

LAWS70313 Post-Conflict State-Building

Credit Points:	12.5											
Level:	7 (Graduate/Postgraduate)											
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: October, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.											
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours 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.											
Prerequisites:	Melbourne Law Masters Students: Successful completion of the below subject, or an equivalent subject:											
	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAW50028 Constitutional Law</td> <td>February</td> <td>12.5</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAW50028 Constitutional Law	February	12.5			
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LAW50028 Constitutional Law	Semester 2	12.5										
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Corequisites:	None											
Recommended Background Knowledge:	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.											
Non Allowed Subjects:	None											
Core Participation Requirements:	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 Student Equity and Disability Support.											
Coordinator:	Assoc Prof Bruce Oswald											
Contact:	Lecturers											

	<p>Associate Professor Bruce Oswald CSC (http://www.law.unimelb.edu.au/staff/Bruce%20Oswald) (Coordinator)</p> <p>Laureate Professor Emeritus Cheryl Saunders AO (http://www.law.unimelb.edu.au/staff/Cheryl%20Saunders%20AO)</p> <p>Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au)</p> <p>Phone: +61 3 8344 6190</p> <p>Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)</p>
Subject Overview:	<p>This subject deals with the body of law and practice that applies to states as they emerge from conflict and try to build strong, prosperous and responsive communities. It lies at the intersection of several bodies of law including international law, international humanitarian law, international human rights law and domestic constitutional law. Many of the issues with which it deals are at the cutting-edge of these fields: the extra-territorial effect of constitutional law; the possibility of a 'lex pacificatoria' to govern the ambiguous character of intra-state peace agreements; the legitimacy of constitutions developed with international assistance; the notion of transformative military occupation. The two teachers in this highly innovative subject bring different bodies of expertise to bear on it. Associate Professor Bruce Oswald is an international and international humanitarian law specialist; Laureate Professor Cheryl Saunders works in the area of comparative constitutional law. Both have practical experience of aspects of post-conflict state-building, which informs their approach to teaching and research in the field.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # The concepts inherent in post-conflict state-building # International humanitarian law and the law of occupation # Current trends in peace-building # The relevance of constitution building to post-conflict state-building # Role and use of human rights to protect vulnerable groups # The relevance of context in post-conflict state-building programs # Role and contribution of civil society.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding of the various phases through which a state is likely to pass in the aftermath of major conflict, in theory and by reference to particular recent case studies # Have an advanced and integrated understanding of the legal regimes that apply or may apply to each phase # Be able to critically examine, analyse, interpret and assess the linkages between each phase, so as to anticipate difficulties and conceive the process as a whole # Be an engaged participant in debate regarding the processes, problems, achievements and failures of post-conflict State building # Have a sophisticated appreciation of the legal and practical limitations on the role of the international community during post-conflict state-building # Have a sophisticated appreciation of the problems of legal principle associated with post-conflict state-building and the critical capacity to identify and evaluate the options for resolving them in the future # Have a detailed understanding of post-conflict state-building in an international and human rights context # Have the cognitive and technical skills to generate critical and creative ideas about the interaction between various areas of public international and domestic law in the context of post-conflict state-building # Have the cognitive and technical skills to independently examine, research and analyse existing and emerging questions of legal principle and practice relating to post-conflict state-building # Have the communication skills to clearly articulate and convey complex information regarding post-conflict State building to relevant specialist and non-specialist audiences # Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and student in the field of post-conflict state-building.
Assessment:	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (9 - 12 December) or 10,000 word research paper (100%) (18 January 2017) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>

Prescribed Texts:	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Links to further information:	www.law.unimelb.edu.au/subject/LAWS70313/2016
Related Course(s):	Graduate Diploma in Government Law Graduate Diploma in International Law Graduate Diploma in Legal Studies Juris Doctor Master of Law and Development Master of Laws Master of Public and International Law