



# LAWS601

## International Law

S1 Day 2019

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor

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For consultation times see iLearn

Paul Maluga

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Credit points

4

Prerequisites

Admission to JD or GradDipLaw or GradCertLaw

Corequisites

LAWS600

Co-badged status

Unit description

This unit provides an introduction to public international law's key principles, rules, norms and practices. Its coverage includes the role of the United Nations, the law of 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. Through independent research, students evaluate the effectiveness of international law in addressing real problems that confront 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 advanced knowledge of the general characteristics and principles of public

international law

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

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

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

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

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

Advise on international law taking into consideration the needs and expectations of a hypothetical client, and provide sophisticated, practical and professional advice

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

Analyse international law from the perspective of national interests, and collaborate with peers to negotiate the terms of an international convention

## General Assessment Information

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

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

All assessments in the unit are to be submitted electronically via Turnitin. Plagiarism detection software is used in this unit.

All assessments must be appropriately referenced, applying the *Australian Guide to Legal Citation* (4th ed). The Guide is available here <<http://mulr.law.unimelb.edu.au/go/AGLC3>>.

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

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

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Research Paper</u>	30%	No	11.59 pm, 1 May 2019
<u>Final Assessment</u>	30%	No	11.59 pm, 10 June 2019
<u>Treaty Negotiation Exercise</u>	40%	No	Various, see description

### Research Paper

Due: **11.59 pm, 1 May 2019**

Weighting: **30%**

Students will write a 2,500-word answer in relation to a hypothetical request for legal advice on an international law issue. The answer will require demonstrated research and critical application of international law principles. The specific question, guidance on how to succeed in this exercise, along with the marking rubric, will be posted online at the time of the question's release. The assignment may relate to issues covered in Topics 1 – 8 (inclusive).

**Date for release of question:** 13 March 2019

**Deadline for student submission:** 11.59 pm, 1 May 2019

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 advanced knowledge of the general characteristics and principles of public international law
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of both states and non-state actors under international law.
- Explain and apply international law to both complex actual and hypothetical situations as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.
- Advise on international law taking into consideration the needs and expectations of a

hypothetical client, and provide sophisticated, practical and professional advice

## Final Assessment

Due: **11.59 pm, 10 June 2019**

Weighting: **30%**

**Date for release of question:** 10 am, 7th June 2019

**Deadline for student submission:** 11.59 pm 10th June 2019

There will be a final timed assessment. This will involve advising in relation to one hypothetical fact scenario and producing a short theoretical piece in response to an essay question, doing so under a strict time constraint. Details of the assessment questions will be released online via iLearn. The word limit for this assessment is 2500 words. The hypothetical may apply to any topic covered over the course of the semester.

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

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

On successful completion you will be able to:

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- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of both states and non-state actors under international law.
- Explain and apply international law to both complex actual and hypothetical situations as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Analyse the relationship between international and national law, particularly Australian law.
- Describe various means for the non-violent settlement of disputes between states.
- Advise on international law taking into consideration the needs and expectations of a hypothetical client, and provide sophisticated, practical and professional advice

## Treaty Negotiation Exercise

Due: **Various, see description**

Weighting: **40%**

Over the course of the semester, students will engage in a scaffolded treaty negotiation exercise. This exercise will be conducted online and in tutorials across the semester. This exercise will

build on topics of international law as they are learnt throughout the semester, including the law of treaties, statehood and state responsibility, international dispute settlement and the relationship between domestic and international law.

Full details about this assessment will be made available on iLearn, and marking rubrics for each component of the assessment will be available. The assessment will comprise of the negotiation process itself, which will occur online and in class (and comprise 20% of the overall grade), and two discrete written tasks (worth 10% each).

## **Discrete Written Tasks**

### **1. National Statement**

***(Due Week 3)***

Students will be allocated a state (or organisation) which they will be representing throughout the exercise. The national statement, due in week 3, will constitute of no more than 1000 words, and outline the national interests and priorities that the allocated state has on the subject matter of the treaty negotiation exercise. It should outline what the state hopes to achieve in the treaty negotiations and an acknowledgment of potential challenges during the process.

### **2. Reflective Statement**

***(Due Week 13)***

Students will be required to provide a reflective statement at the end of semester, outlining what they learnt during the negotiation process. This will include analysis of the ways in which procedural and substantive elements of international law impeded or aided negotiation; what roadblocks and obstacles were encountered to achieving the aims of the state or organisation represented; the role that politics played in the negotiations; compromises made, etc. This reflective statement should be supported throughout by reflections of the relevance of your readings to the task.

On successful completion you will be able to:

- Demonstrate advanced knowledge of the general characteristics and principles of public international law
- Describe the role, rights and responsibilities of both states and non-state actors under international law.
- Demonstrate professional oral arguments and analysis, and actively listen to the opinions of peers
- Analyse international law from the perspective of national interests, and collaborate with peers to negotiate the terms of an international convention

## **Delivery and Resources**

### **Readings**

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

- Malcolm Evans, *International Law, 5th Edition* (2018, Cambridge University Press)

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

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

## Unit Schedule

Week 1	History and Purpose of International Law
Week 2	Sources of International Law
Week 3	Law of Treaties (1) (treaty making)
Week 4	Law of Treaties (2) (interpretation and operation)
Week 5	Statehood, Legal Personality
Week 6	Jurisdiction and Sovereignty
Week 7	Immunities
Week 8	Relationship between International and Domestic Law
Week 9	State Responsibility
Week 10	Diplomatic Protections
Week 11	Use of Force
Week 12	Enforcement – Sanctions and Dispute Resolution
Week 13	International Court of Justice

## 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-centr) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-centr>)

al). 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](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://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 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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Word limits and submission of work

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

## Moderation

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



## Student Support

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

## Learning Skills

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

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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

### 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

- Advise on international law taking into consideration the needs and expectations of a hypothetical client, and provide sophisticated, practical and professional advice
- Analyse international law from the perspective of national interests, and collaborate with peers to negotiate the terms of an international convention

## 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

- Demonstrate professional oral arguments and analysis, and actively listen to the opinions of peers
- Analyse international law from the perspective of national interests, and collaborate with peers to negotiate the terms of an international convention

### Assessment tasks

- Research Paper
- Treaty Negotiation Exercise

## 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 advanced knowledge of the general characteristics and principles of public international law
- Identify, find and correctly cite key primary sources of international law.
- Describe the role, rights and responsibilities of both states and non-state actors under international law.
- Explain and apply international law to both complex actual and hypothetical situations as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Analyse the relationship between international and national law, particularly Australian law.

- Describe various means for the non-violent settlement of disputes between states.
- Advise on international law taking into consideration the needs and expectations of a hypothetical client, and provide sophisticated, practical and professional advice

## **Assessment tasks**

- Research Paper
- Final Assessment
- Treaty Negotiation Exercise

## **Critical, Analytical and Integrative Thinking**

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## **Learning outcome**

- Analyse international law from the perspective of national interests, and collaborate with peers to negotiate the terms of an international convention

## **Assessment tasks**

- Research Paper
- Final Assessment
- Treaty Negotiation Exercise

## **Problem Solving and Research Capability**

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

This graduate capability is supported by:

## **Learning outcomes**

- Identify, find and correctly cite key primary sources of international law.
- Explain and apply international law to both complex actual and hypothetical situations as it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.
- Analyse the relationship between international and national law, particularly Australian

law.

- Describe various means for the non-violent settlement of disputes between states.
- Advise on international law taking into consideration the needs and expectations of a hypothetical client, and provide sophisticated, practical and professional advice

## Assessment tasks

- Research Paper
- Final Assessment

## Effective Communication

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

This graduate capability is supported by:

## Learning outcomes

- Advise on international law taking into consideration the needs and expectations of a hypothetical client, and provide sophisticated, practical and professional advice
- Demonstrate professional oral arguments and analysis, and actively listen to the opinions of peers
- Analyse international law from the perspective of national interests, and collaborate with peers to negotiate the terms of an international convention

## Assessment tasks

- Final Assessment
- Treaty Negotiation Exercise

## Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

## Learning outcome

- Explain and apply international law to both complex actual and hypothetical situations as

it relates to the rights and responsibilities of states vis-a-vis other states and international institutions.

## Assessment tasks

- Research Paper
- Treaty Negotiation Exercise

## Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

## Learning outcome

- Analyse international law from the perspective of national interests, and collaborate with peers to negotiate the terms of an international convention

## Changes since First Published

Date	Description
20/02/2019	Have updated the Convenor information to give Paul Maluga carriage of the unit (to reflect the fact that I have no space in workload).