



# LAWS259

## International Law

S1 Day 2018

*Dept of Law*

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## General Information

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Credit points

3

Prerequisites

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

Corequisites

Co-badged status

Unit description

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

## Important Academic Dates

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

## Learning Outcomes

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

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

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

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

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

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

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

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

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 (see below under *Foundation Quizzes 1.1 to 1.4*), and
2. attain an aggregate mark of at least 50 out of 100 in the unit as a whole, those marks coming from the weekly assessed quizzes, citation tests, problem question and final online assessment.

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

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 quizzes (Quiz A to M)</u>	30%	No	Various: see Schedule below
<u>Citation tests</u>	4%	No	11 pm, 8 April 2018
<u>Problem question</u>	30%	No	11 pm, 13 May 2018
<u>Online exam</u>	36%	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 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.

Although the due date has been set at the end of Week 4, students are encouraged to complete the quizzes much earlier, preferably before their first tutorial.

On successful completion you will be able to:

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

## Weekly quizzes (Quiz A to M)

Due: **Various: see Schedule below**

Weighting: **30%**

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

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

Students 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 quiz will be worth three marks. Each quiz will consist of six questions as follows:

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

Answers to each quiz will be released on iLearn immediately after its deadline. Where appropriate, online feedback will also be provided. Each quiz is a timed assessment 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 broad and coherent knowledge of the general characteristics and principles of public international law.
- Describe the role, rights and responsibilities of some major international organisations under international law.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.

## Citation tests

Due: **11 pm, 8 April 2018**

Weighting: **4%**

The unit comprises three citation modules (discussed further below under *Delivery and Resources*). Citation Modules A and B culminate in a citation test. Each citation test consists of two questions assessing your ability to correctly formulate citations. Each question is worth one mark. Missing one or both of the citation tests will not result in an automatic fail.

Unless a Special Consideration request has been 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

Due: **11 pm, 13 May 2018**

Weighting: **30%**

**Date for release of question:** 9 am, Saturday 28 April 2018 (end of recess)

**Deadline for student submission:** 11 pm, Sunday 13 May 2018 (end of Week 9)

**Date for release of model answer:** 9 am, Saturday 2 June 2018 (end of 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 this exercise, along with the marking rubric, will be posted online at the time of the question's release. The assignment will relate to issues covered in Topics 2 – 8 (inclusive).

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

## Online exam

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

Weighting: **36%**

**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 assessment 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 one week prior to the exam. The exam may relate to issues covered in any part of the unit. This is a timed assessment and no late submissions will be accepted.

On successful completion you will be able to:

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

## **Delivery and Resources**

### **Lectures**

This unit consists of 13 topics, as set out on the iLearn website. Each topic is divided into sub-topics. Most sub-topics are accompanied by a short, recorded lecture. These will vary in length, with some as short as a few minutes. Lectures are available for download from iLearn (click on the Echo 360 logo). Lectures are intended to provide an overview of the topic, indicate its most important aspects and, hopefully, make the related readings more interesting and accessible.

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

## Readings

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

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

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

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

Readings for the unit are categorised as follows:

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

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

Each week's readings are listed in the *Unit Schedule* (below). The pages of the essential readings relevant to each sub-topic are also listed on iLearn.

In addition to the secondary sources (book chapters, journal articles, etc) listed in the *Unit Schedule*, you are expected to consult relevant primary legal sources (treaties, draft articles, cases, etc) as much as possible. It should be evident to you from the lectures and secondary sources which primary sources (and which parts of those primary sources) are most important. Sometimes you will need to consult primary sources in order to complete assignments. All relevant primary sources are available online and you are expected to have sufficient research skills to locate and download them. (We cover how to find and cite international law primary material in the citation modules.) If you are having problems finding and citing international material even after completing the citation modules then the library website and staff are likely to



be your best source of assistance, although your tutor may also be able to help.

## Tips on active reading

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

- Before reading a chapter or article, skim its contents, looking just at the headings and dipping into the contents here and there. On this initial skim the goal is simply to establish what the reading is about and how it is structured. Then ask yourself, say, ten basic questions about the subject that you would like answered. Here the formative and weekly quizzes should help, since these will raise questions to which you will need answers. But you should also make up your own questions: just follow your curiosity. Then read, looking primarily for answers to the questions you have set yourself. Once you have all ten answers, if you have time, set yourself ten more questions to answer. This time you might be getting into detail, but your questions will also be better informed and so more useful. Repeat this exercise until you feel you have exhausted the reading. If you still have unanswered questions, try to find answers by, if necessary, going beyond the set readings.
- At least on an initial reading, do not be afraid to skim passages that do not seem important or interesting. If they turn out to be important then you can always go back to them.
- Imagine your job is to explain the reading to someone else. Better still, find someone to explain it to, such as a fellow student. How would you explain it? Think of the similes and hypothetical or real examples you might use. Think of the questions the other person might raise, and then find the answers to them.
- Challenge yourself to summarise the reading within a certain number of words. Be strict with your self-imposed word limit (eg 50 words for every page of the reading). Once you have achieved your goal, halve the word limit and then repeat the exercise. Keep doing this until you don't feel you can go further. This will also provide practice in concise writing, a skill some students lack.
- Design diagrams, mind maps, etc. Flow charts are particularly helpful when it comes to working out how to apply the law. They take a while to devise, but in the process you should come to thoroughly understand how the law works.
- We are most likely to find something boring if we do not see how it relates to ourselves personally. For that reason, think about ways in which the issues we cover affect you, or might affect you in the future. Imagine you have to give advice on these issues

tomorrow: that should bring sufficient anxiety to sharpen your mind!

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

## Foundation Quizzes (Quizzes 1.1 - 1.4)

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

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

## Formative Quizzes (Quizzes numbered 2.1 onwards)

Each sub-topic In Topics 2-13 has related to it certain online activities identified as numbered quizzes: Quiz 2.1, Quiz 2.2, etc. These quizzes are designed to test and enhance your understanding of the material, and to ensure that you are well prepared for attendance at the relevant tutorial. Participation in the formative quizzes is voluntary and is not assessed. That said, evidence suggests that students who complete the formative quizzes tend to get better marks in the unit. 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 (identified as Quiz A, B, C, etc: see above under *Assessment Tasks*), where you only have one go at answering each question, you may attempt formative quizzes as many times as you like. However, sometimes you will be unable to commence your second and subsequent attempts at a formative quiz until a certain number of minutes have elapsed after your last attempt. That is to encourage students to actively engage with the questions and not just guess the answers.

## Citation Modules

In addition to the 13 topics that make up this unit, you will find on iLearn three self-study citation modules. These are designed to train you in finding and citing important international sources. Citation Module A relates to UN documents, while Citation Module B relates to treaties. Citation Module C is offered in order to train students in citing the sources they are most likely to need when answering the Problem Question or the final exam. 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 exam. 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. Your answers will be marked by the computer and 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'.

## **Tutorials**

Having developed a basic understanding of each topic by completing the on-line activities, tutorials are 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. Tutorials are 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 in a tutorial.

There will be 13 weeks of tutorials during the Session, starting in Week 1. All internal students should register in a tutorial group. Places are available on a first-come, first-served basis. You should attend the tutorial in which you are registered. However, if it proves difficult to do so then

you may occasionally attend another tutorial without asking permission, provided you do not do so more than twice in a row.

Internal students are expected to attend tutorials weekly. Obviously circumstances may arise that are outside your control and occasionally preclude attendance (illness, etc). While that is perfectly understandable, you are expected to attend most weeks.

If you do not attend tutorials then you will not face a formal penalty. Even so, the unit will be taught on the assumption that all internal students attend tutorials regularly, and unit material and assignments will be pitched accordingly. Students who choose to skip class can expect to find studying the unit much harder, and they will almost certainly miss crucial information. For instance, questions of the type found in the assessments will frequently be discussed in class and answers will not always be made available to those who do not attend. Certainly students should not expect the convenor or their tutor to accommodate regular non-attendance by providing information on what was said or done in class, or any other kind of additional material, guidance, etc.

Please try not to be late arriving at a tutorial. They will start promptly at five minutes after their advertised commencement time and should end at least five minutes before their advertised finishing time (in order to provide time for students and staff to move from one class to another).

## **How to make tutorials interesting and useful**

Tutorials only succeed if students actively participate. Tutorials are not meant to be simple rehashes of the lecture. In order to participate you need to adequately prepare for each tutorial. This means listening to the lecture, completing the readings and online activities and thinking about the issues covered before you arrive.

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

## **General discussion forum**

A general discussion forum will be set up on iLearn. Students are encouraged to contribute to these discussions, provided the general rules of etiquette are observed. The forum is intended for discussion relating to the issues we are studying. Please post questions relating to administrative matters to the forum called 'Discussion Forum re Administrative Matters', while posting questions relating to the formative quizzes and citation exercises to the forum headed 'Discussion Forum re Formative Quizzes and Citation Exercises'.

## **Unit Schedule**

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

**General notes:**

- Lectures are delivered only via iLearn: there are no 'live' lectures in this unit.
- 'Hall' refers to the prescribed textbook:
  - Stephen Hall, *Principles of International Law* (LexisNexis, 5<sup>th</sup> ed, 2016, ISBN: 978-0-409-34324-3).
- 'Klabbers' refers to the recommended additional book:
  - Jan Klabbers, *International Law* (Cambridge University Press, 2<sup>nd</sup> ed, 2017, ISBN: 978-1-316-50660-8).
- Unless otherwise indicated, other readings are available from Macquarie University library as a unit reading. You can find them using MultiSearch: <http://libguides.mq.edu.au/MultiSearch>.

## Topic 1: Unit Introduction

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

- **Formative Quizzes 1.1 to 1.4 relate to Topic 1. The absolute deadline for completion of those quizzes is 11 pm, Sunday 25 March. Ideally, however, you should complete them before you attend your tutorial in Week 1 (26 February – 2 March).**
- Tutorials relating to this topic will be held in the week commencing 26 February (Week 1).
- Readings:
  - Essential:
    - LAWS259 Unit Guide (available from iLearn).

## Topic 2: The Nature of International Law

*A primary purpose of international law is to govern the relationship between different sovereign states. We begin by examining the scope and history of this fascinating subject. Besides introducing some key institutions such as the United Nations, this topic also addresses the oft raised question: are international relations really under the rule of law, or is it more a matter of might equalling right?*

- **Deadline for Quiz A: 11.00 pm, Sunday 4 March**
- Tutorials relating to this topic will be held in the week commencing 5 March (Week 2).
- Readings:
  - Essential:
    - Hall, chapter 1 (part), paras 1.1 1.78 (pp 2 – 26)
  - Recommended:

- Klabbers, chapter 1
- Additional:
  - Malcolm N Shaw, *International Law* (Cambridge Uni Press, 8<sup>th</sup> ed, 2017), chapters 1 & 2;
  - 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**
- Tutorials relating to this topic will be held in the week commencing 12 March (Week 3).
- Readings:
  - Essential:
    - Hall, chapter 1 (part), para 1.79 onwards (pp 26 – 74)
  - Recommended:
    - Klabbers, chapter 2
  - Additional:
    - James Crawford, *Brownlie's Principles of Public International Law* (Oxford Uni Press, 8<sup>th</sup> ed, 2012), chapter 2 (pp 20 – 47)

## Topic 4: The Formation of Treaties

*Treaties form much of the substance of international law. But what are treaties, how are they formed and how do they impact on states that sign them as well as those that do not? This topic also considers the issue of reservations: mechanisms whereby states seek to modify or avoid certain effects of treaties.*

- **Deadline for Quiz C: 11.00 pm, Sunday 18 March**
- Tutorials relating to this topic will be held in the week commencing 19 March (Week 4).
- Readings:
  - Essential:
    - Hall, chapter 2 (part), paras 2.1 – 2.74 (pp 80 – 108)
  - Recommended:



- Klabbers, chapter 3 (part)
- Additional:
  - Martin Dixon, Robert McCorquodale & Sarah Williams, *Cases & Materials on International Law* (Oxford Uni Press, 6<sup>th</sup> ed, 2016), chapter 3 (pp 55 – 82)

## Topic 5: Interpretation and Enforceability of Treaties

*Continuing our examination of the law as it relates to treaties, this topic looks at what is probably the most difficult issue of all: their interpretation. It also explores the various ways in which states might try to escape liability under a treaty, for instance by declaring it invalid, or by simply refusing to comply with it.*

- **Deadline for Quiz D: 11.00 pm, Sunday 25 March**
- Tutorials relating to this topic will be held in the week commencing 26 March (Week 5).  
NB: there are no classes on 30 March (Good Friday).
- Readings:
  - Essential:
    - Hall, chapter 2 (part), para 2.75 onwards (pp 108 – 139)
  - Recommended:
    - Klabbers, chapter 3 (part)
  - Additional:
    - Martin Dixon, Robert McCorquodale & Sarah Williams, *Cases & Materials on International Law* (Oxford Uni Press, 6<sup>th</sup> ed, 2016), chapter 3 (pp 82 – 102)

## Topic 6: International and National Law

*What is the relationship between national and international law? If Australia were to breach international law, what effect can that have on the rights and responsibilities of ordinary Australians? This topic answers those questions, also giving thought to the part played by international law in other legal systems, such as those found in civil law countries.*

- **Deadline for Quiz E: 11.00 pm, Sunday 1 April**
- Tutorials relating to this topic will be held in the week commencing 3 April (Week 6). NB: there are no classes on 2 April (Easter Monday).
- Readings:
  - Essential:
    - Hall, chapter 3 (pp 149 – 209)
  - Recommended:
    - Klabbers, chapter 16

- Additional:
  - Donald R Rothwell et al, *International Law: Cases and Materials with Australian Perspectives* (Cambridge Uni Press, 2<sup>nd</sup> ed, 2014), chapter 4 (pp 196 – 267)

## Topic 7: Statehood and Personality

*The concept of state sovereignty is central to international law. What is more, much is made of the right of certain peoples to self-determination. But what is a state? And what does it mean to have legal personality in international law? This topic considers issues such as what is involved when a state decides to recognise the existence of another state or government, as well as the increasing role of international organisations in international law.*

- **Deadline for Quiz F: 11.00 pm, Sunday 8 April**
- Tutorials relating to this topic will be held in the week commencing 9 April (Week 7).
- Readings:
  - Essential:
    - Hall, chapter 4 (pp 213 – 252)
  - Recommended:
    - Klabbers, chapter 4 and chapter 6 (part)
  - Additional:
    - Martin Dixon, *Textbook on International Law* (Oxford Uni Press, 7<sup>th</sup> ed, 2013), chapter 5 (pp 115 – 147)

## Topic 8: International Responsibility

*To what extent can a state or an international organisation be blamed for the wrongdoings of its agents or officials? Are states responsible for the acts of their citizens or corporations? If foreign property is damaged in a riot or an insurrection, can the state be required to make restitution? This topic answers these and other questions relating to the responsibilities of states and international organisations in international law.*

- **Deadline for Quiz G: 11.00 pm, Sunday 29 April**
- Tutorials relating to this topic will be held in the week commencing 30 April (Week 8).
- Readings:
  - Essential:
    - Hall, chapter 5 (part), paras 5.1 – 5.114 (pp 260 – 297)
  - Recommended:
    - Klabbers, chapter 7 (available from the library website)

## Topic 9: Diplomatic Protection

*Diplomatic protection refers to the right of a state to intervene on behalf of its nationals when*



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

- **Deadline for Quiz H: 11.00 pm, Sunday 6 May**
- Tutorials relating to this topic will be held in the week commencing 7 May (Week 9).
- Readings:
  - Essential:
    - Hall, chapter 5 (part), paras 5.115 onwards (pp 297 – 329)
  - Recommended:
    - Klabbers, chapter 6 (part)
  - Additional:
    - James Crawford, *Brownlie's Principles of Public International Law* (Oxford Uni Press, 8<sup>th</sup> ed, 2012), chapter 28 (pp 607 – 633)

## Topic 10: State Jurisdiction and Immunity

*Jurisdiction refers to the scope of a state's lawful authority. This topic considers issues such as the extent to which one state can make laws relating to events that occur in another, as well as what laws apply on a ship or onboard a plane. It also explains concepts such as sovereign, diplomatic and consular immunity.*

- **Deadline for Quiz J: 11.00 pm, Sunday 13 May**
- Tutorials relating to this topic will be held in the week commencing 14 May (Week 10).
- Readings:
  - Essential:
    - Hall, chapter 6 (pp 337 – 370)
  - Recommended:
    - Klabbers, chapter 5 (available from the library website)
  - Additional:
    - Gillian D Triggs, *International Law: Contemporary Principles and Practices* (LexisNexis, 2<sup>nd</sup> ed, 2011), chapter 8 (pp 427 – 503)

## Topic 11: International Dispute Settlement

*Ultimately, states can settle their differences by going to war. Since 1945, however, concerted efforts have been made to find peaceful means of dispute resolution. This topic looks at institutions such as the International Court of Justice, as well as mechanisms designed to encourage negotiation and compromise.*

- **Deadline for Quiz K: 11.00 pm, Sunday 20 May**

- Tutorials relating to this topic will be held in the week commencing 21 May (Week 11).
- Readings:
  - Essential:
    - Hall, chapter 8 (pp 405 – 437)
  - Recommended:
    - Klabbers, chapter 8
  - Additional:
    - Ademola Abass, *International Law: Text, Cases, and Materials* (Oxford Uni Press, 2<sup>nd</sup> ed, 2014), chapter 14 (pp 489 – 522)

## Topic 12: International Use of Force

*Despite humanity's efforts, the scourge of international armed conflict is yet to be eradicated. This topic examines the general prohibition on the use or threat of force, as well as exceptions to that rule in cases such as self defence or when military action is authorised by the United Nations. It also looks at situations that raise difficult legal and moral questions, such as the disputed right to anticipatory self defence, as well as military interventions against oppressive regimes or to prevent humanitarian disasters.*

- **Deadline for Quiz L: 11.00 pm, Sunday 27 May**
- Tutorials relating to this topic will be held in the week commencing 28 May (Week 12).
- Readings:
  - Essential:
    - Hall, chapter 9 (pp 443 – 486)
  - Recommended:
    - Klabbers, chapters 10 and 12 (part)
  - Additional:
    - Ademola Abass, *International Law: Text, Cases, and Materials* (Oxford Uni Press, 2<sup>nd</sup> ed, 2014), chapter 10 (pp 333 – 370);
    - Yoram Dinstein, *War, Aggression and Self-Defence* (Cambridge Uni Press, 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**

- Tutorials relating to this topic will be held in the week commencing 4 June (Week 13).
- Readings:
  - Essential:
    - Malcolm N Shaw, *International Law* (Cambridge Uni Press, 8<sup>th</sup> ed, 2017), chapter 8
  - Recommended:
    - Klabbers, chapter 12 (part)
  - Additional:
    - James Crawford, *Brownlie's Principles of Public International Law* (Oxford Uni Press, 8<sup>th</sup> ed, 2012), chapter 30 (pp 671 – 690);
    - Hall, chapter 10 (pp 491 – 596)

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](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](#).

## Communicating with teaching staff

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

The convenor checks his emails regularly and you can expect a response within a few business days. If you do not hear within four business days then it is likely that your email has gone missing. Only then should you send another chasing it up.

When emailing, it is vital that you use your Macquarie email account ([student.name]@students.mq.edu.au). You can set up your Macquarie account so that emails received there are forwarded to your regular account. Emails from non-MQ addresses may receive no answer.

**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://studentsupport.mq.edu.au>

[dents.mq.edu.au/support/](https://dents.mq.edu.au/support/)

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](https://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](https://ask.mq.edu.au)

## IT Help

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

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

## Graduate Capabilities

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

#### Assessment task

- Foundation Quizzes 1.1 to 1.4

### Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able

to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

## **Learning outcomes**

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

## **Assessment tasks**

- Weekly quizzes (Quiz A to M)
- Citation tests
- Problem question
- Online exam

## **Problem Solving and Research Capability**

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

This graduate capability is supported by:

## **Learning outcomes**

- Identify, find and correctly cite key primary sources of international law.
- Explain and apply to unpredictable situations international law as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.

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

## Assessment tasks

- Problem question
- Online exam

## 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 introduction of a new scoring system for the assessed quizzes;
2. the removal of a hurdle requirement pertaining to tutorial participation;
3. changes to late penalties in accordance with Faculty policy;
4. the use of new editions of Malcolm N Shaw, *International Law*, and Yoram Dinstein, *War, Aggression and Self-Defence*.