



LAWS259

International Law

S2 Day 2018

Dept of Law

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General Information

Unit convenor and teaching staff

Unit Convenor

Dr Shireen Daft

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Contact via email

W3A 541

For consultation times see iLearn

Credit points

3

Prerequisites

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

Corequisites

Co-badged status

Unit description

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

Important Academic Dates

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

Learning Outcomes

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

Demonstrate broad and coherent knowledge of the general characteristics and principles of public international law.

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

Describe the role, rights and responsibilities of both states and non-state actors under

international law.

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

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 taking into consideration the needs and expectations of a hypothetical client

Demonstrate professional oral arguments and analysis, and actively listen to the opinions of peers

General Assessment Information

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.

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 *Australian Guide to Legal Citation* (3rd ed). The Guide is available here <<http://mulr.law.unimelb.edu.au/go/AGLC3>>.

Assessments must be submitted in double line spaced text, 12 point, Times New Roman font. Headings and subheadings should be used where appropriate.

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

Assessment Tasks

Name	Weighting	Hurdle	Due
Research Paper	40%	No	11.59 pm, 2nd October 2018
Final Assessment	40%	No	11.59 pm, 11 November 2018
Tutorial Participation	20%	No	ongoing

Research Paper

Due: **11.59 pm, 2nd October 2018**

Weighting: **40%**

Students will write a 2,000-word answer in relation to a hypothetical request for legal advice on an international law issue. The answer will require demonstrated research and critical application of international law principles. The specific question, guidance on how to succeed in this exercise, along with the marking rubric, will be posted online at the time of the question's release. The assignment may relate to issues covered in Topics 1 – 8 (inclusive).

Date for release of question: 27th August 2018

Deadline for student submission: 11.59 pm, 2nd October 2018

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 broad and coherent knowledge of the general characteristics and principles of public international law.
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of both states and non-state actors under international law.
- Explain and apply international law to both actual and hypothetical situations as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- 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 taking into consideration the needs and expectations of a hypothetical client

Final Assessment

Due: **11.59 pm, 11 November 2018**

Weighting: **40%**

Date for release of question: 5 pm, 7th November 2018

Deadline for student submission: 11.59 pm 11th November 2018

There will be a final timed assessment. This will involve advising in relation to one or more

hypothetical fact scenarios, doing so under a strict time constraint. Details of the hypothetical scenario(s) and the assessment questions will be released online via iLearn. The word limit for this assessment is 2000 words. The hypothetical may apply to any topic covered over the course of the semester.

This is a timed assessment and no late submissions will be accepted. This assessment task is based on a universal design principle, and has incorporated reasonable accommodations.

Students that receive special consideration will be given a supplementary assessment outside of similar length and duration.

On successful completion you will be able to:

- Demonstrate broad and coherent knowledge of the general characteristics and principles of public international law.
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of both states and non-state actors under international law.
- Explain and apply international law to both actual and hypothetical situations as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
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- Advise on international law taking into consideration the needs and expectations of a hypothetical client

Tutorial Participation

Due: **ongoing**

Weighting: **20%**

Class participation will be worth 20%. Attendance is necessary but not sufficient to perform well against the participation criteria. You will be required to attend each tutorial and participate in set activities, including class discussions, in-class presentations, individual and group quizzes, treaty negotiations and other set work. Participation requires consistent demonstration of understanding and critical engagement with the required readings. When students are required to participate in group presentation exercises in tutorials, as part of class participation, then these are timed assessments and no late submission will be accepted.

If you cannot attend a tutorial you must inform your tutor, via email, as soon as possible. Absences from tutorials without Special Consideration will adversely affect class participation marks.

External students are expected to attend the On-Campus Session (OCS). Students who are

unable to attend must apply for Special Consideration. If that application is accepted, alternative work will be set in lieu of on-campus attendance. External students must undertake the readings and prepare for, and participate in, the tutorial exercises. This material will form the basis for the activities undertaken at the OCS. More information on the structure of the OCS will be provided on a date closer to the OCS, on iLearn.

Class participation will be assessed on the following criteria:

- **Preparation:** the student demonstrates reading and engagement with the materials, lectures and any other content provided for each week's tutorial. Students will volunteer answers to questions; respond to, and participating effectively in, class debates; and ask questions to clarify anything not understood in the readings or lectures;
- **Ability to critically discuss the material:** the student critically discusses the tutorial materials and contributes to class discussions in a way that assists the learning of others. This will be demonstrated through the ability to respond to questions, suggest counter-arguments and link readings and lecture materials to class activities, current events, and hypothetical scenarios;
- **Oral expression:** the student verbally expresses their ideas about the materials in a clear, coherent, and concise manner;
- **Engaging with other students:** the student engages with others in the class, displays respect for others' opinions and differences; actively listens, and provides constructive feedback;
- **Collaboration:** the student works collaboratively and productively in small groups, fosters discussion, shares opinions, and explores and resolves points of consensus and disagreement;
- **Demonstration of skills:** the student demonstrates legal skills taught in the unit, including treaty interpretation, problem solving, oral and written communication skills and general legal reasoning.

On successful completion you will be able to:

- Demonstrate professional oral arguments and analysis, and actively listen to the opinions of peers

Delivery and Resources

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:

- Malcolm Shaw, *International Law, 8th Edition* (2017, Cambridge University Press)

Other readings, both essential and recommended will be provided via Leganto and accessible from iLearn.

In addition to the secondary sources (book chapters, journal articles, etc), you are expected to

consult relevant primary legal sources (treaties, draft articles, cases, etc) as much as possible. It should be evident to you from the lectures and secondary sources which primary sources (and which parts of those primary sources) are most important. You will need to consult primary sources in order to complete assignments. All relevant primary sources are available online and you are expected to have sufficient research skills to locate and download them.

Unit Schedule

Week 1: 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. This topic addresses the oft raised question: are international relations really under the rule of law, or is it more a matter of might equalling right.

Week 2: 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.

Week 3: The Law 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.

Week 4: Treaty Interpretation and Enforcement

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.

Week 5: The Relationship between 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.

Week 6: The Subjects of International Law

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 and other actors in international law.

Week 7: Territory and Jurisdiction

Territory is one of the fundamental forms of determining the scope of a state and its jurisdiction. 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.

Week 8: Immunities from Jurisdiction

This topic examines the exceptions to the scope of jurisdiction, including sovereign immunity, the laws governing diplomatic immunities as they apply to persons, property and bags, and related concepts such as consular privileges and immunities.

Week 9: State 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.

Week 10: Enforcement of International Law and 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 and procedures created by the United Nations, as well as mechanisms designed to encourage negotiation and compromise. It also examines the means by which international law can be enforced.

Week 11: International Court of Justice and other International Judicial Bodies

This week looks at the operation of the most established of international courts and tribunals, primarily the International Court of Justice. It examines the role of these courts and tribunals, their operations, and questions of jurisdiction. It will examine the development and effectiveness of international jurisprudence and what role it plays in the broader spectrum of international law.

Week 12: International Law and the 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.

Week 13: International Law in an Disorderly World

International law is under incredible pressure and is facing unparalleled challenges, including the rise of nationalism, withdrawals from treaties and international organisations, and shifts in global power dynamics. This final topic will review some of the major challenges currently being faced, and the role of the international law in the chaos.

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 \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

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.

Word limits and submission of work

Word limits will be strictly applied and work above the word limit will not be marked. All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Moderation

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a

process of 'blind marking' to establish a common marking standard and all Fail papers are double marked.

Student Support

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

Learning Skills

Learning Skills (mq.edu.au/learningskills) 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/.

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 outcome

- Demonstrate professional oral arguments and analysis, and actively listen to the opinions of peers

Assessment tasks

- Research Paper
- Tutorial Participation

Discipline Specific Knowledge and Skills

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

This graduate capability is supported by:

Learning outcomes

- Demonstrate broad and coherent knowledge of the general characteristics and principles of public international law.
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of both states and non-state actors under international law.
- Explain and apply international law to both actual and hypothetical situations as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- 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 taking into consideration the needs and expectations of a hypothetical client

Assessment tasks

- Research Paper
- Final Assessment
- Tutorial Participation

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:

Assessment tasks

- Research Paper
- Final Assessment
- Tutorial Participation

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 international law to both actual and hypothetical situations as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- 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 taking into consideration the needs and expectations of a hypothetical client

Assessment tasks

- Research Paper
- Final Assessment

Effective Communication

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

This graduate capability is supported by:

Learning outcome

- Demonstrate professional oral arguments and analysis, and actively listen to the opinions of peers

Assessment tasks

- Final Assessment
- Tutorial Participation

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:

Assessment tasks

- Research Paper
- Tutorial Participation

Changes from Previous Offering

The following changes have been made since the last offering in Session 1, 2018:

1. The use of a new textbook, Malcolm N Shaw, *International Law*
2. The introduction of live lectures
3. The removal of citation quizzes
4. The shift from a 3 hour exam to a 4 day timed assessment

Changes since First Published

Date	Description
31/07/2018	Change made to date of final assessment to remove it from the exam period.