



## UNSW Course Outline

# JURD7367 International Law, Human Rights and Cultural Heritage - 2024

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## General Course Information

Course Code : JURD7367

Year : 2024

Term : Term 2

Teaching Period : T2

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

This course examines the relationships between international law, heritage and identity. Heritage,

both cultural and natural, embodies and marks the identities of nations, communities, Indigenous peoples and other minorities, and our own individual identities. This course unpacks the different ways in which the law shapes what identities are possible in the world. We examine the protection of heritage in wartime, the law and politics of the restitution of cultural objects taken during colonialism, the way world heritage sites are created and managed (as well as how they can be used to expel entire communities from their lands), how underwater heritage goes so far beyond the Titanic, and the politics of intangible cultural heritage (also known as folklore). Through these topics, we query the relationships between identity and human rights, how the law helps or hinders us positioning ourselves in the world, and what it means for the law to be a battleground through which we create, pursue, erase and contest ourselves and others.

## Course Aims

This course examines the relationships between international law, heritage and identity. It critically examines intersections of domestic and international law, the international/global arena, and the politics of cultural formation and identity. What will be stressed is that these relationships are constitutive and highly politicized. An underlying theme will be that law does not operate in a contextual vacuum, and cultural meanings and values play a significant role in shaping the positive and negative dimensions of international law and its uses as a vocabulary of emancipation as it impacts individuals and communities in localized settings. At the same time, how does culture, heritage and cultural identity get defined in the context of international law, particularly in connection to the production, mobilization and implementation of regimes for the protection and safeguarding of heritage, and their impact on issues such as human rights and development practices? Drawing on a range of theoretical perspectives and recent scholarship in cultural studies, anthropology and sociology, the class will engage in contemporary debates informing the cultural dimensions of the international across different spaces of contestation.

## Main Topics

1. International heritage law. How is heritage safeguarded in international law? What are the bright and dark sides of those arrangements?
2. How does international law construct and account for cultural identity and cultural difference?
3. How does cultural heritage relate to human rights? And other areas of (international) law?
4. What is the relationship between international heritage law, human rights and development?

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1, 6, 9, 10).
CLO2 : Examine and engage in advanced critical analysis of the essential elements of, and debates about, international law, human rights and cultural heritage, including through an extended research essay (PLOs 1, 4, 5, 6, 7, 8, 9, 12)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1, 6, 9, 10).	<ul style="list-style-type: none"><li>• Class participation</li><li>• Class presentation</li></ul>
CLO2 : Examine and engage in advanced critical analysis of the essential elements of, and debates about, international law, human rights and cultural heritage, including through an extended research essay (PLOs 1, 4, 5, 6, 7, 8, 9, 12)	<ul style="list-style-type: none"><li>• Research essay</li></ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Class participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Not Applicable
Class presentation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Not Applicable
Research essay Assessment Format: Individual	60%	Start Date: Not Applicable Due Date: 08/08/2024 11:59 PM

# **Assessment Details**

## **Class participation**

### **Assessment Overview**

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

### **Course Learning Outcomes**

- CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1, 6, 9, 10).

### **Detailed Assessment Description**

Class participation will therefore include demonstrated preparation for class. A premium will be placed on student preparation and participation at all times. The criteria for assessing class participation will therefore be: (a) demonstrated preparation for class (*i.e.*, extent to which you have read the required texts and other sources necessary to understand the topic); (b) willingness and ability to contribute to class discussions and to ask and respond to questions from the lecturer, and (c) respect for fellow class members (*e.g.*, non-domination of discussion; allowance for and engagement with others' contributions).

Class participation regards clarity of expression both when presenting oral arguments in class and in writing (critical analyses and reaction paragraphs).

Further Detail available on Moodle

### **Assessment Length**

See moodle

### **Assignment submission Turnitin type**

Not Applicable

## **Class presentation**

### **Assessment Overview**

Students will be required to make a presentation on one of the themes indicated in the class outline.

### **Course Learning Outcomes**

- CLO1 : Demonstrate effective oral communication and collaboration through class discussion

of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1, 6, 9, 10).

#### **Detailed Assessment Description**

Students will be required to make a group presentation on one of the themes indicated in the course outline. You and your partners are required to select, edit and present a case (real time situation) related to the topic you have been assigned (based on your preferences) for one of the classes in the course. Please see moodle for more information.

#### **Assessment Length**

See Moodle.

#### **Submission notes**

See Moodle.

#### **Assignment submission Turnitin type**

This is not a Turnitin assignment

### **Research essay**

#### **Assessment Overview**

This assessment requires you to write a research essay.

#### **Course Learning Outcomes**

- CLO2 : Examine and engage in advanced critical analysis of the essential elements of, and debates about, international law, human rights and cultural heritage, including through an extended research essay (PLOs 1, 4, 5, 6, 7, 8, 9, 12)

#### **Detailed Assessment Description**

The final assessment will be a research essay on a topic to be agreed on between the lecturer and each student. The essay will examine a certain manifestation of heritage in depth, and highlight the connections with other parts of the course, as well as the general principles and theory discussed throughout the course.

Feedback will be provided at three different stages: 1) face-to-face discussion of the potential topic with the student, and articulation of a research question; 2) comments to an outline, via email; 3) comments to the full essay, after submission (with the final mark).

#### **Assessment Length**

See Moodle

## Submission notes

See Moodle.

## Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

## **General Assessment Information**

See Moodle for all assessment information and instructions.

## Grading Basis

Standard

## **Course Schedule**

### **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.

## **Course Resources**

### **Prescribed Resources**

Lucas Lixinski, International Heritage Law for Communities: Exclusion and Re-Imagination (Oxford University Press, 2019)

### **Recommended Resources**

Simon Mackenzie; Neil Brodie; Donna Yates; Christos Tsirogiannis, Trafficking culture: new directions in researching the global market in illicit antiquities (Taylor & Francis, 2020)

## **Course Evaluation and Development**

See Moodle.

# Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
	Christopher Michael Aelsen					No	No
	Diogo de Oliveira Machado					No	Yes

## 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 Plagiarism

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.

## 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.