

## LAWS50041 Public International Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	5 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2011, Parkville This subject commences in the following study period/s: June, Parkville - Taught on campus. Seminars.
<b>Time Commitment:</b>	Contact Hours: 36 hours, Winter intensive. Total Time Commitment: 144 hours.
<b>Prerequisites:</b>	LAWS50023 Legal Method and Reasoning; LAWS50024 Principles of Public Law; LAWS50025 Torts; LAWS50026 Obligations; LAWS50027 Dispute Resolution.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend 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 must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .
<b>Coordinator:</b>	Prof Gerry Simpson
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p><i>Public International Law</i> develops and enhances the understanding of international public law acquired in Principles of Public Law. This course will apply some of the doctrine and concepts studied in the foundational course to a host of areas in which international legal regulation plays a significant, sometimes decisive, role in inter-state and globalised relations.</p> <p>The course is comprised of several topics (immunity, use of force, jurisdiction, the nature of sovereignty) that will be used to explore questions relating to the practice of international law in international politics and culture, the creation of international law, its application and its theoretical and historical underpinnings.</p> <p>Close attention is paid to legal aspects of current developments e.g. the juridical basis for humanitarian intervention (say, in Darfur), the prosecution of alleged war criminals (e.g. Milosevic or Hussein) and the responsibility of states for serious violations of international humanitarian law (the <i>Bosnia v Serbia</i> genocide case) and for breaches of international economic law. There will be a particular focus on international law in domestic settings (e.g.</p>

	<p><i>Pinochet</i> before the UK House of Lords, <i>Hicks and Mabo</i> in the Australian federal courts and <i>Hamdan v Rumsfeld</i> in the U.S. Supreme Court).</p> <p>The international legal order remains relatively embryonic. It lacks a centralised form of law-making authority, an enforcement arm and compulsory adjudication. It is a very different sort of legal system with manifold weaknesses and, at least, one great strength: namely, its capacity to confront and, perhaps, contribute to the solution of, the most pressing problems facing humankind.</p>
<b>Objectives:</b>	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> <li># Understand the position and relevance of international law in the context of international politics and society;</li> <li># Be able to use foundational concepts of public international law including statehood; sovereignty; responsibility; jurisdiction; territory; human rights and recognition;</li> <li># Figure out the way public international law works in practice; its principal sources in treaties and custom; and the institutional structure of the UN system;</li> <li># Have an appreciation of some advanced concepts of public international law;</li> <li># Be able to engage in debate on the distinction between public international law at the international level and public international law as it is applied in domestic courts;</li> <li># Know various important substantive areas of international law such as the law of war crimes, international economic law, human rights law and the law on the use of force;</li> <li># Understand a little about the history of international law and the relevance of that history to the contemporary framework;</li> <li># Appreciate the significance of the UN Charter;</li> <li># Recognise the ways in which international law is both political and yet, also, detached or autonomous from politics.</li> </ul>
<b>Assessment:</b>	Supervised open-book three-hour examination, following intensive period (100%).
<b>Prescribed Texts:</b>	Printed materials will be available from the Melbourne Law School.
<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>Generic Skills:</b>	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># Attitudes towards knowledge that include both valuing (and understanding the dangers and limits of) truth, openness to new and neglected ideas and ethics associated with knowledge creation and usage;</li> <li># The capacity for close reading and analysis of a range of sources;</li> <li># Hope, reflection and irony;</li> <li># The capacity for critical and independent thought and reflection;</li> <li># The capacity to plan and manage time;</li> <li># The capacity to work effectively in a team;</li> <li># Intercultural sensitivity and understanding.</li> </ul>