



ANU COLLEGE OF LAW

Graduate Studies in Law

INTERNATIONAL LAW

Updated: November 2008

WELCOME TO GRADUATE STUDIES IN LAW

CONTACT INFORMATION

Please ensure that we have an up-to-date contact address and telephone number. The facility to change your address and other personal information is available through the Interactive Student Information Service (ISIS) using your Student ID and Password. <http://ISIS.anu.edu.au>.

All course correspondence will be conducted with your University Webmail account. You can access this email account at <http://students.anu.edu.au/> and clicking on the Webmail icon. There exists the facility to redirect your university email to a preferred account. You can do this at:

<http://students.anu.edu.au/StudentITGuide/7olams.asp>

For all postgraduate enquiries please contact the Postgraduate Administrator:

Telephone: 02 6125 0510 or 02 6125 3965
Facsimile: 02 6125 3971
Email: pgadmin.law@anu.edu.au

The Director, Postgraduate Coursework Program, is Professor Don Rothwell, email: rothwelld@law.anu.edu.au

The Postgraduate International Student Advisor is Ms Anne McNaughton:

Telephone: 02 6125 9619
Facsimile: 02 6125 3971
Email: anne.mcnaughton@anu.edu.au

COURSE INFORMATION

- We endeavour to have the full-course outlines available 4–6 weeks before the start of a course. When available they can be found on the web at: <http://law.anu.edu.au/PostGraduate/Courses.asp> under the course name.
- Reading materials are available from the Law Services Office. Copies of the reading materials are also placed in the Law Library. A list of materials can be found at the following website when they become available: <http://law.anu.edu.au/servicesoffice/index.asp>. Credit card payments are accepted by completing the online payment process. Cash payments must be made to the Cashier in the Student Administration Office. See the relevant Course Outline for more information.
- For details on essay submission, please see the relevant Means of Assessment. For hard copy submission, please use the Services Office essay chute near the counter. Essays submitted after hours can be placed in the Law Library book return chute. All assignments must be submitted with an Assignment Cover Sheet which is available at the following website: <http://law.anu.edu.au/servicesoffice/>
- The Services Office is open during the following hours:

DURING SEMESTER: Monday to Thursday 10.30am – 5.30pm, Fridays 10.30 – 5.00pm

First semester: 23 February – 5 June

Second semester: 20 July – 30 October

OUTSIDE SEMESTER: Monday to Friday 10.30 – 5.00pm

- Where enrolments in a course are less than 10, that course may not proceed. Students will be given as much notice as possible when a course has to be cancelled or changed.

STUDENT SERVICES

- There is a postgraduate student common room, Room 258, which is for your use at any time. The College supplies the room with disposable cups, coffee, tea and sugar.
- During the normal semester period the Law Library is open at the following hours:

Monday – Thursday 8.30am – 9.00pm;

Friday 8.30am – 5.00pm

Saturday – Sunday 1.00pm – 5.00pm

First semester: 23 February – 5 June

Second semester: 20 July – 30 October

For further information please check the website: <http://anulib.anu.edu.au/about/open/>

- Computer facilities are available to all students at a number of locations across campus. Please visit the following website for further information: <http://students.anu.edu.au/>
- Voucher parking is available in the car park in front of the Law School and other car parks on campus. Parking permits are also available from Parking Administration, John Yenken Building, Sullivans Creek Road. Parking is free at the ANU grounds after 5.00pm and at weekends.

We hope that you will enjoy your time studying here and that you will find it a rewarding and instructive experience. If you have any problems or need assistance of any kind, please do not hesitate to contact one of us. We would be pleased to be able to help you.

Postgraduate Administrator

Telephone: 02 6125 0510 or 02 6125 3965

Facsimile: 02 6125 3971

Email: pgadmin.law@anu.edu.au

<http://law.anu.edu.au/Postgraduate/>

Sue Hancock

Student Administration Manager

Telephone: 02 6125 3489

Facsimile: 02 6125 3971

Email: HancockS@law.anu.edu.au

<http://law.anu.edu.au/Postgraduate/>

WORKING RULES

See the following website for the working rules.

(this site will be updated with the 2009 rules in January 2009)

<http://law.anu.edu.au/Postgraduate/policies/Coursework/WorkingRules/workingrulesindex.asp>

HOW TO ENROL

Students enrol using the Interactive Student Information Service (ISIS). ISIS is used for updating your contact details, enrolling/re-enrolling and viewing your results. When you first login to ISIS there is an enrolment checklist that will take a few minutes to complete.

The steps for enrolling are as follows:

1. LOGON to ISIS using your username & password at: <https://anubis.anu.edu.au/login.asp>
2. **Task Wizard** - complete steps 1 to 4.
3. Read through any messages, check the boxes and click on '**Continue**'
3. **Student Home:**
 - a) Click on '**Enrolment**'
 - b) Click on '**Enrolment Details**' corresponding to the appropriate Program\Session combination
 - c) Click on '**Add**' button to add a new course
 - d) **Class Number** – enter number and click on '**Add Class**' or use '**Search**' button to find the class number
 - e) To **Add** another class - repeat Step d)
 - f) Click '**Continue**' when all courses of enrolment for the semester have been added.
 - g) Ensure the status is Successful and Click '**Save**' to confirm enrolment.

ANNUAL ENROLMENT

Every year you must re-enrol. The closing dates for re-enrolment are published in the SEAP Guide. SEAP Guides are available each year from late October and on the web at www.anu.edu.au/sas/SEAP_guide/. There are financial penalties for late enrolment.

ENROLMENT

The ANU College of Law Postgraduate Program offers courses in Semesters and Non-Standard Sessions. Each year you will need to enrol in both halves of the year, or you will need to apply for program leave. The year is divided as follows;

Summer Session, Semester One, Autumn Session	=	First half of the year
Winter Session, Semester Two, Spring Session	=	Second half of the year

RESULTS & GRADUATION

Results for postgraduate courses may not be available when standard semester results are released. This may affect your ability to graduate in the next ceremony. For approximate date of release, please check your means of assessment. As a general rule, results need to be available by mid-June for the July ceremony and mid-November for the December ceremony. Students should be aware that any late submission of work may mean that conferring of their award/degree may be delayed or that the offer to transfer to a higher level will be delayed to the point that a leave of absence may be required.

Graduate Policy on Attendance

Effective: 1 January 2009

For those graduate courses in law that are offered by face-to-face instruction via lectures or seminars the following policy on attendance has been adopted:

1. For those courses offered in the graduate programs in either intensive or semester-length mode the Postgraduate Studies Committee considers participation in the classes offered to be an important part of the educational experience of graduate study. Accordingly students are expected to attend those classes and Class Rolls will be taken for the purposes of verifying attendance. As courses may be scheduled on either weekdays or the weekends, upon enrolling in a course the college assumes that students have taken into account work, family, religious and all other commitments and are able to attend all advertised lectures or seminars in a course consistent with this policy.
2. Subject to paragraphs 3 and 5, or unless specified differently in the course description, students are required to attend all classes.
3. Recognising that some students face significant work place obligations which may, for example, require work-related travel to be undertaken at short notice, in exceptional circumstances a student may be granted permission by the teacher in consultation with the program/specialisation Convenor or Director, Postgraduate Coursework Program to be absent from some classes, provided:
 - (a) it does not exceed a maximum of 25% of the classes,
 - (b) permission is requested in advance of the classes from which the student will be absent, and
 - (c) the request is supported, where appropriate, by adequate documentation.In cases where permission is granted to be absent from some classes, the lecturer may request that the student undertake additional assessable or other non-assessable tasks.
4. Failure to comply with paragraph 2 may result in a student receiving the grade of NCN (non complete fail).
5. (1) Paragraph 2 does not apply to a student enrolled in a course in which a significant amount of teaching is delivered in whole on-line or by other means and this is made clear in the course description and materials.
(2) In such a case the student must substantially comply with any attendance requirement laid down for that course.
6. The normal pressures of work or planned personal trips do not constitute exceptional circumstances for the purpose of paragraph 3 to justify an exemption from full compliance of this policy. Students who have enrolled in courses which are conducted on weekdays are expected to have made appropriate arrangements with their employers for study leave.
7. This policy does not apply to students enrolled in the Graduate Diploma in Legal Practice.
8. This policy will be interpreted and applied consistent with all University policies relating to attendance including that applying in the case of misadventure.

Approved by Board of Studies –Graduate Program in Law meeting No.5/2002 held on 23/10/02 revised 10/12/02; revised Postgraduate Studies Committee (PSC) 10/08/05; revised 26/09/07; revised 13/08/08

This was correct at the time of printing, for future updates please see: <http://law.anu.edu.au/Postgraduate/Policies.asp>

ANU College of Law

POLICY ON EXTENSIONS

for submission of assessment in postgraduate courses taught in **intensive mode**

Effective: 1 January 2006

Unless otherwise stated in the Course Outline or agreed with students, the following deadlines for submission of pieces of assessment will apply in postgraduate courses taught in **intensive mode**:

1. The assessment for a course must be submitted no later than 6 weeks after the completion of the last class in the course.
2. The teacher in a course may grant an extension of up to four weeks beyond this date.
3. The Director, Postgraduate Coursework Program may, in exceptional circumstances, grant a further extension of up to an additional two months.
4. No further extensions will be granted beyond a total of three months from the original deadline for submission, unless the Director, Postgraduate Coursework Program considers that the circumstances would satisfy a special examination. <http://www.anu.edu.au/cabs/rules/examstfrules.pdf>
5. Examiners in intensive courses should endeavour to submit final results by four weeks after receipt of assignments from students.
6. Applications for extensions should be made before the applicable deadline.
7. If assessment is submitted after the due date and time without an approved extension, the mark awarded will be reduced by 1% of the marks available for that assessment item (when expressed as a mark out of 100) for each day or part thereof (including weekends and Public Holidays) that it is submitted late. For example, if an individual assessment item is given an initial mark of 65% but is submitted 2 days late, the mark awarded will be reduced to 63%. If the item is submitted 5 days late, the mark awarded will be reduced to 60%.

The normal pressures of work - including predictable periods of high workload - are not generally sufficient to justify extensions. Students are encouraged when planning for their participation in postgraduate courses to set aside not just the days needed to attend classes, but also a sufficient number of days to research and write the assignment.

Students should note that those who seek extensions may not receive their results in time to graduate at the next ceremony or at the advertised time for the release of results. International students should in particular take note of the delays that may result from submission of assessment after the original deadline.

This policy does not apply to students enrolled in the Graduate Diploma in Legal Practice.

*Approved by the Board of Studies-Graduate Program in Law meeting no.4/2002 held on 04/07/02 revised 10/12/02;
revised: Postgraduate Studies Committee (PSC) 10/08/05*

This was correct at the time of printing, for future updates please see: <http://law.anu.edu.au/Postgraduate/Policies.asp>

International Law

International law affects all of society in a number of ways and helps us to explain and analyse interactions in the international community. The International Law program will be of assistance to those in, or preparing to enter, most parts of the public service, those whose work involves consideration of international relations and transnational transactions, those interested in non-governmental organisations, human rights bodies and the interaction of law and society; and also those who wish to understand current issues in the international community.

Convenor: Dr JP Fonteyne

Programs offered:

Program	Program Code	Background
Master of Laws specialising in International Law	7300SINTL	Lawyers
Master of International Law	7310XMINTL	Non-Lawyers
Graduate Diploma in Law specialising in International Law	6300SINTL	Lawyers
Graduate Diploma in International Law	6310XGDINT	Non-Lawyers

Program Requirements:

The graduate diploma award requires the completion of courses totalling 36 units.

Non-Lawyers – Can complete a maximum of 12 units outside the Compulsory and Core Elective lists. Subject to prerequisites, these can be selected from (a) the Supplementary Elective list; (b) other Postgraduate courses listed in the working rules; or (c) with the specific approval of the International Law Stream Convenor, non-law courses with a relevant international dimension.

Lawyers – Can complete a maximum of 18 units outside the Compulsory and Core Elective lists. Subject to prerequisites, these can be selected either from the Supplementary Elective list; or, to a maximum of 12 units only, from (a) other Postgraduate courses listed in the working rules, (b) other postgraduate courses listed in the LLM(LP) working rules, or (c) with the specific approval of the International Law Stream Convenor, non-law courses with a relevant international dimension.

The master degree requires the completion of courses totalling 48 units.

Non-Lawyers – Can complete a maximum of 12 units outside the Compulsory and Core Elective lists. Subject to prerequisites, these can be selected from (a) the Supplementary Elective list; (b) other Postgraduate courses listed in the working rules; or (c) with the specific approval of the International Law Stream Convenor, non-law courses with a relevant international dimension.

Lawyers – Can complete a maximum of 18 units outside the Compulsory and Core Elective lists. Subject to prerequisites, these can be selected either from the Supplementary Elective list; or, to a maximum of 12 units only, from (a) other Postgraduate courses listed in the working rules, (b) other postgraduate courses listed in the LLM(LP) working rules, or (c) with the specific approval of the International Law Stream Convenor, non-law courses with a relevant international dimension.

Duration:

The programs may be completed over one academic year full-time, or up to a maximum of 5 years part-time (including approved periods of leave).

The following courses are offered in International Law. Please note, not all courses will be offered every year:

*All courses are worth 6 units unless specified

Advanced Principles of International Law	LAWS8183 (Compulsory)
Citizenship Law in Context	LAWS8175
Conflict of Laws	LAWS8144
Democracy and International Law	LAWS8565
European Union, The	LAWS8239
Gender and International Law	LAWS8242
Graduate Research Unit (International Law) – 12 units	LAWS8304 (Masters only)
International Air and Space Law	LAWS8107
International Business Transactions	LAWS8277
International Climate Law	LAWS8180
International Criminal Law	LAWS8566
International Dispute Resolution	LAWS8567
International Human Rights Law	LAWS8234
International Humanitarian Law	LAWS8268
International Law & the use of Armed Force	LAWS8178
International Law of the Environment	LAWS8264
International Law of World Trade	LAWS8229
International Organisations (Geneva)	LAWS6258
International Refugee Law	LAWS8252
International Security Law	LAWS8179
Kyoto Seminar: Japanese Law in the Global Era	LAWS8171
Law of International Institutions, The	LAWS8184
Law of the Sea	LAWS8253
Marine & Coastal Law	LAWS8129
Principles of International Law	LAWS8182 (compulsory)
Special Topics in International Law: Ethno-Political Conflicts & International Law	LAWS8122
Special Topics in International Law 2: Transnational Criminal Law	LAWS8290
Special Topics in International Law 3: Peacekeeping & Peacebuilding	LAWS8296
Trade & the Environment	LAWS8113

Advanced Principles of International Law

LAWS8183

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisite:	Principles of International Law
Staff:	Sarah Heathcote

Description: The course is intended to be a follow-up course to the revised 6-unit Principles of International Law course. It too will focus on general international law, seeking to identify, in particular, the impact of the relevant norms on the conduct of international relations and national decision-making in this area. Subject matter coverage will centre on those parts of general international law that are not covered in Principles of International Law, yet are regarded as necessary for a well-rounded knowledge of the subject matter befitting a specialist degree in Public International Law. Some continuing attention will be devoted to further developing the students' capacity to apply international legal norms in concrete settings.

Topics covered in lectures will usually include:

- the use of force, including UN enforcement measures
- State responsibility
- jurisdiction and immunities
- territory in international law

Learning Outcomes: Upon completion of this course students will have a solid understanding of the core rules of the international legal system.

Assessment: Students must rely on the Approved Assessment, which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Citizenship Law in Context

LAWS8175

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	Government and Commercial Law; International Law (Supplementary Elective)
Prerequisites:	LLB
Staff:	Prof Kim Rubenstein

Objectives: This course looks at the way citizenship in law sits with broader notions of citizenship; it compares the legal notion of citizenship with the normative notion. The course also uses Australia as a case study to look at citizenship law and policy. There will also be a strong comparative country aspect to the course.

It is expected that students will on the completion of the course be able to:

- Comprehend the theoretical debates about citizenship;
- Understand the relationship between the theoretical debates and citizenship law;
- Describe the elements of citizenship law covered during the subject;
- Evaluate and discuss the policy issues arising from the areas covered in the subject; and
- Consider comparative country citizenship laws.

Content: It is expected that the following topics will be covered:

- Introduction: the concept of citizenship
- Citizenship and constitutions
- Birthright citizenship
- Citizenship by grant
- Citizenship by descent
- Citizenship and administrative law/merits review
- The difference that citizenship makes

- Loss of citizenship
- Dual citizenship
- Post-national citizenship
- International law and citizenship/nationality
- Summary/overview

Assessment: Students must rely on the Approved Assessment, which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Conflict of Laws **LAWS8144**

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	Government and Commercial Law; LLM (LegPrac); International Law (Supp Elective)
Prerequisites:	LLB
Staff:	Professor Jim Davis

Course Description: The course deals with the law which a court will apply to an action which contains some "foreign" element - ie, one or more of the facts of the case occurred outside the State or Territory which is hearing the matter.

It also deals with the basis upon which a court in Australia may take jurisdiction over a defendant not resident within the jurisdiction, and the circumstances in which judgments obtained overseas, or arbitral awards given overseas, may be enforced in Australia.

Selected topics include:

- Choice of Law in Contract
- Choice of Law in Tort
- Jurisdiction in actions in contract, tort, for misleading conduct and estoppel
- Refusal to exercise jurisdiction (forum non conveniens)
- Enforcement of Foreign Judgments and arbitral awards

Learning Outcomes: A candidate who successfully completes this course should have a clear understanding of the approach of the Courts to any matter raising issues of the law of contract or the law of tort where the facts are referable to more than one State or Territory of Australia, or more than one country.

In particular, a candidate will have a clear understanding of

- the choices open to a court as to the law to be applied to a contract or tort matter, and the means by which that choice is resolved;
- the bases on which Supreme Courts determine whether they ought to hear cases commenced in that court;
- the principles on which Australian courts recognise and give effect to judgments handed down in countries outside Australia

Assessment: Students must rely on the Approved Assessment, which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Democracy and International Law **LAWS8565**

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisites:	Principles of International Law
Staff:	Professor Hilary Charlesworth

Objectives:

- to identify the development of a right to democratic governance in international law in United Nations and regional institutions
- to analyse the content and characteristics of such a right

- to explore alternative formulations of such a right
- to consider the implications of such a right at a national level

Content: The end of the Cold War is often considered to have placed a commitment to democratic forms of government back on the international agenda. This seminar will examine the relationship between ideas of democracy and international law. The international legal engagement with democracy has been hesitant and uncertain. The course will study the recent wave of scholarly literature proposing a 'right to democracy' and the way this has been put into practice through the impact of foreign aid supporting 'democratization' programs in the developing world. It will examine the use of notions of democracy in recognition practice and in the membership criteria of international organisations. It will analyse the 'good governance' programs of the international monetary institutions. The seminar will also discuss the complex association between ideas of self-determination and democracy.

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

European Union Law, The LAWS8239

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	Government and Commercial Law; International Law (Supplementary Elective)
Prerequisites:	Introduction to Legal Reasoning and Research (non-lawyers)
Staff:	Anne McNaughton

Objectives: This course provides an introduction and critical overview of the legal system of the European Union. It will examine selected topics in constitutional and substantive law from a range of political, economic and social perspectives. Where appropriate, comparisons with the Australian federal system and local approaches to substantive law will be made.

Content: Selected topics include: the institutional history and framework of the EU; fundamental rights and principles of EU law; the influence of human rights on EU law; case-studies in selected social and economic rights (eg gender discrimination, the "four freedoms" on which the internal market is based).

Assessment: Students must rely on the Approved Assessment, which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Gender and International Law LAWS8242

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisite:	Principles of International Law
Staff:	Professor Hilary Charlesworth

Objectives: A participant should:

- have a thorough knowledge of existing international legal rules and institutions designed to promote and protect the rights and status of women
- be familiar with the range of feminist analyses of international law
- be able to assess the potential impact of developments in international law upon women.

Content: The first section of the course looks at:

- the existing institutions, conventions and mechanisms designed to protect the rights of women
- the work of the Committee on the Elimination of Discrimination Against Women

The second section of the course examines the impact of recent developments in international law upon women including:

- the global feminisation of labour and poverty

- the extent to which human rights regimes protect the rights of women
- prosecution of rape as a war crime in the former Yugoslavia
- women's participation in international decision-making
- the role of women's NGOs in developing and enforcing international law, women refugees and whether current Security Council actions guarantee the security of women.

The final section of the course analyses strategies for using international law to enhance women's rights, status and security.

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Graduate Research Unit (International Law) LAWS8304

Units: 12
Prerequisites: Enrolment in a Masters program; completion of at least 24 units at 70% average; approval from the International Law coordinator.
Staff: Supervisor

Content: A research paper of 15,000 words in length on a topic within the International Law specialisation. The topic must be approved by the International Law coordinator and the appointed supervisor in consultation with the candidate. A more detailed guideline is available in the Law School Office.

International Air and Space Law LAWS8107

Units: 6
Hours: 26 (intensive delivery)
Specialisation: International Law
Prerequisites: Principles of International Law
Staff: Mark Harrison

Objectives: A participant who has successfully completed this course should have an understanding of the:

- multilateral legal and institutional framework in which international aviation operates;
- operation and interpretation of bilateral air services agreements;
- international conventions covering offences against aircraft;
- legal framework governing liability of carriers for death and personal injury to passengers;
- international standards applying to the operation of airports;
- regulation of border controls on aircraft, cargo and passengers; and
- multilateral regulation of the use of outer space.

Content: The course begins with an examination of the environment in which international aviation currently operates and the historical development of basic principles of international air law, with particular reference to the Chicago Convention and the role of International Civil Aviation Organisation. It then analyses the nature of bilateral air services agreements, paying particular attention to Australian practice. It examines international conventions and state practices in relation to the shooting down of civilian aircraft and the hijacking of aircraft and other offences. It examines the liability regime established by the Warsaw Convention and subsequent agreements. The course then moves on to examine the international legal requirements for the establishment and operation of airports and considers international norms applying to customs quarantine and immigration, with particular attention to Annex 9 of the Chicago Convention. The course then examines the regulation of the use of outer space for peaceful (and non-peaceful) purposes.

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Business Transactions LAWS8277

Units: 6
Hours: 26 (intensive delivery)

Specialisations: Government and Commercial Law; International Law (Supplementary Elective)
Prerequisites: Introduction to Legal Reasoning and Research (non-lawyers);
Fundamentals of Government and Commercial Law (non-lawyers)
Staff: Anne McNaughton

Objectives: This course is designed to meet the needs of practising lawyers, law graduates generally and private and public sector managers with experience in international trade. Participants in this course will gain an understanding of the law relating to international commercial transactions.

Content: The course covers international commercial transactions, exploring the various aspects of the typical transaction. Topics include:

- the legal arrangements for the movement of goods and services internationally
- the structuring and drafting of the contract of sale
- the terms of trade
- passing of title and risk
- insurance
- contracts for transport of goods and financing of international transactions

Trade documentation will be analysed including bills of lading and letters of credit, the UNIDROIT principles for international commercial contracts and the Convention on the International Sale of Goods (Vienna Convention). Associated international conventions and treaties are examined.

The course assesses dispute resolution in international contracts, including transnational commercial arbitration and litigation and the enforcement of foreign arbitral awards and judgments.

Assessment: Students must rely on the Approved Assessment, which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Climate Law

LAWS8180

Units: 6
Hours: 26 (intensive delivery)
Specialisation: Environmental Law; International Law
Prerequisites: Fundamentals of Environmental Law (non-lawyers) or Principles of International Law
Staff: Martijn Wilder

Objectives: This course will examine international climate law, examining both the current international legal frameworks and the negotiation of the future regime. The course will also explore fundamental questions about how international climate law interacts with national law and how private sector players participate in a global public international law regime. We will examine the effectiveness of the regime and what is required to achieve safe levels of anthropogenic emissions.

A participant who has successfully completed this course should have a sound understanding of legal issues, standards and principles relating to the international protection of climate and be familiar with the key international instruments and the international institutions (governmental and non-governmental) designed to address and implement measures aimed at climate change.

Topics include:

- An Overview of the climate problem and what drives the legal and policy response-especially looking at the work of the IPCC.
- An overview of international climate change law frameworks- UNFCCC, Kyoto Protocol and the Marrakesh Accords.
- Specific Focus on key market mechanisms under Kyoto: Emissions Trading, the Clean Development Mechanism and Joint Implementation.
- Technology Transfer.
- Avoided Deforestation and the REDD process.
- Domestic responses to implementing the international framework: the EUETS, the US, Australia, NZ.

- The international Negotiation Process: Bali, Poznan, Copenhagen and Beyond 2012
- Complimentary measures
- Negotiation exercise

Assessment: Students must rely on the Approved Assessment, which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Criminal Law LAWS8566

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisites:	Principles of International Law.
Staff:	Gerry Simpson

Objectives: The primary objectives of this course will include some of the following:

- to introduce you to the (contested) field of international criminal law and its basic principles, concepts and methodologies;
- to provide you with an understanding of the evolution of the concept of international crime, starting from piracy *juris gentium* and the development of the laws and customs of war;
- to explore the contribution made to the development of international criminal law by the Nuremberg and Tokyo International Military Tribunals, the International Criminal Tribunals for the former Yugoslavia and Rwanda, as well as national tribunals, and to consider the legal and political questions to which those proceedings give rise;
- to examine the different international and national procedures for prosecuting or otherwise dealing with international crimes, and the political and legal determinants of those procedures, also with regard to their enforcement;
- to examine the role played by the United Nations and its subsidiary bodies in the development of international criminal law, and
- to provide you with an introduction to sources and methods of research in the field of international criminal law.

Content: The course will first explore the definition and the progressive development of the concepts of international crime and international criminal law. This will include the development of criminal responsibility of individuals under international law and the correlative development of national and international mechanisms for its enforcement. Attention will be focused essentially on the so called "Nuremberg crimes" and on the subsequent developments, even if reference will also be made to other international/trans-national crimes such as acts of terrorism or acts against the security of aerial and maritime navigation, on the basis of the time available.

The analysis of the criminal prosecution of international crimes will be centred on the most recent case-law of both national courts and international criminal courts. Reference will also be made to forms of implementation other than criminal prosecution (e.g. truth and reconciliation commission), as well as to the question of amnesties.

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Dispute Resolution LAWS8567

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisites:	Principles of International Law.
Staff:	Mr Wayne Morgan

Objectives: By the end of this course, students should be able to:

- Understand the obligation under international law to settle disputes peacefully;
- Identify the nature and causes of international disputes;
- Identify the participants in international disputes;
- Understand the mechanisms available for peaceful settlement enumerated in United Nations Charter Article 33: negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement;
- Understand the respective advantages and disadvantages of these mechanisms and the factors which influence their effectiveness;
- Understand the competence of the United Nations, in particular the Security Council, with respect to the settlement of disputes; and
- Understand coercive methods of dispute resolution and their place in the international legal order.

Content: The course will examine the causes, processes and outcomes of international disputes and their resolution. It will attempt to develop a framework within which international disputes may be analysed. The course focuses on disputes which threaten the peace and explores a number of case studies, including the US-Iran Hostages dispute, the Rainbow Warrior affair, the Gulf war of 1990-1, the disintegration of Yugoslavia and the Cambodian peace settlement.

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Human Rights Law

LAWS8234

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisites:	Principles of International Law
Staff:	Theodore Christakis

Description: This course will analyse in detail the norms and regimes established at the international and regional levels to protect and promote human rights. It will trace the growth of international human rights law from its beginnings as part of the law of minority rights and diplomatic protection through to the proliferation of human rights instruments and bodies which followed in the wake of the atrocities of the WWII. The course will explore contemporary challenges facing the international system, 'cultural relativity', the 'war on terror' and the accountability of non-state actors for human rights violations. We will analyse the efficacy of the UN Charter as well as universal and regional Treaty bodies. After a thorough discussion of the problems of normativity and universality of human rights law, we will proceed to analyse the different legal regimes and the nature of international human rights obligations. Detailed analysis will be given to the question of permissible derogations and limitations to the international protection of human rights. Whilst noting the development of key 'third generation' rights, the focus will be on the main civil and political rights proclaimed by international human rights treaties and an examination of the case law concerning those rights. Finally the course will consider the enforcement mechanisms available to States and individuals in the event of a violation of a human rights obligation with a special emphasis on the procedure and the admissibility of individual claims before International Human Rights Courts (such as the European Court of Human Rights) and other international treaty bodies (such as the Human Rights Committee).

Learning Outcomes: As noted, this course is concerned with the efforts at the international level to establish legal norms to protect human rights. It includes studies of both the theories justifying the protection of human rights and the institutions and supervisory mechanisms designed to protect those rights in international law. In light of our focus on these norms and institutions, and the political, social, economic and cultural environments in which they operate, a participant who has successfully completed this course should be able to:

- describe, locate and evaluate international human rights law;
- describe and evaluate different theories about rights;
- identify, analyse and describe the structure of the global and regional human rights systems;
- describe and evaluate different mechanisms for the implementation and enforcement of international human rights law; and

- analyse and apply international human rights law to contemporary issues.

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Humanitarian Law LAWS8268

Units:	6
Hours:	26 (intensive)
Specialisation:	International Law
Prerequisites:	Principles of International Law
Staff:	Professor Don Rothwell

Objectives: A participant who has successfully completed this course should:

- have a sound understanding of the basic international legal norms governing armed conflicts
- have a thorough knowledge of the relevant international institutional framework and especially the role of the International Committee of the Red Cross (ICRC)
- acquire an appreciation of the key policy challenges arising in relation to efforts to protect the victims of armed conflict and to extend the scope and reach of existing law
- be familiar with critical perspectives on the role of these norms, institutions and policies; and
- be able to assess the strengths and weaknesses of the emerging regime in this area.

Content: Topics covered in the course may include:

- the historical evolution of international legal norms
- the principles determining the rules applicable in different conflict situations
- the relationship between human rights and humanitarian law norms
- the role of the ICRC in general, as well as in specific conflicts such as the former Yugoslavia
- enforcement of international humanitarian law; the Security Council and international war crimes tribunals for Rwanda and the former Yugoslavia
- new directions, including the challenges posed by international terrorist activities, and the emergence of new weapons.

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Law & the use of Armed Force LAWS8178

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisites:	Principles of International Law
Staff:	Professor Don Rothwell

Objectives: The purpose of the course is to examine the far-reaching changes that have occurred in recent years to the body of law governing the use of armed force: the right to go to war or to use force (*jus ad bellum*). The United Nations Charter purported to abrogate the right of states to resort to armed force, except in self-defence, and to construct a system of collective security in which the Security Council would act in the name of the international community against aggressors and take action to maintain or restore international peace and security. The Cold War obstructed the effective realisation of these provisions; as a consequence of the paralysis of the Security Council, some states, in order to protect what they perceived to be their essential interests, adopted expansive concepts of self-defence, or other justifications of the use of force, of doubtful legality. The collapse of the Soviet Union has led to a renewal of hopes that a system of collective security may be able to function as originally intended. Moreover, there are signs that the concept of international peace and security has been expanded beyond earlier interpretations of the Charter to

embrace violations of human rights, denial of democracy, and urgent humanitarian needs as justifying various forms of action under the mandate of the Security Council.

At the conclusion of the course students will:

- have a sound knowledge of the legal principles and rules governing the resort to force by States, illustrated by a number of case studies;
- be aware of the relevant provisions of the United Nations Charter dealing with the restraints upon the use of force
- be aware of relevant state practice in interpreting the United Nations Charter, especially the practice of the United Nations Security Council

Content: Topics may include:

- The Legal Nature of War and its Legitimacy under the United Nations Charter
- The concept of self-defence – Case Study 1: The Caroline Case
- Self Defence and the United Nations Charter – Case Study 2: Coalition Intervention in Afghanistan (2001)
- The United Nations and the Use of Force: Chapter VII – Case Study 3: Gulf War I (1990-1991)
- Intervention in Civil Wars/Humanitarian Intervention – Case Study 4: The Kosovo Conflict
- The Use of Force and Terrorism – Case Study 5: Operation Iraqi Freedom (2003)

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Law of the Environment

LAWS8264

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	Environmental Law; International Law
Prerequisites:	Fundamentals of Environmental Law (non-lawyers) or Principles of International Law
Staff:	Tim Stephens

Course Description: This course introduces students to the nature of transboundary environmental challenges and the development of international norms and institutions to address them.

Fundamental issues addressed by the course include:

- the ethical framework for international environmental policies and laws,
- the origin and development of international environmental law,
- sources of international environmental law,
- actors in global environmental governance and the nature of international environmental norms.

Much of the course is devoted to specific subject areas of environmental governance such as:

- climate change,
- biodiversity and biosafety,
- marine environmental protection,
- the Antarctic environment,
- the implementation of international environmental law in Australia, and
- mechanisms for dispute settlement, compliance and enforcement.

Learning Outcomes: At the conclusion of this course students should:

- be able to engage critically with ethical debates surrounding environmental policy and law-making;
- understand the history and development of international environmental law as a distinct field of public international law;
- possess a thorough knowledge of the principles of international environmental law;
- possess a good knowledge of the main topic areas of international environmental law;
- understand the limits and utility of the norms relating to the global environment;

- appreciate the interaction and tension between various international actors and institutions in the development and implementation of international environmental norms; and
- be able to apply norms and principles of international environmental law in a problem-solving context.

Assessment: The proposed assessment for this course will comprise two compulsory items of assessment: (1) a short problem based assignment and (2) a lengthy research essay. Students must rely on the Approved Assessment, which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Law of World Trade LAWS8229

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law; Government and Commercial Law
Prerequisites:	Introduction to Legal Reasoning and Research (non-lawyers); Principles of International Law
Staff:	Mr Wayne Morgan

Description: The course introduces students to the fundamental principles of international trade law. The primary goal of the course is to acquaint and familiarise students with the main pillars in this arena of international law and their effect on domestic law and policy. The course covers the key agreements and principles of international trade law and the jurisdiction, policies and processes of the WTO. It also encompasses major critical analyses of international trade law together with an in-depth review of relevant GATT/WTO panel and appellate body decisions.

Themes that will be addressed throughout the course will include the origins of international trade law, fundamental principles of the GATT/WTO regime, Services (GATS), the WTO Dumping and Subsidies regimes and the Sanitary and Phytosanitary Agreement. The effects of trade liberalisation in general on developing countries will also be the subject of review together with an analysis of the on-going conflict between the basic dictates of international trade agreements on the one hand and the need to enshrine and protect international environmental and labour standards on the other.

Learning Outcomes: At the conclusion of this course students should be able to:

understand the theoretical basis of trade law as free trade theory and the attacks that have been made on free trade theory

- understand the development in the last century of international institutions governing trade
- understand the laws and policies of the WTO
- develop problem solving skills in trade law
- understand the relationship between trade, development, the environment and human right

Assessment:

Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Organisations (Geneva) LAWS 6258

Units:	6
Specialisation:	International Law
Prerequisites:	Principles of International Law (or equivalent undergraduate International Law unit[s] with the approval of the course convenor).
Staff:	Dr JP Fonteyne

The course will be taught in conjunction with the equivalent LLB course. Enrolment will be strictly limited (25 students total) and priority will be given to LLB students. Subject to this priority, students will be selected on a first-come first-serve basis. Enrolment is subject to the payment of the applicable tuition and administrative fees, as well as of accommodation and travel deposits where applicable.

Content: Students will spend three weeks in Geneva. They will attend approximately 20 hours of formal academic instruction provided in part by the accompanying ANU staff member and in part by staff drawn from academic institutions in Geneva (Graduate Institute of Advanced Studies [HEI] and *Université de Genève*). The classes will address legal aspects of the work of various international organizations and agencies, both governmental and non-governmental, with a specific focus on those located in Geneva. In addition the students will take part in coordinated visits to a range of organizations in Geneva, including at least 20 hours of presentations by legal specialists addressing the organisation's operations. One week will be devoted to general aspects of the operation of international organisations, the second week will focus more particularly on human rights, refugee and humanitarian organisations, and the final week will concentrate on trade and environmental organisations. Both governmental and non-governmental organisations will be covered in the course. In addition, opportunities may arise to attend sessions of various UN bodies and/or Conferences in the course of the 3 week stay in Geneva.

Class arrangements: The classes will be given at the *HEI* Library and in various international organisations in Geneva. All classes and visits will be conducted in English and knowledge of French is not required.

Assessment: As a guide, the proposed assessment scheme is 20 % for class participation and 80% for completion of one or two essays on a topic/topics approved by the convenor, to be completed in the early part of the following semester.

International Refugee Law

LAWS 8252

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisites:	Principles of International Law
Staff:	Matthew Zagor

Objectives: A participant who has successfully completed this course should have a clear understanding of:

- the conventional and customary law obligations of States in respect of refugees and other asylum-seekers and of the rights of applicants
- the protection mechanisms, both national and international, that operate for the immediate and long-term protection of refugee-seekers and the policy considerations that affect contemporary State attitudes to such groups
- the legal problems affecting national interpretations and application of refugee concepts, with particular emphasis on definitional problems, status determination procedures and non-refoulement.

Content: The course will focus mainly on the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, supplemented by additional materials that assist in the interpretation, construction and critique of these instruments. Particular attention will be paid to national implementation of refugee protection and status determination procedures in Australia, comparing and contrasting the approach taken, where appropriate, with that of other nations.

Addressed will be the origins of the international system of protection, its limitations and deficiencies; the role and relevance of UNHCR; definitional problems; exclusion and cessation of refugee status; core concepts of protection (including complementary protection), asylum, non-refoulement, penalization and refugee rights; asylum, temporary refuge, temporary protection and burden-sharing; durable solutions; protracted refugee situations; status determination procedures; detention; 'deflection' techniques; other categories such as 'environmental' refugees and internally displaced persons; and a consideration of possible future directions for refugee law.

Learning Outcomes: The broad purpose of the course is to examine the international mechanisms and norms that have been developed for the protection of refugees, and the reciprocal interaction between these mechanisms and norms and national policies. As refugee law exists to address a specific humanitarian need, students will be expected to consider critically the law's effectiveness in managing the global refugee situation, the protection needs of refugees, and the impact on national societies.

Consequently a participant who has successfully completed this course should:

- be conversant with the substance of the legal norms that govern the international protection system for refugees, the rights international law bestows upon them and the obligations of States in this area;
- have acquired a familiarity with the legal problems caused by definitional and operational issues under the provisions of the 1951 Convention relating to the Status of Refugees; and
- be able to discuss and debate the various policy issues raised by the implementation of international and domestic protection systems in light of contemporary circumstances.

The domestic implementation of refugee law will be considered primarily in the Australian context. As a result, students will be expected to develop a sound knowledge of the structure of refugee law in Australia, including relevant legislation, case law, policy and determination procedures. For the purposes of comparative analysis, British and European refugee law will also be examined.

Assessment:

Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

International Security Law

LAWS 8179

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisites:	Principles of International Law
Staff:	Hitoshi Nasu

Objectives:

This course has the primary objective of advancing specialised knowledge of international law in the area of peace and security. International Security Law focuses primarily on collective security measures involving both military and non-military activities. Traditionally, this area has been covered by the International Law on the Use of Force in conjunction with the unilateral use of force by states. However, the invigoration of the UN Security Council's authority and its expansion of activities since the end of the Cold War have significantly increased an understanding of the legal basis, nature and limits of collective security measures. The area can be conceptualised by being placed between the fields of International Dispute Resolution focusing on peaceful settlement of disputes on the one hand and the International Law on the Use of Force encompassing military orientation on the other.

The course will first introduce students to the normative and institutional framework governing international peace and security law. It will then move on to two major components of collective security measures - peacekeeping and enforcement - in which recent operational and doctrinal developments such as peacebuilding and the notion of "responsibility to protect" will also be discussed. During the course, students will be given opportunities to familiarise themselves with some important examples of how international law in this area regulates the way in which security measures are adopted and undertaken. Apart from the general mechanisms, attention will also be drawn to key specific security issues including nuclear security, maritime security and human security.

At the conclusion of the course students will:

- have a sound knowledge of the normative and institutional frameworks characterising international security law and rules governing the operations for the purpose of maintaining or restoring international peace and security;

- be aware of the relevant provisions of the United Nations Charter dealing with peacekeeping, peace enforcement, peacebuilding and sanction as well as issues arising there from.
- be able to undertake an in-depth examination of international law issues arising from different international security concerns within the normative and institutional frameworks.

Content:

Topics include:

- Concept of Collective Security
- Normative and Institutional Frameworks
- Peacekeeping, Peace Enforcement and Peacebuilding

Case Study 1 - UN operation in East Timor

- Enforcement and Sanction

Case Study 2 - Lockerbie Affairs

- Security Issues in International Law
- Nuclear Security
- Maritime Security
- Human Security

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Kyoto Seminar: Japanese Law in the Global Era

LAWS8171

Units: 6

Hours: 26 (intensive delivery in Japan)

Specialisation: Government and Commercial Law; International Law (Supplementary Elective)

Prerequisites: LLB

Staff: Kent Anderson

Incompatible with any Introduction to Japanese Law course or previous law studies undertaken in Japan

Course objectives: The Kyoto Seminar is a one-week intensive course introducing the fundamentals of Japanese law at the graduate level. The Kyoto Seminar project is run by Ritsumeikan University as part of a Japanese Ministry of Education special purpose grant for development of graduate programs in Japan. For more information on the Kyoto Seminar, see www.kyoto-seminar.jp. The course will begin with a 2-3 hour orientation session in Canberra to introduce the basic legal environment in Japan while the majority of the course will be held in Kyoto February 2008, and similar dates in future.

The objective of the course is to give students sufficient knowledge and perspective to understand current developments in Japanese law and society. The course incorporates seven three-hour lecture sessions taught jointly by Japanese legal experts (predominately from Ritsumeikan University Law School, one of the top private universities in Japan) and foreign comparative law experts (the ANJeL co-directors). The course covers the basic history and structure of Japanese law; the role of law in Japanese society (eg, criminal justice, civil justice, and gender and the law); and a number of select issues in substantive Japanese law (eg, finance law, business law, and constitutional law)

Beyond the classroom, the course also includes field trips to the Kyoto District Court, the local bar association, and one outside legal institution (eg, 2005 included an excursion to Toyota's legal department). Furthermore, a large amount of the educational experience occurs in the exchange among the diverse students taking the course. Students in 2005 came from Ritsumeikan University (Kyoto), Asia Pacific University (Oita, Japan), and University of Sydney, and originated from over 15 countries. For 2007, UNSW has approved the Kyoto Seminar as an LLM course adding to the diversity.

Topics will include:

1. Foundations of Japanese Law
 - a. Japanese Legal History

- b. Structure of Japanese Legal System
 - c. Legal Education and Profession in Japan
2. Japanese Legal Society
- a. Civil Justice
 - b. Criminal Justice
 - c. Gender in Japanese Law
3. Select Topics in Contemporary Japanese Law
- a. Business in Japanese Law
 - b. Finance In Japanese Law
 - c. Constitutional Issues in Japanese Law

Proposed Assessment: Assessment will be based on (1) student attendance and participation (10%), (2) a short-question examination covering the material from entire course (20%), (3) student participation on a WebCT discussion board (10%), and (4) a research paper (60%). The word limits and other duration requirements will be set consistent with University policy. The research paper will be due four weeks from the final day of the Kyoto Seminar program.

Law of International Institutions, The

LAWS 8184

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisites:	Principles of International Law
Staff:	Sarah Heathcote

Description: This course examines the international law relative to international organisations and looser institutional arrangements, such as those without a distinct legal personality and *sui generis* entities such as the ICRC. Traditional topics such as admission, decision-making and financing are considered, as well as various normative and operational activities. The complexification of the international institutional framework and UN attempts at reform are also studied. This course deals only incidentally with the maintenance of international peace and security.

Topics to be considered might include:

- *Emergence and raison d'être*
- *The Internal and External Law of International Organisations*
- *Current and Future Challenges*

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Law of the Sea

LAWS 8253

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisites:	Principles of International Law
Staff:	Professor Don Rothwell

Objectives: A participant who has successfully completed this course should:

- have a clear understanding of the evolution, and current status of the various jurisdictional zones and regimes that currently govern the utilisation of the world's oceans, and of the underlying policy considerations that led to the adoption of the compromises reflected in the contemporary Law of the Sea
- be capable of applying the relevant legal norms to practical situations.

Content: The course will focus on the impact of the 1982 Convention on the Law of the Sea in the light of current State practice, seeking to identify, in particular, the extent to which its provisions have become part of customary international law in that area.

Addressed will be the history of Law of the Sea concepts; internal waters, territorial waters and the regime of innocent passage; the contiguous zone; transit passage through straits used for international navigation; islands, archipelagos and the regime of archipelagic sealanes passage; the high seas and the management of High Seas fisheries; the Exclusive Economic Zone; the Continental Shelf; deep-seabed mining and the International Area.

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Marine and Coastal Law

LAWS8129

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	Environmental Law; International Law
Prerequisite:	Fundamentals of Environmental Law (non-lawyers); or Principles of International Law
Staff:	Professor Don Rothwell

Objectives: This course is designed to provide participants with an understanding of the complexities of environmental regulation of the coastal and marine environment. Conceptually, the course is intended to move from the shore to the high seas, beginning with the foundations of coastal law and ending with recent marine pollution disasters.

Content:

- Ownership and Boundaries of Submerged Lands
- The Public Trust Doctrine
- Riparian Rights and the Navigational Servitude
- Public Access to the Shoreline
- Regulating Development in the Coastal Zone
- State Regulation of Fisheries and Indigenous Fishing Rights
- Commonwealth Regulation of Fisheries
- Admiralty Law
- Marine Pollution Law

Assessment: Students must rely on the Approved Assessment, which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Principles of International Law

LAWS8182

This course will be offered twice in 2009.

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisite:	None
Staff:	Dr JP Fonteyne

Objectives: The course will focus on general international law, seeking to identify, in particular, the impact of the relevant norms on the conduct of international relations and national decision-making in this area. Special emphasis will be put on developing the students capacity to apply international legal norms in concrete settings, and the course will accordingly include problem-solving workshops.

Content: Topics addressed will include *inter alia*:

- the nature, function and sources of international law
- international agreements
- international personality, statehood and recognition
- the application of international law in both international and domestic fora
- state responsibility
- dispute settlement mechanisms
- regulation of the use of force

Topics that are the subject matter of a specialised elective in the International Law program may be given a more cursory treatment.

Assessment: Students must rely on the Approved Assessment which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Note: From 2009 LAWS8256 Principles of International Law (12 units) has been replaced by LAWS8182 Principles of International Law (6 units) and LAWS8183 Advanced Principles of International Law (6 units). Both courses are compulsory in the International Law specialisation.

Special Topics in International Law:

LAWS8122

Ethno-Political Conflicts & International Law

Units:	6
Hours:	Intensive 26 teaching hours
Specialisation:	International Law
Prerequisites:	Principles of International law
Staff:	Theodore Christakis

Course Description: Ethno-political conflicts are, of course, a permanent feature of history, but the end of the Cold War has exacerbated this problem, bringing about new secessionist aspirations and conflicts, as well as reviving dormant civil wars. Those conflicts, which are all too often disruptive of international peace and security, raise serious difficulties for international law. The objective of this course will be to provide a detailed analysis of the international norms applicable in this field, to enquire whether international law can provide satisfactory remedies for those conflicts and to ask which are, if any, the legal gaps in this field.

The departure point of the course will be the notorious "principle of self-determination" which, without any doubt, has proved to be a principle of the utmost importance in international relations since its inscription in the UN Charter in 1945. The course will trace its history and will answer the essential question concerning the applicability of this principle outside the colonial context. We will try to explain why this principle *does not* grant a right to secession to ethnic groups other than to colonial peoples and to those peoples subjected to foreign domination or occupation.

This does not mean however that secession is prohibited by international law. The creation of States has often been compared to a meta-judicial fact which cannot be explained by legal rules. It has often been said that international law does not permit secession, but does not prohibit it either and that the only criterion for the emergence of a new State, outside the colonial context, is the principle of effectiveness: if a secessionist entity succeeds in fulfilling the conditions of statehood, a new State is born. Secession is not supposed to be a question of law, but a question of fact. We will try to challenge this traditional view and to discover the precise interactions between the law and the facts in the process of the creation of States. The course will thus seek to define in what precise manner international law tries to 'discipline' the principle of effectiveness, in order to contain the dangers to international peace and security. In order to do this we will use a large range of case studies and will also try to identify the role of international organisations and courts in this field. We will analyse the applicable legal principles, including the principle of respect of the territorial integrity of States, the principle of *uti possidetis juris* as well as the role and the legal framework of international recognition. We will also test the idea that in some salient cases (and especially in the case of external aggression), international law denies the quality of 'State' to a secessionist entity, notwithstanding its 'ultimate success'. Thus, we will conclude that secession is not only a question of 'fact', but also a question of 'law'.

But ethno-political conflicts are not to be assimilated with secessionist conflicts alone. In some cases the aspiration of an ethnic group is not to accede to statehood, but to obtain an autonomy arrangement within the existing State or, even more modestly, to avoid discrimination, achieve economic and political fairness, obtain human and minorities rights and assure democratic representation and access to government and the institutions of the State. The last part of this course will thus turn to the theory of "internal" self-determination, in order to ascertain if there is today, in treaty or customary law, a "right to democracy" or a "right to autonomy" and will try to identify briefly the existing rights of minorities and indigenous peoples in international law.

Learning Outcomes: The Course aims to equip participants with all the elements necessary to understand how international law regulates ethno-political conflicts. Beyond its theoretical framework this course will adopt a "practical" approach by examining a large number of case studies. This will permit participants to learn more about the roots and the outcomes of some important ethno-political conflicts around the world and to find out how international organisations deal with those crises, and the effectiveness of the different strategies used for diffusing violent situations and resolving ethno-political conflicts. At the conclusion of this course students will have a sound knowledge of all the legal principles and rules applicable in this field and will have a better understanding of how international lawyers and other actors ought to approach an impending or ongoing ethnic conflict from a legal point of view.

Proposed Assessment:

Students must rely on the approved means of assessment which will be posted to the course homepage on the ANU College of Law website, prior to the commencement of the course.

**Special Topics in International Law 2:
Transnational Criminal Law**

LAWS8290

Units:	6
Hours:	Intensive 26 teaching hours
Specialisation:	International Law
Prerequisites:	Introduction to Legal Research & Reasoning (Non-lawyers), Principles of International law
Staff:	Dr Robin Warner

Objectives: This course considers the nature of transnational crime, its global and regional context and the responses of the international community to this phenomenon. It will examine the various forms of transnational crime and the perception that transnational crime is a growing problem linked to globalization and security threats such as terrorism. Recent multilateral instruments which address transnational crime including the UN Convention against Transnational Organized Crime and the UN Convention against Corruption will be considered together with key forms of criminal justice cooperation such as extradition and mutual legal assistance. The course will also address global and regional efforts to control the financial dimensions of transnational crime such as money laundering and terrorist financing.

Content: Proposed Topics:

- Definitions of transnational crime
- Forms of transnational crime – people smuggling, trafficking in persons, illicit drug trafficking, arms trafficking, illegal trade in wildlife, money laundering and terrorist financing
- Global and regional context of transnational crime including the links between globalisation, terrorism and transnational crime
- International legal instruments which have been developed to combat transnational crime – UN Nations Transnational Organized Crime Convention and its three protocols on people smuggling, trafficking in persons and firearms trafficking, UN Convention against Corruption, OECD Convention on Bribery of Foreign Public Officials
- Bilateral and multilateral forms of criminal justice cooperation used to combat transnational crime – extradition, mutual legal assistance and recovery of proceeds of crime

- Financial aspects of transnational crime – international cooperation in combating money laundering – Financial Action Task Force Activities, regional anti money laundering and counter terrorist financing activities

Learning Outcomes: At the conclusion of this course students should be:

- Be aware of the multiple forms of transnational crime
- Understand the global and regional developments which have fostered the growth of transnational crime
- Understand the detrimental effects of transnational crime on regional and global security
- Be aware of the connections often drawn between transnational crime and terrorism and be able to analyse the links
- Be familiar with the various international conventions which promote cooperation in combating transnational crime
- Be aware of the bilateral mechanisms for cooperation in combating transnational crime
- Be familiar with Australian legislation dealing with the prevention and prosecution of transnational crimes such as people smuggling and trafficking in persons
- Be aware of recent Australian cases dealing with the prosecution of transnational crimes such as people smuggling and trafficking in persons

Assessment: Students must rely on the approved means of assessment which will be posted to the course homepage on the ANU College of Law website, prior to the commencement of the course.

Special Topics in International Law 3: Peacekeeping & Peacebuilding

LAWS8296

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	International Law
Prerequisites:	Principles of International Law
Staff:	Jo Ford

Description: This course assesses the legal and politico-legal dimensions of peacekeeping and peacebuilding operations in fragile states. Participants review the evolution and legal foundations of modern international peacekeeping and territorial administration in the broader context of international law. We consider legal issues arising between hosts and the UN or regional bodies and contributing states (including use of force, policing and detention authority in peace operations; the extent to which international human rights law and humanitarian law apply to peacekeeper conduct and proposals for greater accountability). The course will cover international law aspects of regional and coalition mechanisms and peacekeeping operations, and of the use of private military actors including by UN authorities. We consider legal aspects of the mandate of UN and other bodies involved in extensive reordering of societies after the peacekeeping phase. We analyze the extent to which, after conflict, international law sets minimal standards or prescriptions on a range of 'state-building' processes, from transitional justice to elections. It is necessary to also question the extent to which particular ideological preferences are manifested in prescriptions for 'post-conflict reconstruction'. To what extent is peacebuilding 'empire-building' and is international law an instrument of such a process? What expectations do we have for international law in rebuilding post-conflict societies and what role do lawyers play: what should be 'reconstructed', in what image and in whose interests, and by whom? The course looks at peacekeeping and peacebuilding in the context of evolving law, policy and practice on humanitarian intervention, the responsibility to protect, the modern law applicable to 'occupying' powers, and the proper role and powers of the Security Council.

Assessment:

Students must rely on the Approved Assessment, which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.

Units:	6
Hours:	26 (intensive delivery)
Specialisation:	Environmental Law; International Law
Prerequisites:	Fundamentals of Environmental Law (non-lawyers)
Staff:	Associate Professor Jan MacDonald

Objectives: This course provides an understanding of the key relationships between trade and environment, and an understanding of environmental disputes in the WTO, trade-environment responses in regional trading groups, lessons for the MAI, and the relationship between trade and sustainability principles.

Content: The course begins by considering trade-environment interfaces – the effects of trade on the environment and the effects of environmental protection on trade. Macro issues are discussed with regard to free trade philosophy vs "limits to growth". National sovereignty vs right to trade; and trade as environmental incentives/deterrent are also addressed. The course provides an overview of international trade law framework at the international and domestic levels.

Environmental disputes in the WTO and international trade liberalisation regime are considered in relation to:

- GATT;
- The Agreement on Sanitary and Phytosanitary Standards;
- The Agreement on Technical Barriers to Trade;
- The Biodiversity Convention and the Agreement on Trade Related Aspects of Intellectual Property Rights; and
- The WTO Committee on Trade and Environment.

The course examines trade-environment responses in regional trade groups: the European Union; the North American Free Trade Agreement; and the Asia Pacific Economic Cooperation Forum.

Finally, lessons for the Multilateral Agreement on Investment are considered as well as the developing principles of sustainability in the multilateral trade and investment regime.

Assessment: Students must rely on the Approved Assessment, which will be posted to the course homepage on the ANU Law website, prior to the commencement of the course.