



LAW 891

Advanced Topics in International Law

S1 Day 2018

Dept of Law

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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

Lecturer

Dora Shipley

dora.shipley@mq.edu.au

Contact via Email

Credit points

4

Prerequisites

Admission to GradDipIntRel or (JD and LAWS601) or MIntEnvLaw or MIntTrdeComLaw or MIntRelMIntTrdeComLaw or MIntLawGovPP or LLM or MIntPubDip or MIntRel or MTransInterMIntRel or 42cp in LAW or LAWS units at 400 or 500 level

Corequisites

Co-badged status

Unit description

International Law affords an understanding of legal principles, rules, norms, and practices. The unit analyses the contribution of these elements to the progressive development of international law. The theory is applied to contemporary international events and crises to test and evaluate its operational adequacy and effectiveness in keeping pace with the changing nature and shared expectation of the international community. The unit examines the ongoing transformation of the structure of international law in terms of its expanding frontiers, new actors, and reorientation to appreciate its continuing dynamism and relevance in the twenty-first century.

Important Academic Dates

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

Learning Outcomes

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

Articulate and critique the general characteristics and principles of public international law and the relationship of law and politics in international relations and global governance

Connect international law doctrine and theory to international law actors (groups,

practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.

Research, analyse, synthesise, interpret and derive legal principles from international legal sources.

Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective.

Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues.

Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views.

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

General Assessment Information

Word limits will be strictly applied and work above the word limit will not be marked. Footnotes are only to be used for referencing. Substantive material in footnotes will not be marked. All assessments in the unit are to be submitted electronically via Turnitin. Plagiarism detection software is used in this unit. All assessments must be appropriately referenced, applying the AGLC3 for all citation.

Special Consideration Policy:

Applications for Special Consideration are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation. Students should refer to the Special Consideration Policy for complete details of the policy and a description of the supporting documentation required. The Policy is available here: <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

The Special Consideration Policy is effective from 4th December 2017 and replaces the Disruption to Studies Policy.

Late Assessment Penalty

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 assignment 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>Class Participation</u>	10%	No	Ongoing
<u>Take Home Exam</u>	30%	No	04/05/2018
<u>Research Paper</u>	60%	No	08/06/2018

Class Participation

Due: **Ongoing**

Weighting: **10%**

(a) Substantive requirements in relation to class participation

Students will be assessed on the basis of their knowledge, understanding and critical ability to evaluate the issues raised in each topic, as demonstrated through participation in class discussions and responses to assigned questions in the tutorials and general discussion in the lectures. Students **will also be assessed** on the basis of their understanding and ability to critically analyse issues in the iLearn online forums under each topic. Students should generally be prepared to talk about the assigned readings, provide their own assessment of those readings, and contribute to the discussion of questions and problems set in relation to these readings. Students are also encouraged to participate in discussions that extend beyond these set questions and readings through their own evaluation of the issues raised.

(b) Formal requirements in relation to class participation

Attendance at tutorials is compulsory. Students are required to attend tutorials for each of the 12 weeks that the unit runs during the term. However, students will be permitted a maximum of two unexplained absences from attendance at tutorials.

(c) Assessment value of class participation

Lectures will commence from week 1; Tutorials will commence from week 2. Class participation will count for 10% of a student's final mark in the subject.

Class participation marks for all students will be posted on the unit webpage at the end of the term. Students will be provided feedback in relation to their participation at the end of weeks 3, 6 and 10.

(d) Formal requirements in relation to online participation

Participation in the online forums is compulsory. Students are required to post a response to the online question(s) posted by the teaching staff in the forum for each week. Plagiarism detection software is used in this unit. Students' post should be their own understanding of the legal rules.

On successful completion you will be able to:

- Articulate and critique the general characteristics and principles of public international law and the relationship of law and politics in international relations and global governance
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective.
- Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues.
- Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods.

Take Home Exam

Due: **04/05/2018**

Weighting: **30%**

The take-home exam is intended to provide students with an opportunity to develop independent understanding of legal rules and principles and their application in a given factual or hypothetical situation, and enhance their writing abilities through explanation, analysis, and argument. Students will then be in a position to understand how international law operates in the world today, and how it may develop in the future.

The maximum word limit for the take-home exam will be 2500 words, which will be strictly adhered to, and anything beyond 2500 words will not be read. Footnotes are excluded from the word count (but substantive text in footnotes will be counted).

The take-home exam should be submitted **by 11.59pm 4 May 2018**.

Students will be assessed on their understanding, explanation and analysis of the legal issues presented, the depth of their research as well as their critical evaluation of the relevant issues. Research should extend beyond the prescribed books and course materials (the recommended books and journals provide a starting point for further research).

Clarity of expression, presentation of argument, use of legal sources and correct and consistent reference style will also be taken into account. The paper should be appropriately structured using the IRAC or HIRAC method.

Detailed marking rubrics will be made available on iLearn.

Format

The following requirements as to presentation of the research paper must be complied with:

- All word limits, as specified above, must be strictly adhered to.
- Footnotes should be consistent with the Australian Guide to Legal Citations, which can

be downloaded at <http://www.law.unimelb.edu.au/go/aglc>. Hard copies may be purchased from the Co-op Bookshop.

On successful completion you will be able to:

- Articulate and critique the general characteristics and principles of public international law and the relationship of law and politics in international relations and global governance
- Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources.
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective.
- Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues.
- Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods.

Research Paper

Due: **08/06/2018**

Weighting: **60%**

Students are required to submit a research paper that critically analyses a current issue or development in international law of special interest. The question for research must be approved by the convenor and should be submitted by 11:59pm 20 May 2017 via email for approval. The maximum word limit for the research paper will be 3500 words, which will be strictly adhered to, and anything beyond 3500 words will not be read. Footnotes are excluded from the word count (but substantive text in footnotes will be counted).

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

will be made available on iLearn.

Format

The following requirements as to presentation of the research paper must be complied with:

- All word limits, as specified above, must be strictly adhered to.
- Footnotes should be consistent with the Australian Guide to Legal Citations, which can be downloaded at <http://www.law.unimelb.edu.au/go/aglc>. Hard copies may be purchased from the Co-op Bookshop.

On successful completion you will be able to:

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Delivery and Resources

Delivery

- For internal students: there will be a weekly 2 hour lecture for this unit, which will be followed by a 1 hour tutorial on the topic for internal students and
- For external students: there will be on campus sessions.

As class participation will be assessed in this unit, tutorial and OCS attendance is compulsory. Lectures will commence from week 1. Tutorials will commence from week 2.

Required Readings

There is no required text for the unit, readings for each topic will be made available via ilearn and e-reserve. Students are expected to have read the required readings for each topic on a regular basis and apply these readings to their class discussion. Students may need to consult more

than one text for the better understanding of some issues. For advanced knowledge and better performance in the assignments, some scholarly articles have been prescribed in lecture/tutorial sessions.

Recommended Readings

All students, but especially those with no prior experience with international law are strongly encourage to obtain (or find access to) one or more of the following books:

1. Jan Klabbbers, *International Law* (Cambridge University Press, 2nd ed, 2017).
2. Stephen Hall, *International Law* (Butterworth Law, 5th ed, 2016).
3. M Rafiqul Islam, *International Law: Current Concepts and Future Directions* (LexisNexis Australia, 2014).
4. Gillian Triggs, *International Law: Contemporary Principles and Practices*, (LexisNexis Butterworths, 2nd ed, 2010)

Other recommended readings per topic will be provided on iLearn. All Unit requirements and a weekly teaching schedule are outlined in iLearn. All assessments are to be submitted electronically via Turnitin.

Unit Schedule

The schedule of topics is outlined in the iLearn site for this unit, along with related activities for each topic.

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](#).

Special Consideration Policy: Important Information

The University recognises that students may experience events or conditions that adversely affect their academic performance. If you experience serious and unavoidable difficulties at exam time or when assessment tasks are due, you can consider applying for Special Consideration.

Five essential factors of Special Consideration: You need to show that the circumstances,

1. were serious, unexpected and unavoidable
2. were beyond your control
3. caused substantial disruption to your academic work
4. substantially interfered with your otherwise satisfactory fulfilment of the unit requirements
5. lasted at least three consecutive days or a total of 5 days within the teaching period and prevented completion of an assessment task scheduled for a specific date.

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

PG - Capable of Professional and Personal Judgment and Initiative

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

This graduate capability is supported by:

Learning outcomes

- Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources.
- Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues.
- Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods.

Assessment tasks

- Class Participation
- Research Paper

PG - Discipline Knowledge and Skills

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

This graduate capability is supported by:

Learning outcomes

- Articulate and critique the general characteristics and principles of public international law and the relationship of law and politics in international relations and global governance
- Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources.
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective.
- Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues.
- Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods.

Assessment tasks

- Class Participation
- Take Home Exam
- Research Paper

PG - Critical, Analytical and Integrative Thinking

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

This graduate capability is supported by:

Learning outcomes

- Articulate and critique the general characteristics and principles of public international law and the relationship of law and politics in international relations and global governance
- Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources.
- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective.
- Evaluate and apply theoretical frameworks to understanding of international law principles and to contemporary global issues.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods.

Assessment tasks

- Class Participation
- Take Home Exam
- Research Paper

PG - Research and Problem Solving Capability

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

This graduate capability is supported by:

Learning outcomes

- Articulate and critique the general characteristics and principles of public international law and the relationship of law and politics in international relations and global governance
- Connect international law doctrine and theory to international law actors (groups, practitioners, advocates) to acquire cross-border and multi-jurisdictional expertise and experience.
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources.

- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective.

Assessment tasks

- Take Home Exam
- Research Paper

PG - Effective Communication

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

This graduate capability is supported by:

Learning outcomes

- Articulate and critique the general characteristics and principles of public international law and the relationship of law and politics in international relations and global governance
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources.
- Display effective communication and interpersonal skills to articulate and present views with legally subsumable reasoning and questioning respectfully and courteously to audiences with diverse views.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods.

Assessment tasks

- Class Participation
- Take Home Exam
- Research Paper

PG - Engaged and Responsible, Active and Ethical Citizens

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

This graduate capability is supported by:

Learning outcomes

- Evaluate past and present international developments, and analyse, interpret and critique such developments from an international law perspective.
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods.

Assessment task

- Class Participation

Changes since First Published

Date	Description
11/02/2018	Final Research It is no longer a hurdle