

# LAWS70405 The Role of Courts in International Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: February, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	None.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Coordinator:</b>	Assoc Prof Jurgen Kurtz
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. Email <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) or phone +61 3 8344 6190. Alternatively, visit our website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	One of the most striking features of contemporary international law is the dramatic growth of international courts and tribunals. In the last few decades, over a dozen international judicial bodies have been created or extensively reformed. Increasingly, the jurisdiction of these bodies extends beyond a state's parties to include non-state entities (such as individuals, corporate actors and NGOs).  The subject explores the historical, political and legal causes for the growth in the international judicial system, and the interaction (and sometimes conflict) between the different parts of that system. It explores these issues with a particular reference to the work of six main international dispute settlement organs: the International Court of Justice, International Criminal Court, European Court of Justice, European Court of Human Rights, International Criminal Court, the

	<p>Dispute Settlement Understanding of the World Trade Organization (WTO) and investor-state arbitration in bilateral and regional investment treaties.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># Introduction and historical background</li> <li># The nature of international disputes</li> <li># The proliferation of international courts and tribunals</li> <li># Fundamental features of international judicial bodies</li> <li># Diverse forms of jurisdiction, including advisory, contentious, appellate and criminal</li> <li># Dispute settlement processes</li> <li># Six case studies.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># The plurality and distinct roles of courts and tribunals in international law.</li> <li># The diverse techniques by which international courts and tribunals manage and regulate both jurisdictional and substantive (subject) conflict;</li> <li># The unique institutional and normative elements of the European legal order as a means of assessing their use as a model for the development of other parts of public international law.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) (12 pm 23 March to 5 pm 26 March) or 10,000 word research paper (100%) (10 May) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5263">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5263</a>