



# LAWS587

## War Law

S1 Day 2019

*Macquarie Law School*

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### Disclaimer

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## General Information

Unit convenor and teaching staff

Convenor

Dr Shireen Daft

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Contact via email

6 First Walk, Room 541

TBD

Credit points

3

Prerequisites

39cp at 100 level or above including LAWS259 or LAW409 or LAW459 or LAW509

Corequisites

Co-badged status

Unit description

The maintenance of international peace and security is one of the driving aims of the international legal order. International law seeks to both prevent, and when that is not possible, regulate the conduct of armed conflict. This unit will consider this role of international law, examining the nature of armed conflict and the role of international humanitarian law and international criminal law in providing a framework to address contemporary challenges during armed conflict, including the protection of civilians, the status and treatment of combatants, the protection of the environment and cultural heritage, and the pursuit of peace.

## 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 international

humanitarian law, and the global governance structures that address armed conflict

Evaluate past and present international developments in the area of the law of war, and

analyse, interpret and critique such developments from an international law perspective

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

legal sources relevant to the law of armed conflict

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

Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

Apply mature and considered approaches to written communication including plain

English principles and legal citation methods

## 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](https://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
<a href="#"><u>Research Paper Proposal</u></a>	10%	No	Week 4
<a href="#"><u>Class Panel Discussions</u></a>	20%	No	Ongoing
<a href="#"><u>Research Paper</u></a>	50%	No	9 June 2019, 11.59pm
<a href="#"><u>Discussion Forum</u></a>	20%	No	ongoing

### Research Paper Proposal

Due: **Week 4**

Weighting: **10%**

You are required to develop and submit a research question and proposal for your research essay (see below). The proposal must clearly set out the research question you are proposing to answer and the basic proposed approach to the question.

The research question must directly relate to one of the topics canvassed over the course of the unit.

The proposal must clearly indicate what current issue you are intending to consider, why the issue is worthy of consideration, and the relevance of the analysis to the development and understanding of the law of armed conflict. It should include evidence of research of the topic, citing at least 2 primary sources (eg treaties, case law, UN resolutions) and 2 secondary sources (preferably journal articles).

The proposal should not exceed 2 A4 pages.

On successful completion you will be able to:

- Evaluate past and present international developments in the area of the law of war, and analyse, interpret and critique such developments from an international law perspective
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

### Class Panel Discussions

Due: **Ongoing**

Weighting: **20%**

Students will have the opportunity to elect 1 week in the second half of the semester on which to sit on the 'expert panel' during tutorials commencing from w6. The panels (which can extend to a maximum of 6 students per week) will focus on the topic of the week, but each panelist will have

the opportunity to choose their particular area of interest within that topic. These students will field questions from the convenor and their fellow students and have the opportunity to ask fellow students opinions and questions. The structure of this process will be discussed in detail in tutorials early in semester. Students will have an opportunity to select their panels via iLearn.

For each expert panel, the student will earn a mark out of 20. Students will be assessed on their preparation and understanding of the topic, their ability to answer questions posed, their interaction with fellow panelists and students' opinions, and their level of analytical thought.

A marking rubric for this assessment will be provided on iLearn and discussed in class.

On successful completion you will be able to:

- Articulate and critique 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 the law of war, and analyse, interpret and critique such developments from an international law perspective
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

## Research Paper

Due: **9 June 2019, 11.59pm**

Weighting: **50%**

Students are required to submit a research paper that critically analyses a current issue or development in the law of armed conflict of special interest, that falls within the scope of the unit. The maximum word limit for the research paper will be 3000 words, which will be strictly adhered to, and anything beyond 3000 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.

A detailed marking rubric will be provided on iLearn.

If uncertain whether a desired topic of exploration is suitable, please contact the convenor for advice, preferably in consult hours.

On successful completion you will be able to:

- Articulate and critique 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 the law of war, and analyse, interpret and critique such developments from an international law perspective
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

## Discussion Forum

Due: **ongoing**

Weighting: **20%**

Students will be required to regularly contribute to online discussion forums to demonstrate their ongoing engagement with the unit. These moderated forums will provide students with the opportunity to expand on discussions from tutorials, to ventilate ideas about the limits and gains of international humanitarian law, and provide a forum to stimulate debate on challenging topics. Students will be assessed on the consistency of their contributions (with the expectation that students will contribute to a minimum of 8 topics over the course of the semester); the quality and insight of the contribution; along with the ability to engage with other students' contributions in a respectful and constructive manner. Some discussion forums may encourage students to engage with contemporary geopolitical issues, or with hypothetical scenarios as part of the discussion.

A marking guide will be provided on iLearn with further details.

On successful completion you will be able to:

- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

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

## 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. Both lectures and tutorials will commence from week 1.

### 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

Students are encouraged to obtain a copy of Adam Roberts and Richard Guelff, *Documents on the Laws of War* (OUP, 3rd ed, 1996). Other recommended books are:

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)

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	LAWS587
Week 1	History, Theory, Scope of Application
Week 2	International v Non-International Armed Conflict

Week 3	Lawful Combatancy
Week 4	Civilians and Civilian Objects in Armed Conflict
Week 5	Protected Persons
Week 6	Methods of Armed Conflict
Week 7	Means of Warfare – Conventional Weapons
Week 8	Means of Warfare – Non-Conventional Weapons
Week 9	The Role of the Red Cross Movement in IHL
Week 10	Protection of the Environment
Week 11	Protection of Cultural Heritage
Week 12	Implementation and Enforcement
Week 13	Post-Conflict

## 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](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)

## 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](https://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

### 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

- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints
- Apply mature and considered approaches to written communication including plain English principles and legal citation methods

#### Assessment tasks

- Class Panel Discussions
- Research Paper
- Discussion Forum

### Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally

and socially.

This graduate capability is supported by:

## **Learning outcome**

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

## **Assessment tasks**

- Research Paper
- Discussion Forum

## **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**

- Articulate and critique 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 the law of war, and analyse, interpret and critique such developments from an international law perspective
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

## **Assessment tasks**

- Research Paper Proposal
- Class Panel Discussions
- Research Paper
- Discussion Forum

## 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 outcomes

- Evaluate past and present international developments in the area of the law of war, and analyse, interpret and critique such developments from an international law perspective
- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

### Assessment tasks

- Research Paper Proposal
- Class Panel Discussions
- Research Paper

## 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

- Research, analyse, synthesise, interpret and derive legal principles from international legal sources relevant to the law of armed conflict
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

### Assessment tasks

- Research Paper Proposal

- Class Panel Discussions
- Research Paper

## 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

- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict
- Display effective communication and interpersonal skills to articulate and present views supported with legal reasoning and attentive to diverse viewpoints

### Assessment tasks

- Research Paper Proposal
- Class Panel Discussions
- Research Paper
- Discussion Forum

## 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 outcomes

- Evaluate past and present international developments in the area of the law of war, and analyse, interpret and critique such developments from an international law perspective
- Describe and analyse how the actors, institutions, and processes of international humanitarian law interact and operate in global governance
- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

## Assessment tasks

- Research Paper Proposal
- Class Panel Discussions
- Research Paper

## 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

- Develop an independent research project that critically analyses a contemporary issue or development in international law's approach to armed conflict

## Assessment tasks

- Research Paper Proposal
- Research Paper
- Discussion Forum