



LAWS5087

Law of Armed Conflict

Session 1, Special circumstances 2021

Macquarie Law School

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Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff

Convenor

Shireen Daft

shireen.daft@mq.edu.au

Contact via iLearn

6FW 541

By Appointment

Credit points

10

Prerequisites

130cp including LAWS2000 or LAWS259 or LAW459 or LAWS1010 or LEX101

Corequisites

Co-badged status

Unit description

War presents one of the most serious and enduring challenges to the practice of international law. This unit explores the field of international humanitarian law, the body of law that has developed to limit and regulate armed conflict. International humanitarian law seeks to balance military objectives and priorities against considerations of human suffering and priorities against considerations of human suffering and the humanitarian impact of conflict. This course will explore the role of international law in providing a framework to address contemporary challenges during armed conflict, including the protection of civilians, the status and treatment of combatants, and the protection of the environment and cultural heritage. It will also explore the rules relating to the means and methods of warfare, including the challenges faced by rapid technological development.

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:

ULO1: Articulate and apply the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict

ULO2: Evaluate past and present international developments in the area of humanitarian law, and analyse, interpret, and critique such developments from an international law perspective

ULO3: Research, analyse, synthesise, and interpret legal principles from international legal sources relevant to international humanitarian law

ULO4: Investigate and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance

ULO5: Demonstrate capacity for autonomous research by developing a project that critically analyses a contemporary issue or development in international law's approach to armed conflict

General Assessment Information

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 assignments submitted after the due date and (b) no assignment will be accepted more than seven (7) days (including weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – for example, quizzes and online tests and exams. Applications for a Disruption to Studies are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.

Submission

All written assessments in the unit are to be submitted electronically by way of Turnitin on the iLearn page. Plagiarism detection software is used in this unit.

Format

All assessment tasks in this unit must be typed in **Word format** and be **double spaced** to facilitate marking in Turnitin. All assessments must be appropriately referenced, applying the AGLC4 for all citation.

Word Limits

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

Marking

Detailed marking rubrics will be made available on iLearn. In addition, tutors will be provided with detailed marking guides to ensure consistency. All fail papers will be double marked.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Research Paper Proposal</u>	10%	No	19/03/21
<u>Research Paper</u>	50%	No	06/06/21
<u>Discussion Forums</u>	20%	No	Ongoing
<u>Participation</u>	20%	No	Ongoing

Research Paper Proposal

Assessment Type ¹: Plan

Indicative Time on Task ²: 10 hours

Due: **19/03/21**

Weighting: **10%**

Students required to develop and submit a research question and proposal for an independent research paper.

On successful completion you will be able to:

- Research, analyse, synthesise, and interpret legal principles from international legal sources relevant to international humanitarian law
- Demonstrate capacity for autonomous research by developing a project that critically analyses a contemporary issue or development in international law's approach to armed conflict

Research Paper

Assessment Type ¹: Essay

Indicative Time on Task ²: 35 hours

Due: **06/06/21**

Weighting: **50%**

Students are required to submit a research paper that critically analyses international humanitarian law

On successful completion you will be able to:

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

perspective

- Research, analyse, synthesise, and interpret legal principles from international legal sources relevant to international humanitarian law
- Investigate and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Demonstrate capacity for autonomous research by developing a project that critically analyses a contemporary issue or development in international law's approach to armed conflict

Discussion Forums

Assessment Type ¹: Non-academic writing

Indicative Time on Task ²: 20 hours

Due: **Ongoing**

Weighting: **20%**

Students will post blog-style contributions to discussion forums.

On successful completion you will be able to:

- Articulate and apply the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict
- Evaluate past and present international developments in the area of humanitarian law, and analyse, interpret, and critique such developments from an international law perspective
- Investigate and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance

Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 20 hours

Due: **Ongoing**

Weighting: **20%**

Students will be required to contribute to the participation projects including a semester-long role play involving military decision making where they will be assessed on their ability to apply the rules of war, and assessed on contribution to class discussion about these rules.

On successful completion you will be able to:

- Articulate and apply the general characteristics and principles of international humanitarian law, and the global governance structures that address armed conflict
- Investigate and analyse how the actors, institutions, and processes of international

humanitarian law interact and operate in global governance

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

Delivery and Resources

There will be a weekly 2 hour lecture for this unit, which will be recorded. It will be followed by a 1 hour tutorial on the topic for internal students, and online courses offered for those taking the infrequent option, or who would prefer not to be on campus during 2021. Both lectures and tutorials will commence from week 1, though week 1 classes will be an introduction to the expectations of the unit.

Required Readings

There is no set textbook for this unit. Required readings will be available on Leganto and iLearn. Engagement with these readings will be necessary for effective contributions to the assessments, particularly the online discussion forums.

Recommended Readings

While all readings for the unit will be made available on Leganto, including recommended readings, the following books provide excellent overview of the subject as a whole:

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

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

Session 1	LAWS5087
Week 1	Introduction to International Humanitarian Law: History, Theory, and Scope
Week 2	International v Non-International Armed Conflict
Week 3	Lawful Combatants
Week 4	Civilians and Civilian Objects in Armed Conflict
Week 5	Protected Persons
Week 6	Methods of Armed Conflict
Week 7	Means of Warfare
Week 8	The Role of the Red Cross/Red Crescent Movement
Week 9	Protection of the Environment
Week 10	Protection of Cultural Heritage
Week 11	Implementation and Enforcement
Week 12	Prosecuting War Crimes: The Role of International Criminal Law
Week 13	The Future of IHL

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

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 help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)

- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

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

If you are a Global MBA student contact globalmba.support@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.