

# LAWS70269 Constitution Making

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2015.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<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 and critique 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 to 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>Contact:</b>	For more information: 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> ) Phone: +61 3 8344 6190 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>	<p>More than 90 new constitutions have been made for countries across all regions of the world since the fall of the Berlin wall in 1989. Currently, constitution-making is actively underway in a range of states and pending in others. This concentrated burst of activity has given rise to a range of new ideas about the nature and purpose of constitutions, constitutional solutions to contemporary problems, the processes of constitution-making and the proper role of international actors. This subject explores these issues, with particular reference to a series of topical case studies, including Fiji, Iraq, Kenya, Nepal, Timor Leste and Yemen. The lecturers are constitutional scholars with practical experience in the field that adds to the excitement and relevance of the subject.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># Nature, functions and limitations of constitutions</li> <li># Circumstances in which constitutions are likely to be renewed or substantially changed</li> <li># Influences on new constitutions</li> <li># Substance of constitutions</li> <li># Phases of constitution-making:</li> </ul>

	<ul style="list-style-type: none"> <li># Peace process (if any)</li> <li># Setting the agenda</li> <li># Design and writing</li> <li># Approval and adoption</li> <li># Implementation</li> <li># Interpretation</li> <li># Selected case studies drawn from Egypt, Fiji, Indonesia, Iraq, Kenya, Pakistan, the Philippines, Solomon Islands, South Africa, Sri Lanka, Swaziland, Timor Leste, Tunisia, Yemen and Zimbabwe among others.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand and be able to maximise the role that constitutions can play in conditions of development, transition of various kinds and conflict resolution</li> <li># Be aware of, and able to evaluate, the relevance of a range of potential influences on constitutional design in circumstances of development and transition</li> <li># Be aware of, and able to critically choose between, substantive constitutional mechanisms to meet particular goals and resolve particular problems</li> <li># Understand the phases of constitution making, the issues likely to require resolution in each phase and the options for dealing with them</li> <li># Understand the practical experience of past attempts at constitution making in selected countries</li> <li># Be able to actively develop options and strategies for the process of constitution making and the substance of new constitutional provisions, in the circumstances of other countries in development or transition.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) or 10,000 word research paper (100%) 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. Details regarding any prescribed texts will be provided prior to the commencement of the 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/subject/LAWS70269/2014">www.law.unimelb.edu.au/subject/LAWS70269/2014</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ) for further information about the management of subject quotas and waitlists.