simple rehash of the lectures. In order to participate you need to adequately prepare. This means listening to the lectures, completing the readings and online activities and thinking about the issues covered before you arrive. The OCS will cover the entire unit, although it will focus on Topics 2 to 9. You will not be expected to have read all the way to the end of the course, although if you are able to do so then that is a bonus.

Participation can take the form of answering the tutor's questions, but you are also free to pose your own questions, either to tutors or fellow students. You should also regularly contribute appropriately to discussions. This involves listening respectfully to what others say and responding courteously.

### 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 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).
- 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 25 March. Ideally, however, you should complete them before the end of Week 1 (4 March).**
- Readings:
  - Essential:
    - LAWS601 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 4 March**
- Readings:
  - Essential:
    - Hall, chapter 1 (part), paras 1.1 1.78 (pp 2 – 26);

- Additional:
  - Klabbers, chapter 1;
  - Malcolm N Shaw, *International Law* (Cambridge Uni Press, 8<sup>th</sup> ed, 2017), 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 11 March**
- Readings:
  - Essential:
    - Hall, chapter 1 (part), para 1.79 onwards (pp 26 – 74)
  - Additional:
    - Klabbers, chapter 2;
    - 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 18 March**
- Readings:
  - Essential:
    - Hall, chapter 2 (part), paras 2.1 – 2.74 (pp 80 – 108)
  - Additional:
    - Klabbers, chapter 3 (part);
    - Martin Dixon, Robert McCorquodale & Sarah Williams, *Cases & Materials on International Law* (Oxford Uni Press, 6<sup>th</sup> ed, 2011), 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 25 March**
- Readings:
  - Essential:
    - Hall, chapter 2 (part), para 2.75 onwards (pp 108 – 139)
  - Additional:
    - Klabbers, chapter 3 (part);
    - 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 1 April**
- Readings:
  - Essential:
    - Hall, chapter 3 (pp 149 – 209)
  - Additional:
    - Klabbers, chapter 16;
    - 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 8 April**
- Readings:
  - Essential:
    - Hall, chapter 4 (pp 213 – 252)
  - Additional:
    - Klabbers, chapter 4 (part) and chapter 6 (part);
    - 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, Sunday 29 April**
- Readings:
  - Essential:
    - Hall, chapter 5 (part), paras 5.1 – 5.114 (pp 260 – 297)
  - Additional:
    - 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 6 May**
- Readings:
  - Essential:
    - Hall, chapter 5 (part), paras 5.115 onwards (pp 297 – 329)
  - Additional:
    - Klabbers, chapter 6 (part);
    - 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 13 May**
- Readings:
  - Essential:
    - Hall, chapter 6 (pp 337 – 370)
  - Additional:
    - Klabbers, chapter 5 (part) (available from the library website);
    - 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 20 May**
- Readings:
  - Essential:
    - Hall, chapter 8 (pp 405 – 437)
  - Additional:
    - Klabbers, chapter 8;
    - 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 27 May**
- Readings:

- Essential:
  - Hall, chapter 9 (pp 443 – 486)
- Additional:
  - Klabbers, chapters 10 and 12;
  - 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, 6<sup>th</sup> ed, 2017), chapter 4 (pp 87 – 130)

## 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 3 June**
- Readings:
  - Essential:
    - Malcolm N Shaw, *International Law* (Cambridge Uni Press, 8<sup>th</sup> ed, 2017), chapter 8
  - Additional:
    - Klabbers, chapter 12 (part);
    - 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](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)

- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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).

## 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). Messages sent from other accounts (Hotmail, etc) generally go straight to spam. You can set up your Macquarie account so that emails received there are forwarded to your regular account.

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

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

## 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.

## Supplemental weekly assessed quizzes

Students who miss one or more weekly assessed quizzes and who apply via ask.mq for special consideration may be permitted to attempt one or more supplemental quizzes. These will open in iLearn at 9 am on Saturday, 23 June 2018. Answers will be due by 11 pm on Wednesday, 27 June 2018. These quizzes may cover any part of the unit material.

## 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

### Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge,

scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

## **Learning outcomes**

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

## **Assessment tasks**

- Weekly formative quizzes
- Weekly quizzes (Quiz A to M)
- Citation tests
- Problem Question 1
- Problem Question 2
- Final examination

## **Problem Solving and Research Capability**

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:



## Learning outcomes

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

## Assessment tasks

- Weekly quizzes (Quiz A to M)
- Citation tests
- Problem Question 1
- Problem Question 2
- Final examination

## Effective Communication

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

This graduate capability is supported by:

### Assessment task

- Foundation Quizzes 1.1 to 1.4

## Changes from Previous Offering

The following changes have been made since the last offering in Session 2, 2017:

1. the system of scoring for the weekly quizzes has been amended;
2. the removal of a hurdle requirement pertaining to OCS participation;
3. penalties for late submission have been changed to accord with Faculty policy;
4. the use of new editions of Malcolm N Shaw, *International Law*, and Yoram Dinstein, *War, Aggression and Self-Defence*.



## Changes since First Published

Date	Description
27/02/2018	Amended to remove erroneous reference to a schedule of readings.