

LWA318 International Law

Credit points:	10 credit points	Mode:	Internal and external
Pre-requisite(s):	80 credit points of level 1 law units or equivalent 2012	Learning method:	OLR
Year:			
Semester:	1	Unit coordinator:	Associate Professor David Price
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Unit Description

This unit is designed to provide an understanding of the underpinning system of international law, which governs its content, processes and institutions. You will be introduced to the sources of and participants in international law, to its primary courts and organisations and to several areas of special interest including the use of armed force, international humanitarian law and an introduction to economic and political approaches to the system of international law as a whole. Current affairs, including events in Afghanistan, Iraq, Libya and the Sudan, will be used as an ongoing discussion tool.

Learning Outcomes

On completion of this unit a student should be able to:

1. Examine and discuss the theories, sources and core principles of international law *jus cogens* and customary international law and their interaction with municipal law.
2. Critically apply and evaluate the usefulness of the principles, role and operation of the major bodies in the international law context - in particular the UN Security Council and General Assembly, the International Court of Justice, the International Criminal Court, and other international criminal law tribunals.
3. Examine and discuss the principles of state sovereignty, responsibility and territoriality
4. Resolve practical problems in the context of the specific cases in international law
5. Critically examine and explain major operation of international law in the particular contexts of humanitarian law, armed international conflicts, environmental law and law of the sea.

Unit Information Template: Version 4.0 13/11/09	Administered: TLQG	Approved: Senior DVC	Next Review: November 2010
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Teaching and Learning Strategies

LWA318 is a full semester unit. Students should be mindful of the following points:

This unit is based on a self-learning approach. Students are responsible for their own learning. The lectures are available to assist, but ultimately the student is responsible for obtaining mastery of this unit. Students who succeed are those who are self-starters and make best use of the resources available to them and are prepared to ask questions to seek out the information they need.

The lectures and Learnline material are not designed to teach students all aspects of the unit. They should be viewed as resource material which will provide the skeleton only, which the students must 'flesh out' themselves.

It will be assumed that students will have read the prescribed material prior to the topics being covered in the lectures. This reading is most important, as it will enable the student to comprehend the issues covered in the audio lectures.

The key issue to success is preparation. The student must be prepared to devote around ten hours study per week (in addition to attending lectures and tutorials) in order to achieve the required level of understanding and competence in LWA318.

Participation

The LWA318 Learnline site will be available to all students enrolled in the subject. Correct enrolment is necessary to ensure access to the site.

The Learnline site will be used extensively for delivery of learning material and for communication between lecturer and students and between the students themselves.

There will be the equivalent of 2 hours of lectures per week available on the Web. Lectures delivered at the Casuarina campus will be audiostreamed onto the Web and available from the unit's Learnline site. These should be available approximately 1 day after the lecture has been conducted.

Some lecture material will be pre-recorded in 30 minute 'grabs'; and posted the day before the lecture in question.

Wherever possible electronic means will be also used to distribute material to students (including under 'Announcements' and 'Learning Materials').

There will be weekly 1 hour internal tutorials and 1.5 hour online tutorials. External students in Darwin are welcome to participate in both their external and internal tutorials, and internal students are welcome to join in the online tutorials.

If external enrolment numbers require it, an additional set of online tutorials will be arranged at times to be determined.

Online tutorials will be provided over the Web through Learnline in designated E-Tutorial Rooms (ETR).

The times given in the schedule are in Central Standard Time.

For additional assistance with Library research, students should view the CDU Library law site at <http://libguides.cdu.edu.au/cdulaw>. This site is designed to introduce students to finding legal information and sources. While it is Law specific, much of the information can be used generally.

For assistance with the content of the learning materials or feed-back contact your lecturer.

Specific details of individual class times can be obtained by accessing the class timetable at: <http://skua.cdu.edu.au/swseven/Default.aspx>

Overview of Assessment

Item	Description/Focus	Value	Due date
1.	Assignment	25 %	tba, but generally mid May 2012
2.	Group Oral Presentation and Report	30%	ongoing from week 6
3.	Final Exam	45 %	tba

Resources

Required textbook(s)

- Gillian Triggs, *International Law: Contemporary Principles and Practices*, 2nd ed., LexisNexis, Sydney, 2011
- *Australian Guide to Legal Citation*, 3rd edition, 2010, University of Melbourne

Required textbooks can be ordered from the CDU Bookshop through their website at www.cdu.edu.au/bookshop

Learnline (Online Learning System)

Learnline is Charles Darwin University's on-line learning system.

In this unit, Learnline will be used to:

- provide important announcements about the unit
- distribute lecture slides, and other study
- complete online assessments
- access feedback from tasks and grades for assessable work
- provide a communication point where you contribute to discussions as part of your assessment, and to interact with other students in the unit

You will need to connect to the Internet to access it, at <http://learnline.cdu.edu.au/>

Access to Learnline may not be available until Day 1 of Semester.

If this is your first time using Learnline, click on 'Student Learnline Support' in the left-hand navigation panel BEFORE logging in.

It is recommended that all students have access to regular and reliable broadband access to complete unit requirements.

e-Reserve

e-Reserve allows electronic copies of journal articles, book chapters and lecturer notes that have been recommended by a lecturer as part of their course reading requirements. You can access e-Reserve at <http://ereserve.cdu.edu.au.ezproxy.cdu.edu.au/cgi-bin/library>.

This site is password protected. Your CDU student login will provide you access. You can then search for items by Lecturer, Unit Code, Title, Author, keyword, Year or Date if you have that information.

Additional Resources

The following resources are recommended:

Legislation, Conventions and Treaties

- Montevideo Convention on the Rights and Duties of States
- Vienna Convention on the Law of Treaties
- ILC Articles on Responsibility of States for Internationally Wrongful Acts
- Charter of the United Nations
- Statute of the International Court of Justice
- Geneva Conventions 1-4 of 1949 and Additional Protocols I & II
- Law of the Sea Convention (1982)
- Rome Statute establishing the International Criminal Court

Websites

- Google Earth
- International Court of Justice www.icj-cij.org
- International Criminal Court www.icc-cpi.int
- International Criminal Tribunal for the Former Yugoslavia www.un.org/icty/
- International Criminal Tribunal for Rwanda www.un.org/ictt/
- World Trade Organisation www.wto.org
- United Nations www.un.org
- Amnesty International www.amnesty.org
- Australian Treaties Library www.austlii.edu.au
- International Committee of the Red Cross www.icrc.org

Lecture Schedule

Duration / Module	Topics	Readings or student learning activities to be completed
Week 1 comm. 27/02	Course administration Introduction to International law <ul style="list-style-type: none"> • What is International Law • History/theories • consent and sovereign equality • relationship to municipal law • States vs non-state actors in international law	Triggs, Chapter 1 Triggs, Chaps 3 & 4
Week 2 comm. 05/03	Sources of international law: <ul style="list-style-type: none"> • Treaties • Custom • Other sources 	Triggs, Chapter 2
Week 3 comm. 12/03	Law of Treaties State sovereignty, jurisdiction and immunity Personality & Recognition State responsibility for breaching international law	Triggs, Chaps 3, 5 & 6 Vienna Convention on the Law of Treaties 1969; ILC Draft Articles on State Responsibility

Week 4 comm. 19/03	Law of the Sea <ul style="list-style-type: none"> • UNCLOS Maritime boundary delimitation and maritime zones	Triggs, Chapter 7 Law of the Sea Convention (1982) (UNCLOS)
Week 5 comm. 26/03	Enforcement of international law <ul style="list-style-type: none"> • Courts: ICJ, ICC, ad hoc tribunals, treaty-based tribunals • Reciprocity Role of international organizations	Triggs, Chaps 8 & 9 ICJ Statute & selected cases
Week 6 comm. 02/04	Introduction to collective security and prohibition on the use of force by states Role of UN Security Council Humanitarian intervention Oral presentations - Scenario One	Triggs, Chapter 10 UN Charter
Mid Semester Break		
Week 7 comm. 16/04	Self-defence <ul style="list-style-type: none"> • Individual and collective • Anticipatory and pre-emptive self-defence • Intervention by consent 	Triggs, Chapter 10
Week 8 comm. 23/04	International humanitarian law <ul style="list-style-type: none"> • Geneva Conventions and Additional Protocols • international & non-international armed conflict • combatants and non-combatants Oral Presentations – Scenario Two	Geneva Conventions 1-4 of 1949 Additional Protocols I & II
Week 9 comm. 30/04	International criminal law <ul style="list-style-type: none"> • History (Nuremberg and Tokyo) • State, individual and command responsibility Intersection with international human rights	Triggs, Chaps 6 & 14
Week 10 comm. 07/05	International Criminal Law: <ul style="list-style-type: none"> • Crimes against humanity • Genocide • Crime of aggression • War crimes ICC & adhoc tribunals Rwanda, Yugoslavia, Sierra Leone, Sudan Oral presentations – Scenario Three	Statute of the International Criminal Court (Rome) Triggs, Chaps 9 & 15.
Week 11 comm. 14/05	International environmental law & the “common heritage of mankind” <ul style="list-style-type: none"> • sustainable development • treaty law, conferences and climate change • The Arctic, Antarctic & the Moon 	Triggs, Chapter 13
Week 12 comm. 21/05	Introduction to international trade law <ul style="list-style-type: none"> • The WTO and bilateral trade agreements • trade dispute resolution & arbitration Oral presentations – Scenario Four	Triggs, Chaps 11 & 12.
Week 13 comm. 28/05	Review and examination preparation	

Assessment

Assessment Item 1

Description/Focus:	Assignment
Value:	25%
Due date:	To be confirmed, but as a guide around May.
Length:	2,500 words approximately
Task:	The assignment topic or topics will be placed in the folder 'Assessments' on 'Learnline' towards the beginning of the unit. Students will have almost two months to complete the assignment before the due date.
Assessment criteria/Preparation/Presentation	<p>Assignments that vary markedly from the word limit requirement may incur a penalty. In counting word length, include all words in the main text, but not tables of contents, bibliographies, footnotes or endnotes.</p> <p>The assignment carries 25% of the total number of marks for the unit. The assignment should be typed (1 1/2 or double spaced), with margins of at least 4 cms. It should be properly footnoted at the bottom of each page and contain a bibliography. Referencing and citations must accord with the style as set out in the Australian Guide to Legal Citation, 3rd edition.</p> <p>Assignments MUST include a cover sheet with name, student number, the topic number chosen and the actual topic. Also ensure you include your name in a header or footer in the assignment itself.</p> <p>Note that an assignment which cannot be easily identified as to its author because of failure to comply with the above requirements WILL NOT BE MARKED.</p> <p>The assignment should be submitted on or before the due date via the Online Submission provision in the Assessments area of the Learnline site. Students must ensure that the document constituting their assignment has been lodged AND saved within the Learnline submission site.</p> <p>In exceptional circumstances, and only with the express approval of the lecturer, the assignment may be emailed.</p>

Assessment Item 2

Description/Focus:	Group Oral Presentation and Report
Value:	30%
Due date:	The presentations will commence in Week 6. Internal students will make their presentations during the normal class lecture times. The report is to be submitted via the Learnline facility not more than one week after the date of the oral presentation.
Length:	Each presentation should be approximately 15-20 minutes in length
Task:	Each student will be required to make a GROUP oral presentation in class on a topic drawn from the unit program and provided by the lecturer. Students should make their presentations in a 2-3 person group, but may also make them individually if finding/creating a group proves unduly difficult.
Preparation/Presentation/Assessment criteria:	<p>For external students, the presentations will be made during online tutorials at times to be set in discussion between the lecturers and the students concerned. However, external students in the Darwin vicinity are welcome to make their presentations during the normal lecture times if they prefer. They should contact the lecturer at least 2 weeks before the selected and agreed date of presentation.</p> <p>Assessment of the presentations will take account of the following three elements:</p>

- preparation;
- presentation;
- documentation.

Students are required to lodge a brief report (documentation) on their presentation after it has been delivered.

Detailed arrangements for the presentations will be discussed at greater length during the first lecture and by the Discussion Board for external students lecture.

Assessment Item 3

Description/Focus:	End of unit (final) examination
Value:	45%
Due date:	tba
Length:	2 hours plus 20 minutes reading time
Task/ Preparation:	

There will be a final examination worth 45% of the assessment in the unit. It will be an **OPEN BOOK** examination. Any relevant material, other than that which is the property of the CDU Library, may be taken into the examination room. The examination may cover all the topics covered in this unit. Students should note that because of this factor standards and quality of answers should be correspondingly higher than a “memory only” exam.

The examination questions will reflect the course as it is presented in lectures, any reading guides, any lecture notes and all texts (primary and secondary). A given topic may be examined in more than one question.

Examination questions may be of any format, including essays on specified topics, problem solving exercise, case-notes or a quiz.

Assessment Information

Passing Grade

In order to obtain a passing grade (50% or more) in this unit, a student must obtain a minimum of 40% of the value of marks for final examination mark and a total of 50% overall.

Essays must be typed and appropriately footnoted, in accordance with the requirements of the *Australian Guide to Legal Citation* 3rd edition (2010) (Melbourne University). Students not following these citation methods will be penalized.

Extensions and late submission

The Faculty of Law Business and Arts (including the law school) has now implemented a uniform policy for dealing with penalties for late submission of assignments and applications for extensions of time for submission.

The policy applies to ALL law units. You can find the policy [here](#) in Learnline Law Central. Please read it carefully and ensure that you follow it in making any application for extension of time from now on. Note that applications must be in writing on the form linked from the [extensions and penalties page](#), and must be submitted to the Law and Business administration office (not your individual unit lecturer or co-ordinator).

Finally, note that this policy will be strictly enforced. As observed on the extensions and penalties page:

“The School of Law and Business regards time management as an important graduate attribute. All students have an obligation to submit assignments on the due date. Late assignments also delay feedback to the remainder of the student body.”

Note that the unit lecturer or unit coordinator does not have any discretionary authority to grant extensions.

Extensions of time will only be granted in exceptional circumstances on presentation of acceptable medical or other evidence.

Learnline submission

To submit Assignment via Learnline:

- Click on the **Assessments** button on the left-hand side of the screen then click the **Assignment** link.
- On the Assignment Materials section, click on **Browse for Local File** to attach your file. Once the file has been located, click **Open** and the file name will appear in the **Selected File** section. Click on **Attach File**.
- You may now click on **Submit** (or **Save as Draft** if you wish to come back to it at a later stage).

Only click Submit once you are certain the assignment is complete.

Warning: Once your assignment is submitted you cannot go back and make changes to it. Therefore if you are not ready for your lecturer/tutor to review your assignment use the Save as Draft button.

If you make a mistake (i.e. submit the wrong essay), you will need to email your lecturer to advise.

Again, ensure that the cover sheet is attached, and that your name appears in a header or footer in the submitted document.

An **Assignment Cover Sheet** for this unit will be available on Learnline.

External Exams

External students should take particular note of the University's requirements that they sit for the final examination at designated exam centres, except in exceptional circumstances. Further information and forms for external exam arrangements can be obtained from the Learnline site, Law Central 2011 External Students, or directly from the Library website

<http://www.cdu.edu.au/library/forms/access/examarrangement.html>

University Plagiarism policy

Plagiarism is the unacknowledged use of material written or produced by others or a rework of your own material. All sources of information and ideas used in assignments must be referenced. This applies whether the information is from a book, journal article, the internet, or a previous essay you wrote or the assignment of a friend.

Plagiarism or other acts of academic dishonesty if proved may have very serious consequences for those wishing to be admitted to practise as a legal practitioner, as proven dishonesty may lead to refusal of admission by the relevant Legal Practitioners Admission Board.

The University Plagiarism policy is available at:

<http://www.cdu.edu.au/governance/documents/3.3academicandscientificmisconduct.pdf>

Exam Rules

Exam rules are available at <http://www.cdu.edu.au/governance/documents/ExaminationRules.pdf>

CDU Graduate attributes

CDU graduate attributes refer to those skills, qualities and understandings that should be acquired by students during their time at the University regardless of their discipline of study. (See <http://www.cdu.edu.au/teachingandlearning/gradattributes.html>).

In this unit, the following graduate attributes are developed:

Attribute	Description	Learning outcomes
Acquisition	Can identify, retrieve, evaluate and use relevant information and current technologies to advance learning and execute work tasks.	1,2,3,5
Application	Is an efficient and innovative project planner and problem solver, capable of applying logical and critical thinking to problems across a range of disciplinary settings and has self-management skills that contribute to personal satisfaction and growth.	1, 2,3,4,5
Creativity	Can conceive of imaginative and innovative responses to future orientated challenges and research.	5
Knowledge base	Has an understanding of the broad theoretical and technical concepts related to their discipline area, with relevant connections to industry, professional, and regional and indigenous knowledge.	1,2,3,4,5
Communication	Demonstrates oral, written, and effective listening skills as well as numerical, technical and graphic communication skills in a cross generational environment.	1,2,3,4
Team work	Has a capacity for and understanding of collaboration and co-operation within agreed frameworks, including the demands of inter-generational tolerance, mutual respect for others, conflict resolution and the negotiation of productive outcomes.	2, 4,5
Social responsibility	Is able to apply equity values, and has a sense of social responsibility, sustainability, and sensitivity to other peoples, cultures and the environment.	4
Flexibility	Can function effectively and constructively in an inter-cultural or global environment and in a variety of complex situations.	5
Leadership	Can exercise initiative and responsibility, taking action and engaging others to make a positive difference for the common good.	5