

**MACQUARIE UNIVERSITY
DIVISION OF LAW
STUDY GUIDE**

Year and Semester:	2008, FIRST SEMESTER
Unit Code & Unit Name:	LAW890: LAW OF INTERNATIONAL ORGANISATIONS
Unit convener:	Dr. Natalie Klein
Prerequisite or Corequisite:	A pass grade or higher in LAW509: International Law

Students in this unit should read this Study Guide carefully at the start of the semester. It contains important information about the unit. If anything in it is unclear, please consult the convener of the unit.

1. ABOUT THIS UNIT

International organisations represent one of the predominant modes of cooperation between states in regulating issues of mutual interest. Distinct from the member states creating them, international organisations have become increasingly visible and important actors in the international system. The United Nations, the European Union, APEC, the IAEA, the International Whaling Commission, the World Health Organisation, to name but a few, feature prominently in the international media in examining the behaviour of states and their adherence to international obligations derived from their membership in those organisations. This unit intends to give students an awareness of the role and operation of international organisations in the international system and enable students to understand the functioning, the problems and achievements of international organisations in reconciling the sovereign interests of states in an interdependent world.

This unit is concerned with intergovernmental organizations – global and regional, issue-specific and of general competence. The law of international organizations involves consideration of the rights and duties of these distinct legal entities, their decision-making processes, law-making activities, financing and membership. It further addresses the activities of international organizations in specific areas of international law, such as peace and security, disarmament, the environment and the law of the sea.

2. TEACHING STAFF

Convener: Dr. Natalie Klein
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Consultation times: Every Monday (during teaching weeks) at 1pm-3pm, or any other day and time as mutually agreed through appointments.

3. CLASS TIMES AND SCHEDULE OF TOPICS

Internal Students: There will be two-hour seminars held twice a week on Mondays (9am-11am), and Wednesdays (9am-11am). The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/>. Please note that 20% of assessment is based on attendance at and participation during the seminars. (See further details in “Assessment” below). The weekly schedule is as follows:

Date (Week beginning...)	Seminar Topic
February 25	Introduction and History
March 3	United Nations – Overview
March 10	Regional Organisations – Overview
March 17	Issue-Specific Organisations / Personality & Powers
March 24 (Easter Monday)	Personality & Powers
March 31	International Responsibility / Law-Making
April 7	Decision-Making Processes
April 14 - April 25	Mid-Semester Break
April 28	Membership
May 5	Financing & Dispute Settlement
May 12	Peace & Security
May 19	Weapons of Mass Destruction
May 26	Law of the Sea
June 2	Environment

External Students: Two compulsory on-campus sessions will be held on 22-23 April, 2008 between 9am and 5pm. The following topics will be discussed:

- 22 April (9am-1pm): Introduction and History; UN – Overview; Regional Organisations – Overview; Issue-Specific
 (2pm-5pm): Personality & Powers; International Responsibility; Law-Making; Decision-making;
- 23 April (9am-1pm): Membership; Financing; Dispute Settlement; Peace & Security
 (2pm-5pm): Weapons of Mass Destruction, Law of the Sea, Environment

Further information about the schedule of the on-campus session and the preparation expected of external students will be mailed out, as well as posted on the unit website, approximately three weeks prior.

Students must go to the Centre for Open Education (COE) between 8.30 - 8.50am to sign up for their respective attendance and to learn their classroom location for the on-campus sessions. Attendance at these contact sessions is of paramount importance for students. Attendance and participation at both morning and afternoon sessions of both days is worth 20% of assessment. (See further details in “Assessment” below).

4. REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

Students will be required to obtain the following three volumes of Course Materials from the University bookshop:

Natalie Klein (ed.), *Law of International Organisations Course Materials* (2008).

A copy of the United Nations Charter will be annexed to the Seminar Questions for your ongoing reference throughout the semester.

Seminar discussions will largely rely on the Course Materials and internal students are expected to read the assigned section of the Course Materials before each seminar. External students should also read one topic per week throughout the semester to ensure basic preparation for assessment pieces, in addition to specific preparation for the on-campus sessions. The introductions to each of the topics provide a basic summary of the matters and questions to be addressed, as well as a very brief description of the prescribed reading for that topic. There is no other prescribed text for this unit.

Recommended books

Bowett's International Law of International Institutions is one of the seminal texts on international organisations and has been updated and revised by Philippe Sands and Pierre Klein (Sweet & Maxwell, 5th ed., 2001). Students are strongly encouraged to purchase or consult this text for further detail or clarification of the matters addressed during the seminars. Copies are on Special Reserve in the Library. The following four texts are not as comprehensive but are highly recommended and are on Special Reserve or available for three day loan in the Library:

- Jan Klabbbers, *An Introduction to International Institutional Law* (Cambridge University Press, 2000).
- C.F. Amerasinghe, *Principles of the International Law of International Organizations* (2nd ed., 2005).
- A. LeRoy Bennett, *International Organizations: Principles and Issues* (5th ed., 1991).
- José Alvarez, *International Organizations as Law-Makers* (2005).

Recommended journals and primary sources

Searching for international law articles is most easily facilitated through Lexis-Nexis (International Law Reviews, Combined library), Westlaw and also Hein Online. All of these

databases are available through the Library website. The following journals may be particularly useful for the Essay and Research Problem Question assessments:

1. American Journal of International Law
2. Australian Yearbook of International Law
3. British Yearbook of International Law
4. European Journal of International Law
5. Yale Journal of International Law
6. Harvard Journal of International Law
7. Michigan Journal of International Law
8. Virginia Journal of International Law
9. NYU Journal of International Law and Politics
10. International & Comparative Law Quarterly
11. Melbourne University International Law Journal

This list is by no means exclusive. You may also wish to search on the Ebscohost database for political articles and news reports. Research from scholarly books and journals should be preferred over random searches of the internet.

The American Society of International Law has set up an Electronic Information System for International Law, www.eisil.org, which provides access to a range of primary documents and further websites on different international law topics.

To find cases from different international courts, the following websites may be useful:

- www.icj-cij.org (for decisions of the International Court of Justice)
- www.pca-cpa.org (for decisions on proceedings held under the auspices of the Permanent Court of Arbitration).

The International Legal Materials (ILM) also compiles international cases, as well as international treaties and other decisions. It can be searched via Hein Online.

Links to the homepages of a variety of international organizations are included on the webpage for this unit.

5. UNIT WEB PAGE

The web page for this unit can be found via: <http://learn.mq.edu.au>. This webpage is hosted on the new version of WebCT, Blackboard CE6. If you have any problems using this new program, then contact: <http://online.mq.edu.au/docs/tecinf.html>.

As the unit is being conducted in seminar format, there will be no iLectures recorded for this unit.

All seminar slides, assessment tasks, and other information relating to the unit will be posted on this website. A discussion board is also available, and topics and questions will be posted in relation to each of the topics to enable external and internal students alike to discuss issues further.

Please ensure that you check this site regularly for any important information relating to the unit.

6. LEARNING OBJECTIVES

At the end of the course, students should have developed an understanding of:

- The reasons states have been and are willing to create and participate in international organisations; to what extent it is possible to reconcile the ongoing tension between the emphasis on sovereign rights and the need for cooperation in an increasingly interdependent world.
- The operation of the United Nations as well as different regional organisations and how their institutional structures and functions provide models for other international organisations, or why differences are necessary.
- The role, rights and responsibilities of international organisations as independent actors in the international system; how easily the state-centric international system has adjusted to the existence and operation of these organisations.
- The regulation of international organisations through their decision-making processes, law-making activities, membership issues and financing matters.
- The characteristics of issue-specific international organisations and their operation in the international system; how the international system addresses the proliferation of these actors and the potential for conflicting functions and obligations.

Students will be required to demonstrate that understanding by:

- Critically explaining, analysing and evaluating the relevant legal principles and the political dynamic inherent in those principles.
- Critically assessing and explaining the problems encountered by international organisations and to what extent those problems may be overcome.

7. GENERIC SKILLS

In addition to the discipline-based learning objectives, all academic programs at Macquarie seek to develop students' generic skills in a range of areas. One of the aims of this unit is that students develop their skills in the following:

- Self-awareness and interpersonal skills;
- Communication skills;
- Critical analysis skills;
- Problem-solving skills;
- Creative thinking skills.

8. TEACHING AND LEARNING STRATEGY

This unit will mostly be taught in seminar-format and so involve a combination of lecturing by the convener and active class discussion. Students will be expected to participate in discussion based upon the readings, as well as the problem and discussion questions. Student involvement through the discussion will facilitate a deeper understanding of the issues

beyond a basic interpretation and application of the key principles relating to the law of international organisations.

For **internal students**, relevant topics will be covered in the twice-weekly seminars based upon assigned readings in the *Course Materials* (i.e. one topic and set of assigned readings per week). Students are expected to complete this reading prior to each seminar. The introductions to the readings for each of the topics indicate the broad questions to be addressed during the seminar sessions. Specific problem and discussion questions will be assigned to students in advance of such seminars.

For **external students**, as the topics will be covered on a weekly basis for the internal students, the discussion board on WebCT and postings of seminar outlines will reflect this progress through the semester. External students should at least progress through their readings at a comparable rate. Specific problem and discussion questions will be assigned to external students in advance of the on-campus session, and students are further encouraged to complete as much of the reading as possible prior to the on-campus session.

All students are encouraged to use the discussion board on the unit website to raise issues of concern or interest and to respond to comments and questions of other students.

9. ASSESSMENT

Assessment Item	Value	Due Date
Class Participation	20%	N. A.
Problem Question Paper	50%	Tuesday, May 13 2008
Essay	30%	Tuesday, June 17 2008

Students are advised to carefully read and make sure they understand the rules and requirements relating to assessment set out below, as they will be strictly enforced.

1. CLASS PARTICIPATION

(a) Substantive requirements in relation to class participation

Students will be assessed on the basis of their knowledge, understanding and ability critically to evaluate the issues raised in each topic, as demonstrated through participation in class discussions and responses to assigned seminar questions either in the seminars or at the on-campus sessions. Students should generally be prepared to talk about the assigned readings and contribute to the discussion of questions and problems set in relation to these readings. Students are also encouraged to participate in discussions that extend beyond these set questions and readings through their own evaluation of the issues raised.

(b) Formal requirements in relation to class participation

Internal students are required to attend twice-weekly seminars for each of the 13 weeks that the subject runs during the semester. However, students will be permitted a maximum of two unexplained absences from attendance at seminars. Students with more than two unexplained

absences will get a zero mark for class participation, and, irrespective of marks gained in other assessment items, will be awarded a 'Fail' grade.

External students are required to attend from 9am-5pm of both days of the on-campus session as a requirement of their degree.

If a student is unable to attend any seminar or on-campus session, he or she should, within a reasonable time, provide a written explanation of the reason(s) for the absence together with any appropriate corroborating evidence, e.g. medical certificate. If you send this explanation via email, you should not expect that it is received unless a reply email confirming receipt is sent to you. If:

- (a) the reason(s) for the absence are, in the opinion of the Convener, not justifiable reasons for not attending the relevant seminar(s); or
- (b) no written explanation is provided to the Convener within a reasonable time,

the absence will be deemed to be an unauthorised absence for the purpose of the attendance requirement set out above.

(c) Assessment Value of Class Participation

Class participation will count for 20% of a student's final mark in the subject.

Internal students will be advised of their progress in relation to class participation after the mid-semester break on an informal basis (i.e. without a specific mark being attributed) and receive brief feedback in relation to the substantive requirements at this time.

Class participation marks for all students will be posted on the unit webpage at the end of the semester.

2. PROBLEM QUESTION PAPER AND ESSAY

(a) Due dates, times and places for submission of papers

Subject to an extension being granted, the due times and dates for submission of the papers are as follows:

- (i) **Problem Question paper is to be submitted by 5pm on Tuesday May 13, 2008**
- (ii) **Essay is to be submitted by 5pm on Tuesday June 17, 2008.**

Internal students must submit their papers to the Law School office (Room 341, Building W3A). Email submissions will not be accepted.

External students must submit their papers to the Centre for Open Education via email. (If you do not have access to email, then the papers must arrive at COE by the above-stated deadline.) External students are strongly advised to copy themselves on emails sent to COE

so that proof of submission may be provided in the event that COE does not forward the papers to me.

A failure to submit either paper will, irrespective of marks gained in other assessment items, result in the student being awarded a 'Fail' grade for the subject.

(b) Extensions

Any student seeking an extension of time to submit a research paper must, except in extraordinary circumstances, submit to the convener (or have submitted on their behalf) a request in writing and supportive documentary evidence. Extensions due to work commitments, competing study demands, or poor organisation will not be granted, as you should plan your study schedule to allow for other activities. In cases of extensions sought on medical grounds, an original certificate signed by a medical practitioner must be submitted as supportive documentary evidence. In extraordinary circumstances where a written request for an extension cannot be submitted, an application for an extension can be sought verbally. However, in such cases, any extension granted will be subject to the student subsequently submitting such documentary evidence as is deemed appropriate by the convener.

Extensions of greater duration than seven days will not usually be granted.

(c) Formal requirements

The following requirements as to presentation of research papers must be complied with:

- All research papers must be typed on A4 paper, and must be double-spaced. You may use both sides of the paper if your inclinations towards conservation are threatened by the double-spacing requirement.
- The Problem Question paper cannot exceed 4,000 words; the Essay cannot exceed 3,000 words. The word limit does not include footnotes and bibliography, although footnotes must not include any substantive content. The actual word length of a paper must be stated on the cover sheet.
- Footnotes, bibliography and other referencing should be consistent with the *Australian Guide to Legal Citations*, which can be downloaded at <http://www.law.unimelb.edu.au/mulr>.

(d) Assessment value of papers

The Problem Question paper is worth 50% of a student's final mark in the subject, and will receive a mark out of 50. The Essay will count for 30% of a student's final mark in the subject, and will receive a mark out of 30.

(e) Penalties for late submission of papers

Any paper that is submitted after the due date and without having obtained an extension will be penalised. The scale of penalties for late work will be:

- Up to and including the 3rd day after the due date: 10% (i.e. 5 marks for the Problem Question; 3 marks for the Essay)
- Up to and including the 7th day after the due date: 20% (i.e. 10 marks for the Problem Question; 6 marks for the Essay)

Please note that Saturdays and Sundays are included in calculating the 3rd and 7th day after the due date.

Any paper that is submitted after the 7th day will not be marked and the student submitting such a paper will be deemed not to have completed and submitted the paper.

As mentioned above, a failure to submit either paper will, irrespective of marks gained in other assessment items, result in the student being awarded a ‘Fail’ grade for the subject.

(f) Substantive requirements for the Problem Question paper

The Problem Question will be distributed at the start of Week 4, and will be available on the unit website at this time. Students will be assessed on the following criteria:

Understanding and explanation of the legal issues presented:

- Have you successfully identified the key issues in the question?
- Have you stated what the key legal principles or considerations were for each issue?
- Have you discussed an issue in a way that makes it evident that you know what you are talking about?
- How well have you communicated your understanding?
- Have you referred to the most important cases or relevant legal instruments for key principles?
- Have you addressed the issues in a logical order?
- Given the word limit, have you explained issues concisely?
- Have you raised issues that were outside the scope of your instructions, or that do not really exist on the facts available?

Application of the relevant legal principles to the fact pattern in the problem

- Have the facts been applied to the legal principles raised (as opposed to legal issues being raised in the abstract and without being tied back to the facts)? The best arguments will be those that tightly weave the facts into the legal issues (particularly as opposed to a paragraph on the law, a paragraph on the facts and one sentence on whether there is a good match between the two...)
- How well have students argued the facts/ how persuasively?
- Have you made unnecessary assumptions about the facts for the purposes of your arguments?

Critical evaluation of the relevant issues

- Have you identified the strengths and weaknesses of the different arguments presented?
- What is the level of reflection engaged in? Have the issues really been thought through?
- Have you provided the critique throughout the discussion (a more sophisticated approach), or just tacked on a paragraph of “I think” at the end?

Depth of research

- Research should extend beyond the prescribed course materials (the recommended books and journals provide a starting point for further research)
- Random searches of the internet are usually obvious and will not be favourably regarded. If you are citing sources from the internet, do those sources have academic merit?
- Have you consulted monographs and academic journals?
- Have you read the cases (as opposed to someone else's interpretation of a case)?

Clarity of expression

- Is it possible to understand what the student is explaining or arguing?
- Is the grammar correct? The spelling? The punctuation?
- Are the sentence structures correct? Do you have complete sentences?
- Have you used paragraph breaks appropriately?

Presentation of argument

- Is the argument well-structured?
- Have headings been used appropriately?
- Does the argument proceed logically from one point to the next?
- Have you been appropriately concise?
- Have you adhered to the word limit?

Responsiveness to question

- Have you addressed all of the key issues?
- Have you addressed non-existent or not very relevant issues?
- Have you followed the instructions provided?

Correct and consistent reference style will also be taken into account

- Have you provided authority when you are presenting the views of others? Avoid phrases such as "Many authors think..." "Commentators have argued..." "It has been argued..." without identifying in footnotes who these people are.)
- Have you provided authority for key legal principles?
- Have you provided citations for cases as well as treaties?

(g) Substantive requirements for the Essay

The Essay questions will be distributed after the mid-semester break, and will be available on the unit website at that time. Unlike the Problem Questions, for the Essay, students are encouraged to consider a theoretical dimension to the issues they are examining. Students will be assessed on the following criteria:

Understanding and explanation of the legal issues presented:

- Have you successfully identified the key issues in the question?
- Have you stated what the key legal principles or considerations were for each issue?
- Have you discussed an issue in a way that makes it evident that you know what you are talking about?
- How well have you communicated your understanding?
- Have you referred to the most important cases or relevant legal instruments for key principles?
- Have you addressed the issues in a logical order?
- Given the word limit, have you explained issues concisely?

- Have you raised issues that were outside the scope of your instructions, or not addressed a point raised in the question?
- Have you applied any international law theory in addressing the issues?

Critical evaluation of the relevant issues

- Have you identified the strengths and weaknesses of the different arguments presented?
- What is the level of reflection engaged in? Have the issues really been thought through?
- Have you provided the critique throughout the discussion (a more sophisticated approach), or just tacked on a paragraph of “I think” at the end?

Depth of research

- Research should extend beyond the prescribed course materials (the recommended books and journals provide a starting point for further research)
- Random searches of the internet are usually obvious and will not be favourably regarded. If you are citing sources from the internet, do those sources have academic merit?
- Have you consulted monographs and academic journals?
- Have you read the cases (as opposed to someone else’s interpretation of a case)?

Clarity of expression

- Is it possible to understand what the student is explaining or arguing?
- Is the grammar correct? The spelling? The punctuation?
- Are the sentence structures correct? Do you have complete sentences?
- Have you used paragraph breaks appropriately?

Presentation of argument

- Is the argument well-structured?
- Have headings been used appropriately?
- Does the argument proceed logically from one point to the next?
- Have you been appropriately concise?
- Have you adhered to the word limit?

Responsiveness to question

- Have you addressed all of the key issues?
- Have you addressed non-existent or not very relevant issues?
- Have you followed the instructions provided?

Correct and consistent reference style will also be taken into account

- Have you provided authority when you are presenting the views of others? Avoid phrases such as “Many authors think...” “Commentators have argued...” “It has been argued...” without identifying in footnotes who these people are.)
- Have you provided authority for key legal principles?
- Have you provided citations for cases as well as treaties?

10. RELATIONSHIP BETWEEN ASSESSMENT AND LEARNING OBJECTIVES

Active Class Participation will require students to read and understand various issues arising in the Course Materials and through general class discussions. Class discussions are intended to give students the opportunity to express their own views and further their own understanding both through the articulation of their own ideas, as well as in listening,

appreciating and responding to the views of others in the class. It is designed to augment the communication, self-awareness and interpersonal skills of students.

The Problem Question paper provides students with an opportunity to understand different international legal problems related to international organisations, to grapple with their diverse implications and to develop the skills to analyse applicable international legal rules, policies and practices, and understand them in the context of the problem. The underlying objective here is to equip students with a broad understanding of the law of international organisations and its application to factual situations, and assess the intersection of international law with a political dynamic.

The Essay provides students with an opportunity to research and critically analyse a legal issue related to a specific international organisation and to develop a deeper appreciation of that issue within the context of a broader understanding of international organisations in the international system. The essay further provides a means for students to develop independent legal research skills, and enhance their writing abilities through explanation, analysis and argument.

The papers will provide students with the opportunity to develop creative and critical analytical and research skills in a challenging interdisciplinary elective unit. The word limit for the papers requires students to be concise and organised in the presentation of their arguments.

11. PLAGIARISM

(a) What is plagiarism?

The University defines plagiarism in its rules: “Plagiarism involves using the work of another person and presenting it as one's own.” Plagiarism is a serious breach of the University’s rules and carries significant penalties. You must read the University’s policies and procedures on plagiarism. These can be found in the *Handbook of Undergraduate Studies* or on the web at: <http://www.student.mq.edu.au/plagiarism/>

The policies and procedures explain what plagiarism is, how to avoid it, the procedures that will be taken in cases of suspected plagiarism, and the penalties if you are found guilty. Penalties may include a deduction of marks, failure in the unit, and/or referral to the University Discipline Committee.

(b) Anti-plagiarism software

Macquarie University holds a licence to the plagiarism detection software, turnitin®. The software is used at the discretion of the convener, and electronically compares your work to that of your classmates, previous students from Macquarie and other universities, material available on the Internet, and both freely available and subscription-based electronic journals.

The convener may require you to submit your work electronically so that it can be examined by the turnitin® software. You can read more about turnitin® at www.copyright.mq.edu.au.

12. UNIVERSITY POLICY ON GRADING

The University requires all Divisions to adhere to a policy relating to the distribution of grades across high distinction, distinction, credit and pass grades. This means that on

occasion a student's raw mark for a unit (ie, the total of their marks for each assessment item) may not be the same as that which they receive on their transcript. This is because the total raw mark may be scaled up or down so that the grades of all students in each unit sit within the distribution bands set down by the University. The policy does not require that any number of students are to be failed in any unit.

