



# LAWS259

## International Law

S1 Day 2015

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Rafiqul Islam

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Credit points

3

Prerequisites

18cp including (LEX101 or LAW115)

Corequisites

Co-badged status

Unit description

This unit provides an understanding of various international legal principles, rules, and practices, as well as their role in shaping and reshaping the contemporary international system. The goal of this unit is to equip students with an understanding of the foundational principles guiding the operation of international law. Students develop an appreciation of the relevance and effectiveness of International Law in a range of issue areas. These inclusively include: sources of International Law, its interaction with domestic law, personality, statehood, recognition, use of force, law of treaties, diplomatic immunities, law of the sea, human rights, terrorism, and international justice system.

## 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:

1. Define the general characteristics and principles of public international law.
2. Identify, find and cite key sources of international law.
3. Describe the relationship between international and national law, particularly Australian law.
4. Explain state sovereignty, state recognition and legal personality in international law.
5. Define the extent to which states can be held to account for the actions of their officers, citizens and corporations, as well as states' obligations towards foreign nationals.

6. Describe how treaties are formed and enforced, the nature of reservations and basic rules of treaty interpretation.
7. Articulate basic principles of state jurisdiction, as well as sovereign, diplomatic and consular immunity.
8. Explain the right of states to use armed force, the UN system of collective security and non-violent means of settling disputes between states.
9. Define key rules of international criminal law and describe how that system of law is developed and applied.
10. Define some key aspects of international law as they relate to the law of the sea, human rights, the environment and national and global economies.

## General Assessment Information

### **Assessment Task:**

All three modes of assignment are compulsory and substantive academic requirements for all students to pass the Unit. A failure to take part in and/or submit any of the three modes of the assessment will, irrespective of marks obtained in partial assessment/s, result in a 'Fail' grade, even in cases where special consideration for study disruption is determined as NOT "serious and unavoidable". Where special consideration for study disruption is determined as "serious and unavoidable", a time extension of up to 7 days maximum may be granted for the written assignments. In cases of non-compliance with the time extension and/or of ongoing impact on performance, an alternative end of the semester test (2-hour and closed book) will be granted and arranged for each written assignment. Failure to comply with the time extension or alternative test will result in a "Fail" grade. These rules are applicable separately and independently for both written assignments (see special consideration below).

For more instructions and marking rubrics see unit guide on iLearn.

### **Return of marked work**

Internal students: Marked assignments will be returned to students in their tutorials or may be viewed through Turnitin.

External students: Marked assignments will be available through Turnitin or to be returned by COE.

### **Raw marks:**

Marks available for each assessment are raw or indicative marks which may change through a moderation process to make marks consistent among markers and to make the overall result of the Unit consistent and comparable.

### **NO PROVISION FOR LATE SUBMISSION**

Any assignment submitted after the due date and without having obtained an extension on the ground of STUDY DISRUPTION will not be marked. Options for late assignment submission subjecting to penalties are NO LONGER AVAILABLE (Law School Policy).

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Tutorial short quizzes</u></a>	20%	Each tutorial
<a href="#"><u>Problem solving assignment</u></a>	30%	20 April 2015; by 5 pm
<a href="#"><u>Sit-in Exam</u></a>	50%	Exam week commencing 9 June

### Tutorial short quizzes

Due: **Each tutorial**

Weighting: **20%**

Students must read, understand, and be prepared to discuss issues scheduled for each tutorial class in advance (prior to tutorials) and short quizzes/questions provided in tutorials (see week-by-week topics below). There will be 20 minutes short quizzes/questions test, followed by 30 minutes discussion in each tutorial.

On successful completion you will be able to:

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## Problem solving assignment

Due: **20 April 2015; by 5 pm**

Weighting: **30%**

This is a given take-home fact-based problem focusing on a problem of international law. This will require independently examining and researching legal rules and principles, and applying them to a new, real, or hypothetical factual situation of contemporary international life. The assignment **MUST** be submitted through Turnitin (Law School policy).

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## Sit-in Exam

Due: **Exam week commencing 9 June**

Weighting: **50%**

This sit-in examination will be for 2 hours and open book. The question paper will provide opportunities for short and long answer questions covering the entire contents/topics of the Unit. Students are expected to get a good grasp of the unit.

On successful completion you will be able to:

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## Delivery and Resources

### Delivery:

1 Lecture and 1 Tutorial every week.

### Resources:

Required text/s and cases and materials book are the CORE readings and prescribed with the intention that every student MUST consult them, preferably by acquiring their own personal copy. 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 select scholarly articles have also been prescribed in lecture/tutorial sessions. The prescribed textbook is also available in the Reserve section of the Macquarie Library. There is no prepared materials book for this unit. Should you encounter difficulty in accessing these sources, contact your tutors and/or the Convenor.

### *Required Compulsory Textbook*

M Rafiqul Islam, *International Law: Current Concepts and Future Directions*, LexisNexis Australia, 2014.

*Cases and Materials Book (in their priority and may collect one of them)*

1. Dixon, M, McCorquodale, R, and Williams, S, *Cases and Materials on International Law*, Oxford University Press, 5<sup>th</sup> ed. 2011.
2. Rothwell, D R, Kaye, S, Akhtarkhavari, A, and Davis, R, *International Law: Cases and Materials with Australian Perspectives*, Port Melbourne: Cambridge University Press, 2014.

### Technology used and required

Online units can be accessed at: <http://ilearn.mq.edu.au>

The web page for this unit is available through WebCT (the Online Teaching Facility) at: [http://online.mq.edu.au/SCRIPT/LAW459/scripts/serve\\_home](http://online.mq.edu.au/SCRIPT/LAW459/scripts/serve_home)

**iLectures** are available for downloading over the internet.

Information relating to the unit and assignments will be posted on the website. Please ensure that you check this site regularly for any important information relating to the unit.

## Unit Schedule

Weekly schedule of lecture and tutorials		
Week Starts:	Lecture Topics	Tutorial Topics
23 February		
Week 1	Introduction to the International Legal System	No tutorial
Week 2	Sources and Codification	Introduction to the International Legal System
Week 3	(a) International Law and Domestic Law; and (b) Subjects and Personality	Sources and Codification
Week 4	Statehood and Recognition	(a) International Law and Domestic Law (b) Subjects and Personality
Week 5	State Sovereignty and Responsibility	Statehood and Recognition
Week 6	Prohibited and Permissible Use of Force	State Sovereignty and Responsibility
<b>Week 7- 8</b>	<b>Mid-semester break: 03-17 April: NO Lecture</b>	<b>Mid-semester break: 03-17 April – No tutorial</b>
Week 9	International Law of Treaty	Prohibited and Permissible Use of Force

Week 10	Sovereign and Diplomatic Immunities	International Law of Treaty
Week 11	International Law of the Sea	Sovereign and Diplomatic Immunities
Week 12	International Dispute Settlement: ICJ and ICC	International Law of the Sea
Week 13	Human Rights, Humanitarian Intervention, and R2P	International Dispute Settlement: ICJ and ICC
Week 14	New Challenges in the 21st Century: International Law of: Environment & Economic law	Human Rights, Humanitarian Intervention, and R2P

## Learning and Teaching Activities

### Teaching and Learning Strategy

• The unit is taught through a two-hour lecture and one hour face-to-face discussion-driven tutorial in each week. The lecture will provide an overview of the law and related issues for each topic. • The aim of the lecture is not only to provide students with an understanding of the applicable principles and practice but also to consider a critique of the operation of those principles and practices in the international legal system. The lectures will draw students' attention to the relevant cases and other international legal documents that are part of the readings for that week. Students will be challenged to think more critically and analytically about the materials under discussions. • External students are taught through correspondence and two days intensive face-to-face on-campus sessions of learning and teaching. • Tutorials and on-campus sessions will provide opportunities to explore different aspects of each topic in detail. Students are expected to be realistically critical and contribute, wherever appropriate, to a better understanding of International Law. • For these classes, students are expected to have read in advance the assigned readings for each topic and to participate in discussion based upon the assigned discussion topic as well as based on the readings more generally. • Each student in this unit must consult first his or her compulsory text and/or material books as appropriate. Additional relevant reading materials may be found in the Supplementary Reading list. Further reading materials may be suggested whenever necessary and appropriate.

### Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy [http://mq.edu.au/policy/docs/grievance\\_management/policy.html](http://mq.edu.au/policy/docs/grievance_management/policy.html)



Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html) *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of 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/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

## Student Support

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

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

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

## Graduate Capabilities

### Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

#### Learning outcomes

- 1. Define the general characteristics and principles of public international law.
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### 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 outcomes

- 1. Define the general characteristics and principles of public international law.

- 2. Identify, find and cite key sources of international law.
- 3. Describe the relationship between international and national law, particularly Australian law.
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## 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

- 1. Define the general characteristics and principles of public international law.
- 2. Identify, find and cite key sources of international law.
- 3. Describe the relationship between international and national law, particularly Australian law.
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## Assessment tasks

- Tutorial short quizzes
- Problem solving assignment
- Sit-in Exam

## 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.

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## Learning outcomes

- 1. Define the general characteristics and principles of public international law.
- 2. Identify, find and cite key sources of international law.
- 3. Describe the relationship between international and national law, particularly Australian law.
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## Assessment tasks

- Tutorial short quizzes
- Problem solving assignment
- Sit-in 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.

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## 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 outcomes

- 1. Define the general characteristics and principles of public international law.
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Date	Description
20/01/2015	.

