Every international dispute is of a political character, if by that is meant that it is of importance to the State in question. Thus viewed, the proposition that some legal questions are political is an understatement of what is believed to be the true position. The State is a political institution, and all questions which affect it as a whole, in particular in its relations with other States, are therefore political… [but] it is equally easy to show that all international disputes are, irrespective of their gravity, disputes of a legal character in the sense that, so long as the rule of law is recognised, they are capable of an answer by the application of legal rules.

Hersch Lauterpacht *The Function of Law in the International Community* (1933)

I don’t think intellectuals do very well talking about the need for the world to be democratic, or the need for human rights to be better respected worldwide. It’s not that the statement falls short of the desirable, but it contributes very little to either achieving its goal or adding to the rigour of the conversation. I think the way to defend and advance large abstractions in the generations to come will be to defend and protect institutions and law and rules and practices that incarnate our best attempt at those large abstractions.

Tony Judt *Thinking the Twentieth Century* (2012)

**Course Coordinator**

Professor Campbell McLachlan QC (OGB 347, dir tel: 463 6347, Campbell.mclachlan@vuw.ac.nz).

I am always happy to meet students on an individual basis. The best way to contact me is by writing your name against an appointment time on the board outside my office, during my student office hours, which are **Tuesdays from 11.00am to 1.00 pm** in term time, or alternatively by e-mail.

The course administrator is Jayne Campbell, 463 6315, jayne.campbell@vuw.ac.nz.

**Class Time and Location**

The class meets on Tuesdays from 8.30am-10.20am in GB LT1 and on Fridays from 8.30am-9.20am in GB LT2.

**Important Dates**

**Teaching** runs from 29 February to 3 June 2016, with two mid-trimester breaks:
Mid-trimester break (1): Thursday 24 March to Wednesday 30 March (Easter break)
Mid-trimester break (2): Monday 26 April to Sunday 1 May
Examination period: Friday 10 June to Wednesday 29 June 2016.

Note: Students who enrol in courses with examinations must be able to attend an examination at the University at any time during the scheduled examination period.

Withdrawal dates: Refer to http://www.victoria.ac.nz/students/study/withdrawals-refunds.
If you cannot complete an assignment or sit a test or examination (aegrotats), refer to: www.victoria.ac.nz/about/governance/dvc-academic/publications

Communication and Notices
Other course information, eg lecture cancellations, will normally be posted on the noticeboard located in GB on the ground floor opposite G31 and outside the lecture theatre as well as on Blackboard.

Please check Blackboard regularly. Also, as Blackboard adopts your Student Computing Service email as your default email address, please ensure you either check this email account regularly or arrange for any email to be forwarded automatically to an email account which you check regularly (for instructions on how to do this, see http://www.victoria.ac.nz/students/publications/myvie-it-guide.pdf).

Prescription and Course Content
The theory and practice of international law with special reference to the sources of international law, and the concepts of statehood, use of force, jurisdiction, immunity and state responsibility.

This course is designed to equip students with a basic framework for analysis of public international law: being those processes and rules created by sovereign states to govern their interactions with each other, and (to the extent that states agree to do so) to regulate and protect the affairs of individuals and corporations on the international plane.

Because it operates outside national legal systems, public international law cannot be approached and analysed in the same way as domestic law subjects. It has its own sources, institutions, techniques and rules.

LAWS 340 is thus primarily a skills-based course, aimed at providing students with the basic tools and techniques of legal reasoning and the structures of the multilateral system, which will enable them to tackle international law problems. In this way, it provides a foundation for more specialised study of particular aspects of international law.

As a result, much of the focus of the course is on systemic issues: the main institutions in which international law is developed, and in which international disputes are resolved; and the principal sources of international law: how it is created and developed. The second half of the course looks at states; their jurisdiction and immunities; and how and on what basis states may pursue claims against each other for wrongs committed against them (the rules of state responsibility); and the main rules on the use of force, which underpin the international legal order. The final section of the course then looks at the extended reach of international law to impose individual criminal responsibility.

Course structure
The course will deal with the following ten broad topics:

Part One
1. Introduction and Development
2. Institutions A: Multilateral System
3. Institutions B: Dispute Settlement
4. Law Making A: Custom
5. Law Making B: Treaties
Course Learning Objectives (CLOs)

Students who pass this course should be able to:

1. Demonstrate knowledge of the basic architecture and techniques of international law;
2. Display an understanding of the distinct origins, nature and functions of the international legal order;
3. Show development of their legal research and analytical skills as applied to the international legal system;
4. Assess the international legal implications of current and past events and offer a wider perspective on the role of law by examining a legal system where the distinction between law and politics is constantly challenged.

Additionally, this course aims to provide a structural platform for those students wishing to undertake further study of specific aspects of international law.

Teaching Format

There will be three lectures per week: two in lecture format; the third in Socratic discussion, led by that week’s discussion group (see below), on prescribed cases and materials.

In addition, there will be some optional voluntary seminars on research method in international law.

Mandatory Course Requirements (Terms)

In addition to achieving an overall pass mark of 50%, students must:

1. Complete the Material Sources Assignment by the specified date;
2. Submit the Research Opinion by the specified date. It is not a terms requirement that you achieve a pass mark for the Research Opinion. However, the marks for it will count towards your final grade for the course; and,
3. Prepare for and participate in at least one Class Discussion Panel.

Class Discussion Panels: In order to stimulate class discussion, a panel of students will be appointed for one lecture each week, with particular responsibility to research the prescribed issues and materials and lead discussion. Students will be allocated to a panel in the first week of lectures. You are required to participate in at least one of these panels.

Material Sources Assignment: In order to familiarise all students with a basic range of material sources unique to International Law, you will be required to complete an online material sources assignment through the Blackboard site. This assignment will require you to use paper as well as online sources in the Law Library. The online assignment must be completed by 10pm on Monday 4 April 2016. Timely completion of this assignment is a terms requirement.

Workload

Average 9-10 hours per week including three lectures per week.
Assessment

<table>
<thead>
<tr>
<th>Assessment</th>
<th>% of total mark</th>
<th>Due Date</th>
<th>CLOs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research Opinion (1750 words)</td>
<td>40</td>
<td>12 noon Monday 2 May 2016</td>
<td>1-4</td>
</tr>
<tr>
<td>Final examination (open book) 2 hours</td>
<td>60</td>
<td>T1 exam period</td>
<td>1-4</td>
</tr>
</tbody>
</table>

Penalties

- The Opinion must be handed in to the Law School Office by 12 noon on Monday 2 May 2016.
- Late submissions will attract a penalty of 5 marks per day out of a total possible score for the Opinion of 100 marks.
- Opinions that exceed the word limit may attract a penalty of 5 marks per 100 words.
- Unless an extension permits it, any assignment which is more than 7 days late will not be accepted. That means that (without an extension having been granted) no assignment will be accepted after 12 noon on Monday 9 May 2016.
- Any assignment submitted after that will not be marked and terms will not be granted.
- Extensions will not usually be granted, save in cases of illness (supported by a doctor’s certificate).

Set Texts

1. A two volume set of Course Materials for this course, available from Vic Books. These contain the essential primary reference materials for the course, and you should bring the relevant volume to lectures.


Recommended Reading

Students wishing to obtain an overview of the subject may like to read either:

- Rosalyn Higgins Problems and Process: International Law and How we use it (Oxford UP, 1994) (an excellent and very readable introduction to the subject, still highly relevant today, which will help you see how the various elements fit together, written by the former President of the International Court of Justice); or


Copies of all of these books are available at Vic Books and also on closed reserve in the Law Library.

For guidance as to the correct citation of the most commonly used international law sources, refer to:

(b) The Australian Guide to Legal Citation PtIV (in cases not provided for in the NZLSG): http://www.law.unimelb.edu.au/files/dmfile/FinalOnlinePDF-2012Reprint.pdf
Class Representative

The class representative provides a useful way to communicate feedback to the teaching staff during the course. A class representative will be selected at the first lecture of the course. Students may like to write the Class Rep’s name and details in this box:

Class Rep name and contact details:

Student Feedback

Student feedback on University courses may be found at: www.cad.vuw.ac.nz/feedback/feedback_display.php.

Other Important Information

There is other important information that students should familiarise themselves with, including:

- Academic Integrity and Plagiarism: http://www.victoria.ac.nz/students/study/exams/integrity-plagiarism
- Aegrotats: www.victoria.ac.nz/about/governance/dvc-academic/publications
- Academic Progress: http://www.victoria.ac.nz/students/study/progress/academic-progress (including restrictions and non-engagement)
- Dates and deadlines: http://www.victoria.ac.nz/students/study/dates
- Grades: http://www.victoria.ac.nz/students/study/progress/grades
- Resolving academic issues: www.victoria.ac.nz/about/governance/dvc-academic/publications
- Statutes and policies including the Student Conduct Statute: http://www.victoria.ac.nz/about/governance/strategy/academic-policies
- Student support: www.victoria.ac.nz/students/support
- Students with disabilities: www.victoria.ac.nz/st_services/disability
- Turnitin: www.cad.vuw.ac.nz/wiki/index.php/Turnitin
- University structure: www.victoria.ac.nz/about
- VUWSA: www.vuwsa.org.nz
- Law Students’ Society: www.vuwls.org.nz

See the Blackboard site for your course for detailed information on withdrawal dates. See also the 2016 Law Faculty Undergraduate Prospectus for further information, including assessment in te reo Māori: http://www.victoria.ac.nz/law/study/undergraduate

Professor Campbell McLachlan QC
Wellington, New Zealand, 29 February 2016