

## LAWS70078 International Law and the Use of Force

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016.
<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>	Successful completion of <b>Principles of International Law</b> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/10090">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/10090</a> ) or an equivalent subject, or appropriate practical experience
<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>The international law on the use of force has (again) become central in decision-making around war and peace. Conflicts in Iraq, Kosovo and Afghanistan were partly defined by the legal debates that preceded and followed them. This subject will examine the regulation of inter-State violence. It will pay particular attention to the Iraq War of 2003 and will seek to read international law (particularly the relevant provisions of the United Nations (UN) Charter and associated Security Council resolutions) through the various 'secret' documents released by the Iraq (Chilcot) Inquiry (United Kingdom) into the war.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># Historical approaches to the legal regulation of the use of force</li> <li># The concept of 'force' and exclusion from legal regulation of economic or political coercion</li> <li># Scope of the general prohibition on the use of military force in Article 2(4) of the UN Charter</li> <li># UN Charter framework for collective security and resort to force</li> </ul>

	<ul style="list-style-type: none"> <li># Scope of the right of self-defence, including anticipatory or collective self-defence</li> <li># Right to rescue nationals in foreign territory and right of humanitarian intervention</li> <li># International crime of aggression</li> <li># Legal analysis of the so-called 'War on Terror'</li> <li># Case studies on legitimacy of NATO bombing in Kosovo, Coalition of the Willing intervention in Iraq and the Georgia-Russia conflict</li> <li># The relationship between the jus ad bellum and the jus in bello.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Be conversant with the scope of the various exceptions to the legal prohibition on the resort to military force</li> <li># Be able to critically evaluate purported justifications for resort to military force and understand arguments for and against the legal validity of such claims</li> <li># Be familiar with the approach of the United Nations Charter framework for the international legal regulation of resort to force and understand the relationship between this principal treaty regime and customary international law</li> <li># Understand the interplay between law and politics in this sensitive area of national decision making and policy.</li> </ul>
<b>Assessment:</b>	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/LAWS70078/2014">www.law.unimelb.edu.au/subject/LAWS70078/2014</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.
<b>Related Course(s):</b>	<p>Graduate Diploma in International Law  Graduate Diploma in Legal Studies  Master of Law and Development  Master of Laws  Master of Public and International Law</p>