UNSW Course Outline

JURD7481 Public International Law - 2024

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General Course Information

Course Code : JURD7481
Year : 2024
Term : Term 3
Teaching Period : T3
Is a multi-term course? : No
Faculty : Faculty of Law and Justice
Academic Unit : School of Global and Public Law
Delivery Mode : In Person
Delivery Format : Standard
Delivery Location : Kensington
Campus : Sydney
Study Level : Postgraduate
Units of Credit : 6

Useful Links

Handbook Class Timetable

Course Details & Outcomes

Course Description

The field of public international law deals with many aspects of the functioning of the
international community, including the relations of States with each other and with international
organisations, the treatment by States of their citizens, the allocation of resources (land,

maritime and air), the preservation of the environment, the regulation of interstate transactions, the resolution of inter-state disputes and the maintenance of international peace and security. Indeed, the centrality of international law to our everyday lives and, in particular, to our practice as lawyers, cannot now be overstated. This course provides an advanced examination of core topics of international law. Drawing on contemporary events, the course aims to deepen and broaden your understanding of the role of international law in regulating the conduct of diverse actors in the international system. In doing so, the course will facilitate your understanding of the relevance of international law to current political and social developments at both the international and national levels.

Main Topics

- Theoretical perspectives on the formation and operation of the international legal system;
- Actors and institutions involved in the international legal system
- The sources of international law and the processes of its formation
- The law of treaties
- International legal personality and the creation of States
- Title to territory and the autonomy of people and territories
- The jurisdiction and immunities of States and other international actors
- The responsibility of States for international wrongs
- Resolving international disputes

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Have a sound understanding of the development, scope, principles, and main concepts of public international law (PLOs 1, 3 & 8) and be able to explain the meaning and relevance of these concepts and rules (PLO 9)
CLO2 : Understand the process by which principles and rules of international law continue to develop (PLOs 3, 7 & 8)
CLO3 : Be able to research issues relating to customary international law and the interpretation of treaties (PLOs 1, 3 & 8)
CLO4 : Have a good understanding of the rules of treaty interpretation (PLOs 1, 3 & 8)
CLO5 : Be able to examine critically current developments in relation to international law, and the policy challenges involved(PLOs 3, 5, 6, 7, 8 & 9)
CLO6 : Evaluate the impact of the rules and principles of international law on the conduct of governments and other parties(PLOs 3, 7 & 8)
CLO7 : Identify key areas of international law which are currently the subject of reform/ development efforts (PLO 7)
CLO8 : Communicate effectively, in speaking and in writing, on basic international law issues (PLOs 9 & 10)

Course Learning Outcomes	Assessment Item
CLO1 : Have a sound understanding of the development, scope, principles, and main concepts of public international law (PLOs 1, 3 & 8) and be able to explain the meaning and relevance of these concepts and rules (PLO 9)	• Assignment • Class Participation • Take-home Examination
CLO2 : Understand the process by which principles and rules of international law continue to develop (PLOs 3, 7 & 8)	• Assignment • Class Participation • Take-home Examination
CLO3 : Be able to research issues relating to customary international law and the interpretation of treaties (PLOs 1, 3 & 8)	• Assignment • Class Participation
CLO4 : Have a good understanding of the rules of treaty interpretation (PLOs 1, 3 & 8)	• Take-home Examination • Assignment • Class Participation
CLO5 : Be able to examine critically current developments in relation to international law, and the policy challenges involved(PLOs 3, 5, 6, 7, 8 & 9)	• Take-home Examination • Assignment • Class Participation
CLO6 : Evaluate the impact of the rules and principles of international law on the conduct of governments and other parties(PLOs 3, 7 & 8)	• Take-home Examination • Assignment • Class Participation
CLO7 : Identify key areas of international law which are currently the subject of reform/ development efforts (PLO 7)	• Take-home Examination • Assignment • Class Participation
CLO8 : Communicate effectively, in speaking and in writing, on basic international law issues (PLOs 9 & 10)	• Take-home Examination • Assignment • Class Participation

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Assignment Assessment Format: Individual	35%	Start Date: 24/09/2024 12:00 PM Due Date: 15/10/2024 05:00 PM
Class Participation Assessment Format: Individual	15%	Start Date: 04/11/2024 09:00 AM Due Date: 08/11/2024 05:00 PM
Take-home Examination Assessment Format: Individual	50%	Start Date: 17/11/2024 09:00 AM Due Date: 20/11/2024 09:00 AM

Assessment Details
Assignment

Assessment Overview

This assessment requires you to prepare a written response to an assignment.

Course Learning Outcomes

- CLO1 : Have a sound understanding of the development, scope, principles, and main concepts of public international law (PLOs 1, 3 & 8) and be able to explain the meaning and relevance of these concepts and rules (PLO 9)
- CLO2 : Understand the process by which principles and rules of international law continue to develop (PLOs 3, 7 & 8)
- CLO3 : Be able to research issues relating to customary international law and the interpretation of treaties (PLOs 1, 3 & 8)
- CLO4 : Have a good understanding of the rules of treaty interpretation (PLOs 1, 3 & 8)
- CLO5 : Be able to examine critically current developments in relation to international law, and the policy challenges involved(PLOs 3, 5, 6, 7, 8 & 9)
- CLO6 : Evaluate the impact of the rules and principles of international law on the conduct of governments and other parties(PLOs 3, 7 & 8)
- CLO7 : Identify key areas of international law which are currently the subject of reform/ development efforts (PLO 7)
- CLO8 : Communicate effectively, in speaking and in writing, on basic international law issues (PLOs 9 & 10)

Detailed Assessment Description

The Mid-Term Assignment will involve a practical scenario relating to the topics of international law covered thus far. You will be required to apply relevant legal principles to the presented facts and then come to a well-reasoned conclusion. It will also consist of a research based question. It will only relate to Topics 1-4 inclusive

Assessment Length

Max 2500 words.

Submission notes

submission is only accepted via the Turnitin link on Moodle

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Generative AI Permission Level

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see here.

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

Course Learning Outcomes

- CLO1 : Have a sound understanding of the development, scope, principles, and main concepts of public international law (PLOs 1, 3 & 8) and be able to explain the meaning and relevance of these concepts and rules (PLO 9)
- CLO2 : Understand the process by which principles and rules of international law continue to develop (PLOs 3, 7 & 8)
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- CLO7 : Identify key areas of international law which are currently the subject of reform/ development efforts (PLO 7)
- CLO8 : Communicate effectively, in speaking and in writing, on basic international law issues (PLOs 9 & 10)

Detailed Assessment Description

Class Participation (Self-Assessment and Instructor Review)

Students are expected to arrive at class having read the set materials and prepared to discuss them. Class participation goes beyond mere attendance and note-taking, emphasising active interaction and involvement in discussions and activities. This is crucial for developing effective communication skills essential for a successful legal career.

The class participation assessment involves two components:

1. Student Self-Assessment: Students will evaluate their own participation based on the criteria below.
2. Instructor Review: The instructor will review the self-assessments and may adjust marks based on their observations and records of student participation throughout the term.

Assessment Criteria:

1. Preparation for class
2. Interaction and collaboration with peers
3. Contributions to discussions
4. Active listening
5. Respect and professionalism
6. Metacognitive and self-reflection
7. Critical thinking
8. Online engagement
9. Oral communication
10. Attitude to learning and the subject

Each criterion is evaluated on a scale from Fail to High Distinction. The final mark reflects the level of contribution each student makes to the learning in the class, considering both the quantity and quality of participation.

The self-assessment process encourages students to reflect critically on their own class participation, helping them understand their performance and identify ways to enhance their engagement and communication skills. The instructor's review ensures a fair and comprehensive evaluation of each student's contributions throughout the course.

Submission notes

The Self-Assessment form will be available on Moodle during Week 9

Assignment submission Turnitin type

This is not a Turnitin assignment

Generative AI Permission Level

No Assistance

This assessment is designed for you to complete without the use of any generative AI. You are

not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see here.

Take-home Examination

Assessment Overview

This assessment requires you to complete a take-home written examination within the University examination period.

Course Learning Outcomes

- CLO1 : Have a sound understanding of the development, scope, principles, and main concepts of public international law (PLOs 1, 3 & 8) and be able to explain the meaning and relevance of these concepts and rules (PLO 9)
- CLO2 : Understand the process by which principles and rules of international law continue to develop (PLOs 3, 7 & 8)
- CLO4 : Have a good understanding of the rules of treaty interpretation (PLOs 1, 3 & 8)
- CLO5 : Be able to examine critically current developments in relation to international law, and the policy challenges involved(PLOs 3, 5, 6, 7, 8 & 9)
- CLO6 : Evaluate the impact of the rules and principles of international law on the conduct of governments and other parties(PLOs 3, 7 & 8)
- CLO7 : Identify key areas of international law which are currently the subject of reform/ development efforts (PLO 7)
- CLO8 : Communicate effectively, in speaking and in writing, on basic international law issues (PLOs 9 & 10)

Detailed Assessment Description

The focus of the Take Home Exam is for students to demonstrate breadth and depth of knowledge and understanding of the main topics covered in PIL. Students will respond to complex problem scenarios and choose from a selection of essay questions, critically analysing the legal dimensions involved. The Take Home Exam provides further opportunity for students to reflect on the issues covered and develop reflective legal thinking and deep learning.

Assessment Length

Max. 3500 words

Submission notes

Via Turnitin

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity

reports.

<u>Generative AI Permission Level</u>

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

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General Assessment Information

Public International Law Assessment Rubrics

1- Class Participation (CP includes a self-assessment component that willl be contrasted with instructor's assessment)

CP assessment is based on:

1. Preparation for class
2. Interaction and collaboration with peers
3. Contributions to discussions
4. Active listening
5. Respect and professionalism
6. Metacognitive and self-reflection
7. Critical thinking
8. Online engagement
9. Oral communication
10. Attitude to learning and the subject

Each criterion is evaluated on a scale from Fail to High Distinction.

2- Mid-Term Assessment and

3- Final Take-Home Assessment

Both assessments consist of two parts:

A- Practical Problem Scenario

Evaluated on:

1. Issue identification
2. Correct statement of law
3. Reasoned and persuasive application of law to facts
4. Clear conclusions
5. Writing style
6. Citation and referencing

B- Essay-Research Based Question

Assessed on:

1. Identification and articulation of relevant issues
2. Clear and logical structure
3. Balanced argument presentation
4. Analysis and critical thinking
5. Depth of research
6. Writing style
7. Citation and referencing

All criteria are marked on a scale from Fail to High Distinction.

Key Points for All Assessments

- Use formal academic language
- Cite sources accurately using AGLC 4th edition
- Demonstrate critical thinking and analysis
- Provide well-structured, coherent arguments
- Show depth of understanding and research
- Apply legal principles correctly to factual scenarios

Students should aim for clarity, thoroughness, and professionalism in all submissions.

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

<u>Grading Basis</u>

Standard

<u>Requirements to pass course</u>

See assessment rubrics above.

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Topic	Nature, Scope and Development of International Law/The Structure of the International Legal System
Week 2 : 16 September - 22 September	Topic	The Sources of International Law
Week 3 : 23 September - 29 September	Topic	The Law of Treaties
Week 4 : 30 September - 6 October	Topic	Personality, Statehood and Recognition
Week 5 : 7 October - 13 October	Topic	State Responsibility
Week 6 : 14 October - 20 October	Other	Reading week - no class
Week 7 : 21 October - 27 October	Topic	The Use of Force
Week 8 : 28 October - 3 November	Topic	Jurisdiction and Immunities
Week 9 : 4 November - 10 November	Topic	Title to Territory
Week 10 : 11 November - 17 November	Topic	Settlement of International Disputes and The International Court of Justice

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

General Schedule Information

See schedule information on Moodle

Course Resources

Prescribed Resources

Brownlies Principles of Public International Law 9e; (2019) Author: Crawford

Print: https://www.bookshop.unsw.edu.au/details.cgi?ITEMNO=9780198737445

Digital: https://unswbookshop.vitalsource.com/products/-v9780192577030

Recommended Resources

See recommended resources on Moodle.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Natalie Klein					Yes	Yes
	Bruno Pegorari					No	No

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the UNSW Student Code of Conduct Website.

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the UNSW Law & Justice Assessment Policy & Student Information. This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at Assessment & Exam Information.

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact Student Services via The Nucleus Hub for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit Handbook for information.

Academic Honesty and Plagarism

As a student at UNSW you are expected to display academic integrity in your work and interactions. Where a student breaches the UNSW Student Code with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the Working with Academic Integrity module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about referencing and acknowledging the use of artificial intelligence tools.

Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards)

2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the UNSW Law & Justice Assessment Policy & Student Information.

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW Current Students page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond

orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: https://www.student.unsw.edu.au/support
- Academic Skills and Support: https://student.unsw.edu.au/academic-skills
- Student Wellbeing, Health and Safety: https://student.unsw.edu.au/wellbeing
- Equitable Learning Services: https://student.unsw.edu.au/els
- UNSW IT Service Centre: https://www.myit.unsw.edu.au

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact Nucleus Student Hub for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.