STUDENT NUMBER:	
TEACHER:	

BAULKHAM HILLS HIGH SCHOOL

HIGHER SCHOOL CERTIFICATE

2023 **TRIAL HSC EXAMINATION**

Legal Studies

General Instructions

- Reading time – 5 minutes
- Working time – 3 hours
- Write using black pen
- Write your student number and teacher's name on the multiple choice answer sheet

Total marks: 100

Section I - 20 marks (pages 2-6)

- Attempt Questions 1 – 20
- Allow 30 minutes for this section

Section II – 30 marks (pages 8-15)

This section has two parts, Part A and Part B

- Allow about 1 hour for this section

Part A – 15 marks

- Attempt Questions 21- 23

Part B – 15 marks

- Attempt Question 24

Section III - 50 marks (pages 16-18)

- Attempt TWO questions from Questions 25 - 31 - each from a different Option
- Allow about 1 hour and 30 minutes for this section

Question	Mark
Multiple Choice Q1-20	/ 20
Short Answer Part A Human Rights Q21 - 23	/ 15
Short Answer Part B Crime Q24	/ 15
Extended Response Option 1	/ 25
Extended Response Option 2	/ 25
TOTAL	**/ 100**

Section I

20 marks
Attempt Questions 1 – 20
Allow about 30 minutes for this section

Use the multiple-choice answer sheet for Questions 1-20

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1. Which of the following offences does not require the prosecution to prove *mens rea*?

   A. Manslaughter
   B. Embezzlement
   C. Aggravated sexual assault in company
   D. Selling alcohol to a person under the age of 18 years old

2. Between what ages for children can *doli incapax* be rebutted by the prosecution?

   A. 10-12
   B. 10-14
   C. 10-16
   D. 10-18

3. Luna has been charged with being intoxicated in a public place.

   What category of crime has Luna been charged with?

   A. Preliminary crime
   B. Economic offence
   C. Public order offence
   D. Offence against the sovereign

4. Jamie is a suspect in a break-and-enter.

   What are Jamie's legal rights during detention and questioning?

   A. Jamie's right to bail and his right to cross-examination
   B. Jamie's right to a speedy trial and a right to a jury trial
   C. Jamie's right to a fair trial and right to cross-examination
   D. Jamie's right to remain silent and his right to legal representation

5. The new nation-state of Westphalia decides not to sign The Covenant Against Torture and Other Cruel, Inhumane or Degrading Treatment of Punishment.

   What is this an example of?

   A. Complying with its international human rights obligations
   B. Breaching, international human rights treaties
   C. Relying on the ICC to protect human rights
   D. Exercising state sovereignty

6. After being abused for many years, Devona kills her partner while he is sleeping. Justice Lee directs a jury to find the defendant not guilty.

   What can the jury do?

   A. They must find the defendant guilty
   B. They must acquit the defendant
   C. They can acquit the defendant
   D. They can demand a retrial

7. Penny pleads guilty and shows remorse for the charge of dangerous driving.

   Which of the following best describes the key factor the magistrate will consider in sentencing her?

   A. She lacked capacity, which is a mitigating factor
   B. She was provoked, which is an aggravating factor
   C. She had mens rea, which is an aggravating factor
   D. She has saved the court's time, which is a mitigating factor

8. Which of the following is the judicial arm of the United Nations?

   A. Security Council
   B. Human Rights Council
   C. International Criminal Court
   D. International Court of Justice

9. Which of the following is true after a prisoner has served their minimum sentence?

   A. He will be reclassified as a minimum-security prisoner
   B. He can request another sentencing hearing
   C. He can apply for parole
   D. He will be released

10. What are the legal requirements for issuing a search warrant?

   A. Probable cause and reasonable suspicion
   B. Have a majority of evidence
   C. Beyond reasonable doubt
   D. Hearsay evidence

11. Supra has just moved into her new home. She is a little scared at night time, so she has placed a sticker on her front gate, “Beware of the dog”, even though she does not own a dog.

   Which of the following is this an example of?

   A. Social crime prevention
   B. Crimes against property
   C. Situational crime prevention
   D. Social and economic disadvantage

12. Franco, a citizen of Sweden, commits a serious indictable offence while on holiday in NSW. He is sentenced to 5 years in prison.

   What can the Australian government do once he completes his sentence?

   A. Detain Franco indefinitely without a court order
   B. Allow Franco to continue his holiday
   C. Extradite Franco to Sweden
   D. Deport Franco to Sweden

13. What is the primary purpose of the United Nations Human Rights Council?

A. Responsible for international peace and security
B. Responsible for resolving disputes by member states
C. Responsible for the promotion and protection of human rights
D. Responsible for representing member states at global forum discussions

14. The Bail Amendment Act 2014 (NSW) introduced the 'Show Cause Test', which required an accused person to explain why they should not be held on remand.

Which principle of the rule of law did this bring into question?

A. The separation of powers
B. The impartiality of the courts
C. The presumption of innocence
D. The concept that no one is above the law

15. Marleta is charged with murder. Her lawyer and the senior prosecutor discuss the facts of the case and the evidence.

This process is known as what?

A. Committal hearing
B. Case conferencing
C. Specific deterrence
D. Mandatory sentencing

16. The island of Utopia has been given the power to govern themselves.

What is this concept known as?

A. Implied conditions
B. Universal suffrage
C. Self-determination
D. Separation of powers

17. What is the purpose of assigning a security classification to an offender when they are first placed in corrective services custody?

A. To classify the type of offence committed
B. To determine the offenders' eligibility for parole
C. To determine the amount of time an offender will serve in custody
D. To determine the level of security needed for an offender placement in custody

18. Which of the following issues will breach the International Covenant on Economic, Social and Cultural Rights?

A. Denying adult suffrage
B. Allowing human trafficking
C. The destruction of indigenous artefacts
D. Banning media articles which criticise the government

19. Which TWO of the following are partial defences to murder?

A. Provocation and diminished responsibility
B. Diminished responsibility and mistake
C. Duress and extreme self-defence
D. Provocation and mistake

20. Mikaela works at a hotel. On Melbourne Cup Day, the hotel is expected to have many sales, with many customers paying with cash. Mikaela helps her brother plan a robbery at the hotel later that night. Mikaela is not with her brother when he commits the robbery.

What might Mikaela be charged with?

A. An accessory before the fact
B. An accessory after the fact
C. Principle in the first degree
D. Principle in the third degree

End of Section I

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Section II

30 Marks
Attempt Questions 21-24
Allow about 1 hour for this section

Instructions

- Part A – Human Rights
  Answer Questions 21-23 in the spaces provided. These spaces provide guidance for the expected length of your response.
  Extra writing space is provided on pages 12-14.
  If you use this space, clearly indicate which question you are answering.

- Part B - Crime
  Answer Question 24 in the separate booklet provided.

Please turn over

Section II

Part A – Human Rights
15 marks
Attempt Questions 21-23

Question 21 (3 marks)

Outline how peace rights have changed and developed over time.

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Question 22 (4 marks)

Explain the limitations of common law in protecting human rights.

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Question 23 (8 marks)

International law and institutions have not been effective in protecting human rights.

To what extent is this statement true?

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End Section II - Part A

Section II- Part A extra writing space

If you use this space, clearly indicate which question you are answering.

Section II – Part A extra writing space

If you use this space, clearly indicate which question you are answering.

Section II – Part A extra writing space

If you use this space, clearly indicate which question you are answering.

Section II

Part B – Crime
15 marks
Attempt Question 24

Answer Question 24 in the answer booklet provided. Extra writing paper is available.

Your answer will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media, international instruments and documents
- present a sustained, logical and cohesive response

Question 24 (15 marks)

Assess the effectiveness of domestic and international measures in dealing with international crime.

End of Section II - Part B

Section III – Options

50 Marks
Attempt TWO questions from Questions 25-31, each from a different Option
Allow about 1 hour and 30 minutes for this section

Answer both questions in the writing booklets provided.
Use a separate writing booklet for each question. Extra writing paper is available.
Clearly state the question attempted and complete your Student Number and teacher's name.

Your answer will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media, international instruments and documents
- present a sustained, logical and cohesive response

Question 25 – Consumers (25 marks)

a) To what extent does law reform promote compliance and deal with issues of non-compliance with regard to consumers?

OR

b) Assess the effectiveness of the law in achieving justice for consumers. Refer to ONE contemporary issue in your response.

Question 26 – Global Environmental Protection (25 marks)

a) To what extent does the law protect the global environment? In your response, refer to at least ONE contemporary issue concerning global environmental protection.

OR

b) Assess the effectiveness of the legal and non-legal measures in achieving global environmental protection. Refer to ONE contemporary issue in your response.

Your answer will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media, international instruments and documents
- present a sustained, logical and cohesive response

Question 27 – Family (25 marks)

a) To what extent does law reform promote compliance and deal with issues of non-compliance in family law?

OR

b) Assess the effectiveness of the law in achieving justice for families. Refer to ONE contemporary issue in your response.

Question 28 – Indigenous Peoples (25 marks)

a) To what extent does law achieve justice for Indigenous Peoples? In your response refer to at least ONE contemporary issue concerning Indigenous Peoples.

OR

b) Assess the effectiveness of the legal and non-legal measures in achieving justice for indigenous peoples. Refer to ONE contemporary issue in your response.

Question 29 – Shelter (25 marks)

a) To what extent does law reform promote compliance and deal with issues of non-compliance with regard to shelter?

OR

b) Assess the effectiveness of the law in achieving justice in regard to shelter. Refer to ONE contemporary issue in your response.

Your answer will be assessed on how well you:

- demonstrate knowledge and understanding of legal issues relevant to the question
- communicate using relevant legal terminology and concepts
- refer to relevant examples such as legislation, cases, media, international instruments and documents
- present a sustained, logical and cohesive response

Question 30 – Workplace (25 marks)

a) To what extent does law achieve justice in the workplace? In your response refer to at least ONE contemporary issue concerning the workplace.

OR

b) Assess the effectiveness of the legal and non-legal measures in achieving justice in the workplace. Refer to ONE contemporary issue in your response.

Question 31 – World Order (25 marks)

a) To what extent does law reform promote compliance and deal with issues of non-compliance with regard to world order?

OR

b) Assess the effectiveness of the legal and non-legal measures in achieving justice in regard to world order. Refer to ONE contemporary issue in your response.

End of paper

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Suggested Marking Guidelines for the 2023 Trial Examination

Section I

Question	Marks	Content	Outcomes Tested	M.C answers
1	1	Crime – Nature	H3	A
2	1	Crime – Young Offenders	H1	B
3	1	Crime - Nature	H3	C
4	1	Crime – Criminal Investigation process	H1	A
5	1	Human Rights - Promoting	H3	D
6	1	Crime – Criminal Trial	H3	C
7	1	Crime – Sentencing	H1 & H3	D
8	1	Human Rights - Promoting	H3	D
9	1	Crime – Post Sentencing	H3	C
10	1	Crime – Criminal Investigation	H1	A
11	1	Crime - Nature	H1	C
12	1	Crime – Post Sentencing	H2	D
13	1	Human Rights - Promoting	H3	C
14	1	Crime – Criminal Investigation	H3	A
15	1	Crime – Criminal Trial	H1 & H3	B
16	1	Human Rights – Nature	H2	C
17	1	Crime – Post Sentencing	H3	D
18	1	Human Rights - Nature	H3	C
19	1	Crime – Criminal Trial	H1	A
20	1	Crime - Nature	H1	A

Section II

Part A – Human Rights

Question	Marks	Content	Outcomes Tested
21	3	Human Rights	H1 & H2
22	4	Human Rights	H4 & H5
23	8	Human Rights	H1, H3, H4, H5, H6

Part A – Crime

Question	Marks	Content	Outcomes Tested
24	15	Crime	H1, H3, H4, H5, H6, H8, H9

Section II – Options

Question	Marks	Content	Outcomes Tested
25	25	Consumers	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
26	25	Global Environmental Protection	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
27	25	Family	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
28	25	Indigenous Peoples	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
29	25	Shelter	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
30	25	Workplace	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10
31	25	World Order	a) H1, H3, H5, H6, H8, H9, H10 b) H1, H3, H5, H7, H8, H9, H10

Section II
Part A- Human Rights (15 marks)

Question 21 (3 marks)

Outline how peace rights have changed and developed over time.

Criteria	Marks
• Sketches in general terms how peace rights have changed and developed over time	3
• Sketches in general terms some of the ways peace rights have changed AND/OR developed over time.	2
• Makes statements about peace rights	1

Markers Comments

Candidates were requested to outline the concepts of peace rights and how these rights developed over time Answers could include

- Limited development of the concept prior to 1945 (eg League of Nations, Geneva Conventions)
- Idea that international peace and security id best served by the Articles in the United Nations Charter
- Peace rights being explicitly or implicitly referred to in human rights documents
- Peace rights difficult to identify as to their interpretation being subject to national ad international events

Question 22 (4 marks)

Explain the limitations of common law in protecting human rights

Criteria	Marks
• Demonstrates an understanding of the common law • Provides thorough detail about the limitations of the common law in protecting human rights • May integrate an example into the response	4
• Demonstrates an understanding of the common law • Provides detail about the limitations of the common law in protecting human rights • May use an example in the response	3
• Provides some detail about the limitations of the common law in protecting human rights • May refer to an example in the response	2
• Makes general statements on common law and/or about human rights or refers to an example.	1

Marker Comments
Students are requested to explain the limitations of common law in protecting human rights. The explanations could include

- The conflict between common law rights being extinguished by legislative reform
- The lack of certainty if human rights are not protected by the Australian Constitution
- Common law precedents apply to matters that are exactly the same as the precedents. Any change in the circumstances of the matter in question renders the common law precedent inapplicable
- Common law is able to be challenged up to the High Court which has limited grounds for appeal acceptance

Question 23 (8 marks)

International law and institutions have not been effective in protecting human rights.

To what extent is this statement true?

Criteria	Marks
• Demonstrates a thorough understanding of the role of international law AND institutions in protecting human rights • Provides informed reasoning relating to whether international law AND institutions has or has not been effective in protecting human rights • Directly addressed the statement	8
• Demonstrates sound understanding of the role of international law AND institutions in protecting human rights • Provides reasons relating to whether international law AND institutions has or has not been effective in protecting human rights • Addresses the statement	6-7
• Demonstrates some understanding of the role of international law AND institutions in protecting human rights • Outlines reasons relating to whether international law AND institutions has or has not been effective in protecting human rights	4-5
• Demonstrates limited understanding of the role of international law AND/OR institutions in protecting human rights AND/OR provides an outline as to whether it has or has not been effective in protecting human rights	2-3
• Makes general statements about international law/institutions AND/OR human rights.	1

Markers Comments
This question required candidates to comment on the premise that international laws and institutions do not protect human rights. As an 8 mark question the best responses exceeded the number of lines provided by the question. Answers could include

- **State sovereignty can limit the application of human rights enforcement within a nation**
- **Due to the Articles in the United Nations Charter this renders the international community powerless to enforce human rights within a nation**
- **The Human Rights documents (all 3) have specific areas of concern that may not cover all human rights abuses**
- **The Human rights documents are absolutely unenforceable on a nation that does not recognise these rights or chooses to breach them**
- **Any decision made by an international tribunal is only binding if a nation accepts its jurisdiction and decides to abide by the ruling**

- **Human rights that are accepted by some nations may not be accepted by all nations (the view that what actually constitutes human rights are decided by the developed world)**

The best responses used specific Articles found in human rights documents, recognised the enacting of these domestically, identified breaches of these rights and made a judgement as to whether these law actually protected human rights. These responses identified specific institutions (eg International Criminal Court, International Court of Justice and ad hoc tribunals)and, using examples, made a judgement as to whether these bodies protect human rights or simply to punish those who breach human rights as per the Nuremburg Trials. They then proceeded to comment on the accuracy of the statement

Question 24

Assess the effectiveness of both domestic and international measures in dealing with international crime.

Criteria	Marks
• Demonstrates extensive understanding of domestic and international measures in dealing with international crime. • Makes an informed judgement, using criteria, about the effectiveness of domestic and international measures in dealing with international crime. • Integrates relevant examples such as legislation, cases, media, international instruments and documents into the response • Presents a sustained, logical and cohesive answer to the question using relevant legal terminology and concepts	13 – 15
• Demonstrates substantial understanding of domestic and international measures in dealing with international crime. • Makes a sound judgement, explicitly or implicitly, about the effectiveness of domestic and international measures in dealing with international crime. • Uses relevant examples such as legislation, cases, media, international instruments and documents • Presents a logical and cohesive answer to the question using relevant legal terminology and concepts	10 – 12
• Demonstrates an understanding of domestic and international measures in dealing with international crime. • Makes some judgement about the effectiveness of domestic and international measures in dealing with international crime. • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured answer to the question using relevant legal terminology and concepts	7 – 9
• Demonstrates limited understanding of domestic and/or international measures in dealing with international crime. • Makes statements about the effectiveness of domestic and/or international measures in dealing with international crime • Makes limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some legal terminology and concepts	4 – 6
• Writes in general terms about the domestic or international crime • May include reference to legislation, cases, media, international instruments and documents • Uses legal terminology	1 – 3

Better responses

- Carefully read the set question, look at the directive term & spend time planning the written response.
- Explicitly stating examples of international crime - including both crimes against the international community (genocide, war crimes, crimes against humanity) and transnational crimes (human trafficking, drug trafficking etc).
- Extensively covered the role international and domestic measures in dealing with international crime - elaborating how (demonstrating specific knowledge). Consideration of specific measures, including extradition; liaising between police forces; sanctions on particular nations for non-compliance with obligations
- Judgements are well-articulated using clear criteria as the factors of evaluating the effectiveness of international instruments and domestic legislation in dealing with international crime.
- Provided justification and balanced reasoning in support of the comprehensive judgments. (Highlighting the difficulty and the ease of the international and domestic measures in dealing with international crime) Including Description of the necessity of international crime to be dealt with on a domestic basis - the onus is on domestic jurisdictions to prosecute offenders.
- Integrate a variety of relevant supporting examples (especially *cases, legislation*, media, international instruments, documents, and statistics) as evidence to demonstrate the effectiveness. (Evidence needs to be made to support your judgment).
- Consistently used appropriate legal terms/concepts throughout the
- This question required reference to both appropriate legislation & cases to highlight the effectiveness of international and domestic measures in dealing with international crime.
- In making an evaluation, give a balanced view and look at factors that help deal with the tension & factors that limit achievement of this.

Students need to improve:

- Some students need to also improve their handwriting skills
- Answer the question - knowing your syllabus dot points will help ensure you are answering the question
- PLAN!!!!!
- Not rushing to examples or evidence, needed to demonstrate specific knowledge of the role of sentencing process.
- Use PLEEL/PEEEL Structure -Improve essay style and make use of *distinct paragraphs* throughout their responses
- Link the end of the paragraph to the question even though it is repetitive.
- Quote cases & legislation correctly.
- Avoid being too descriptive - focus on the relevance of the evidence as these aids demonstrate the effectiveness/ineffectiveness of the responses

Domestic measures

1. Sign **<u>international agreements</u>**
    A) About crimes against the international community
    - Geneva Conventions,
    - Rome Statute 1998,
    - Palermo Protocol 2000

    B) Extradition treaties (to send criminals back to be prosecuted) and mutual assistance agreements
    - Mutual Assistance in Criminal Matters Act 1987
    - Extradition Act 1988,
    - 34 bilateral treaties with other countries + the London Scheme (multilateral extradition agreements) = 130 countries

2. Pass laws in Australia to reflect these international agreements
    - Geneva Conventions Act 1957,
    - ICC Act 2002
    - ICC (Consequential Amendments) Act 2002
    - Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013
    - Modern Slavery Act 2018 (NSW)
    - Criminal Code Act 1995 (Cth) Div 270 and 271

3. Fund law enforcement agencies to deal with international crime
    - AFP (Australian Federal Police)
    - ACIC (Australian Criminal Intelligence Commission),
    - Attorney-General's Department
    - Australian Border Force
    - Judicial bodies/Courts

International Measures

- UN – Treaties: The United Nations Convention against Transnational Organised Crime or the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, United Nations Convention on the Prevention and Punishment on the Crime of Genocide
- Rome Statue 1988 – Articles 6,7,8
- The International Criminal Tribunal for the Former Yugoslavia (ICTY) – Resolution 827. 161 indictment
- The International Criminal Tribunal for Rwanda (ICTR) – Resolution 955
- The International Criminal Court (ICC)
- Interpol
- Pacific Transnational Crime Network

Reference to cases such as:

- R v Wei Tang (2008) HCA
- R V Chei Mei Wong (2013) NSWDC
- The extradition of Dragan Vasiljkovic ("Captain Dragan") to Croatia for war crimes
- Tony Mokbel's extradited back to Australia for large-scale drug trafficking.
- RV Tolutau (2020) NSWDC
- Thomas Lubaga (2012) ICC
- Mathieu Ngudjolo (2012) ICC
- Jean Kambanda (1998) ICTR
- Sloboda Milosevic (2002) ICTY
- Ratko Mladic (20120 ICTY
- Al-Mahdi Al Faqui 2016 (ICC)
- Omar Albashir 2022 (ICC)

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Plan.

1. Human Trafficking → transnational → outline what it is
   - K v Wong (2013) → cross vest → 6yrs → 3yrs
   - Modern Slavery Act 2018 (CH)
   - Infringes A(4) UDHR + A(8) ICCPR.

2. ICTY → A(57) UN. → UNSC → role
   - 1995 → resolution 827
     - 160 indict, 80 conv., 18 acquittals.
     - 1.2 bill → people dead → Radovan 2019.

3. ICTR
   - resolution 955. → 1994 genocide c.
   - 48 conviction → 1-8 billion → took 100 days
   - Gaccaca → 2 million on trial

4. ICJ + ICC

ICC → genocide (A6) → crimes against humanity (7) → war crimes (8)
- Rome Statute (2002) → structural
  - USA + China + Russia.
  - AI Maheli (10) (2016)
  - AI Bashir 2008 sudanese

ICJ: - Ecuador v Colombia (2008)
- Myan Gambia v Myanmar (2019)

Sample Paragraph #1

Section II – Part B Crime

Domestic and international measures aimed at dealing with international crime have only been somewhat effective, as although they seek to reduce the amount of transnational and crimes against the international community, the lack of enforcement mechanisms and often national and time inefficiency fundamental limits their effectiveness.

The International Criminal Court (ICC) is an international measure that ~~[illegible]~~ has the ability to significantly address international crime but its effectiveness is mitigated by its inefficiency and lack of enforcement mechanisms. The ICC was established by the Rome Statute (1998) and has the jurisdiction to hear issues of genocide, crimes against humanity and war crimes under s6-7, and of aggression. As such, it is a direct organ for addressing international crimes that can provide just outcomes as it is tasked with the ~~[illegible]~~ prosecution of Al Mahdi Al Faqi (2016) - where Al Faqi was convicted of war crimes - specific (attack religious/historic buildings) allowing the ICC to uphold the rule of law and ensure that those who [illegible] commit international crimes are held accountable for their actions, thereby being effective in dealing with international crime. However, the ICC is mitigated

due to its lack of enforcement mechanisms which means if African states wish to not be held accountable for their actions, they are able to withdraw themselves from the Rome Statute, and not be bound by the court's jurisdiction anymore which leads to its ineffectiveness in convicting individuals of international crime. This is evident in 2019 with the Philippines' withdrawal of the Rome Statute, as a way to "evade international authorities' bloody war on drugs" (), as displayed by "Duterte is scared of ICC prosecution. He should be-" (Washington Post, 2021), leading to the ICC being unable to prosecute Duterte for his international crimes. As such, the ICC's effectiveness is mainly by its dependency on states' enactment of it, leading to great discrepancies in its abilities to deal with international crime. Furthermore, the ICC's effectiveness is limited due to its inefficiencies in prosecuting individuals of international crime, seen with only 10 individuals prosecuted since it began. This is further evident with the conviction of Thomas Lubanga, as seen in "Congo child army recruiter finally convicted" (Lewandowski, 2012) where it displays desiring how it took six years from when Lubanga was first turned over by the Democratic Republic of Congo to his conviction in the ICC, demonstrating

time inefficiency of the ICC that limits it's effectiveness at dealing with international crimes, the ICC is an international measure that is close to provide significant justice in regards to international crime but is limited due to its lack of enforcement measures and time inefficiencies.

Domestic and international measures have played the foundation for the potential to create a unified response to dealing with transnational international crime, - but has been limited in its enforcement - as evident with the issue of human trafficking. The Palermo Protocol (2000) was the first global convention for establishing a definition of human trafficking. with further and with 180 states ratifying it, it is evident that it has been significant in creating a global unified response in dealing with international crime, as it has been a step forward for responses to human trafficking. However, the Palermo protocol has been criticised for merely being a symbolic framework, as it lacks any explicit targets or mechanisms for which states accountable for addressing human trafficking, and has been unable to address the issue of many nations not having the culture in dealing with breaches of international crimes. As such, this has led to its effectiveness, evident with there still existing 40-3 million

people that are being human trafficked worldwide according to the International Labor organisation's ~~Be~~ CLO)'s 2016 Report - Thus, this international response has not led to a proactive response to dealing with human trafficking, making it lacking in dealing with international crime - Additionally, Australia's domestic responses to human trafficking have also ~~been~~ seen a foundation for the dealing of international crime / leading for ~~a~~ ~~trial~~ Somewhat of an effective measure in dealing with international crime - This is evident with Australia's ~~the~~ treatment of the Palermo Protocol with the Criminal Code Amendment (Trafficking ~~against~~ in persons) Act 2005, which established all forms of human trafficking in Australia, ~~has~~ setting a foundation for domestic responses to effectively address human trafficking - This legislation has led to conviction of individuals who violate international crime of human trafficking, seen in R - ~~Tofilo~~ Tang (2008), where a woman was convicted of possessing ownership ~~of~~ over slaves after bringing 5 Thai Women to work in her brothel, showing the ability ~~effectiveness~~ of this domestic response in holding international criminals accountable and bring justice for victims, showing it an effective measure in dealing with international crime - However, despite this, Australia's

human trafficking issue is still a significant threat to our community, with the ILO's estimate of 15,000 people being human trafficked in Australia according to their 2016 ILO 2016 Report, thus demonstrating Australia's inability of their domestic response to address the human trafficking on a wider scale, limiting their complete success in dealing with international this issue is still prevalent in Australia. There both international and domestic measures have been successful in placing the foundation to deal with human trafficking, but they are limited in their effectiveness due to the rate of progress made in dealing with this international crime.

Sample Paragraph #2

Domestic and International (IL) measures have proven effective to a very limited extent in dealing with international crime. The nature of International crime falls under two categories: transnational crimes and ~~crimes~~ crimes against the international community. ~~There~~ Along with International Laws, namely enforced in the United Nations (UN) charter, the UN's judicial organ, the International Court of Justice (ICJ) along with a seperate entity ~~known~~ known as the International Criminal Court (ICC) have played a pivotal role in dealing with international crime. ~~Moreover, the effectiveness~~

Domestic measures have proven to be effective to a great, yet limited, extent in dealing with international crime. Human trafficking is a IL crime under "Transnational crimes" which involves the act of entrapping individuals against their will, often for exploitative personal gain which infringes Article 8 of the International Convenent on Civil and Political Rights (ICCPR) (1966) which is the right to be free from slavery and servitude. ~~The existence of~~ Australia is

signatory to the ICCPR and the existence of Modern Slavery is demonstrated in the matter of R v Chee Mei Wong (2013) where the accused enslaved migrants from Thailand into sexual servitude against their will due to the entrapment of the SIV individuals who had forfeited their passports, the accused was sentenced to 6 years in prison with a minimum of 3 years, outlining the effectiveness of Domestic measures in dealing with intersectional crime. Moreover, Australia's ratification and enactment of the Modern Slavery Act 2018 (Cth) enures that human trafficking and modern slavery is highly monitored by large companies and entities to ensure no form of human trafficking occurs within institutions, outlining the effectiveness of Domestic measures in dealing with transnational crimes, resulting in a 23% decrease in human trafficking cases (BOCSAR). → overall link to Qn'

International Measures through the temporary ad-hoc courts and tribunals have been highly limited in effectiveness due to the length and cost of tribunals, often failing to uphold international law. The International Criminal

However, IL instruments such as the ICC ~~and ICT~~ have often proved highly limited in their effectiveness to deal with international crime, primarily due to the consensual nature of IL law which exists due to the principle of State sovereignty (SS). SS is outlined in Article 2(7) of the UN charter and both impedes and constitutes the effectiveness of ICT and ICC. The ICC, established under the Rome Statute (2002), has many structural flaws with Guardian (2019) outlining "inability to promote" IL law as many global superpowers, including America, China and Russia do not acknowledge its authority and have not signed on to the treaty, resulting in a very limited effectiveness when dealing with IL law and crime as nations do not recognise the courts jurisdiction. This is often with BBC News outlining as "major flaw" (2016). seen in the matter of Omar al'Bashir who dismissed the court's charges of 3 counts genocide against him as well as the killing of 300,000 Sudanese people,

with the Guardian (2017) outlining how "Al'Bashir will not face a judicial reckoning" due to the highly conceptual nature of IL law, demonstrating ineffectiveness in reality. However, the conviction of Al Mahdi in 2016 following the destruction of 10 religious monuments in Mali resulted in a "great example of enforcing World Heritage Conservation" of religious sites, (ABC 2016), outlining how IL reality can remain crucial in dealing with International crime.

Question 26 – Global Environmental Protection (25 marks)
To what extent does the law protect the global environment? In your response, refer to at least ONE contemporary issue concerning global environmental protection.

Criteria	Marks
• Demonstrates extensive understanding of global environmental protection • Makes an informed judgement about the extent to which the law protects the global environment • Integrates relevant examples such as legislation, cases, media, international instruments and documents into the response • Presents a sustained, logical and cohesive response using relevant legal terminology and concepts	21 – 25
• Demonstrates substantial understanding of global environmental protection • Makes a sound judgement about the extent to which law protects the global environment • Uses relevant examples such as legislation, cases, media, international instruments and documents in the response • Presents a logical and cohesive answer using relevant legal terminology and concepts	16 – 20
• Demonstrates an understanding of global environmental protection • Makes a judgement about the extent to which the law protects the global environment • Makes reference to examples such as legislation, cases, media, international instruments and documents in the response • Presents a structured answer using relevant legal terminology and concepts	11 – 15
• Demonstrates limited understanding of global environmental protection • Makes general statements about the law and/or global environment • Makes limited reference to examples such as legislation, cases, media, international instruments and documents in the response • Uses some relevant legal terminology and/or concepts	6 – 10
• Writes in general terms about global environmental protection • May include reference to legislation, cases, media, international instruments and documents • May refer to general legal terms	1 – 5

Markers Comments

- This was the preferred response for the majority of the students.
- Candidates were asked to make a judgement as to the extent that the law protects the global environment.
- This question is very open to the use of examples and gave candidates a range of both international initiatives and domestic examples of signing and enacting these initiatives.
- Most of the better responses used an issues based approach to make judgements with biodiversity, ozone depletion and climate change as their issues and used the contemporary issue of Australian compliance as an example of domestic enforcement.
- Discussions of the issue of sovereignty were succinct and led to prosecuting arguments as to the double edged nature of this international law concept.

- Some candidates chose pollution and resource extraction as examples and most of these responses led to international agreements being enforced domestically despite the issue of state sovereignty.
- The best responses referred to the question at the end of each paragraph as to the extent of the law protecting the global environment and used extensive examples of international agreements, domestic legislation, authorities and statistics to support the judgement.

NOTES FOR FUTURE

- When introducing the response don't make a value judgement in the first paragraph – you haven't given any evidence yet to support the judgement. In this question example lead in by stating that *to an extent the law protects the global environment* as opposed to stating to what degree it does or doesn't protect the environment. Later you make that judgement at the end of your paragraphs with evidence
- If your time is running short, put in a quick plan – you will pick up marks for it even if it doesn't get there in the main body of the response
- Don't go overboard with the depth of the examples – use them as a quick reference to support a point but don't make the responses entirely about a single example
- Don't make unsupported judgements – the marker may well agree with you from a personal view but a subjective view isn't what the question is asking
- Try to look at the limitations of the law – both jurisdictional and in enforcement. The lack of protection for the Tasmanian kelp forests is an example of the limitations of the EPBC Act 1999

26 (a) Assess the effectiveness of the legal and non-legal measures in achieving global environmental protection. Refer to ONE contemporary issue in your response

Criteria	Marks
• Demonstrates extensive understanding of legal and non-legal responses relating to global environmental protection • Makes an informed judgement, using criteria, about the effectiveness of legal and non-legal responses in protecting the environment • Integrates relevant examples such as legislation, cases, media, international instruments and documents • Presents a sustained, logical and cohesive response to the question using relevant legal terminology and concepts	21-25
• Demonstrates substantial understanding of legal and non-legal responses relating to global environmental protection • Makes a sound judgement, using explicit or implicit criteria, about the effectiveness of legal responses and non-legal responses in protecting the environment • Uses relevant examples such as legislation, cases, media, international instruments and documents • Presents a logical and cohesive response to the question using relevant legal terminology and concepts	16-20
• Demonstrates an understanding of legal AND/OR non-legal responses relating to global environmental protection • Makes some judgement about the effectiveness of legal AND/OR non-legal responses in protecting the environment • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured response to the question using relevant legal terminology and concepts	11-15
• Demonstrates limited understanding of legal AND/OR non-legal responses relating to global environmental protection • Makes statements about the effectiveness of legal AND/OR non-legal responses in protecting the environment • Makes limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some relevant legal terminology	6-10
• Writes in general terms about global environmental protection • May include reference to legislation, cases, media, international instruments and documents • May refer to general legal terms	1-5

Marker's Comments

- This was the least preferred question as the open-ended nature of the first question attracted the majority of candidates.
- The question asked the students to make an assessment as to the effectiveness of legal and non-legal responses in achieving environmental protection.
- It is important to remember that in these questions the non-legal measures need to be dealt with but it doesn't need to be equal in length or depth with the legal responses. Above all other non-legal responses the media is the most important as issues that the media bring to the public's attention tend to be dealt with by the government in democracies.

- The better responses identified a range of legal measures that are being used by the international community and by the Australian government to ratify and enact these measures by domestic legislation. They made the marker aware of the limitations posed by state sovereignty and the ability of the Federal government to enact international agreements as per Section 51 part xxix.
- The three most popular examples were biodiversity, climate cage and ozone depletion with some use of pollution and resource extraction.
- The contemporary issue that was referred to in most instances was the Australian response to international law.
- The better responses supported their assessment with the use of specific international agreements, domestic legislation, authorities and statistics. The responses were sequential and referred to the question at the end of each paragraph

Question 31 – World Order (25 marks)

a) To what extent does law reform promote compliance and deal with issues of non-compliance with regard to world order?

Criteria	Marks
• Demonstrates extensive understanding of world order • Makes an informed judgement about the extent to which law reform promotes compliance and deals with issues of non-compliance with regard to world order • Integrates relevant examples such as legislation, cases, media, international instruments and documents into the response • Presents a sustained, logical and cohesive response using relevant legal terminology and concepts	21 – 25
• Demonstrates substantial understanding of world order • Makes a sound judgement about the extent to which law reform promotes compliance and deals with non-compliance with regard to world order • Uses relevant examples such as legislation, cases, media, international instruments and documents in the response • Presents a logical and cohesive answer using relevant legal terminology and concepts	16 – 20
• Demonstrates an understanding of world order • Makes a judgement about the extent to which law reform promotes compliance and/or deals with issues of non-compliance with regard to world order • Makes reference to examples such as legislation, cases, media, international instruments and documents in the response • Presents a structured answer using relevant legal terminology and concepts	11 – 15
• Demonstrates limited understanding of world order • Makes general statements about law reform and/or compliance and issues of non-compliance with regard to world order • Makes limited reference to examples such as legislation, cases, media, international instruments and documents in the response • Uses some relevant legal terminology and/or concepts	6 – 10
• Writes in general terms about world order • May include reference to legislation, cases, media, international instruments and documents • May refer to general legal terms	1– 5

Law reform covered included

- R2P – Article 4 UNSCR, Para 138-139 World Summit 2005, Link of Syria, Libya, etc
- International Court of Justice (ICC) – Article 17 UN Charter – ICC act states unwilling
- International Criminal Court (ICJ) – Article 3 UN Charter – Advisory Opinions
- Ad Hoc Tribunals such as ICTY, ICTR, and ECCC
- European Courts of Human Rights
- Permanent Court of Arbitration (PCA)
- International instruments
    - UN Charter (1945) Article 2 (3) – peaceful settling disputes, Article 2 (4) – non-use of force, Article 42 – use of force
    - UNCLOS, including the South China Sea dispute and the breach of UNCLOS articles (57, 60, and 300) – can also link PCA decision,
    - Geneva Conventions 1949 and Additional Protocols
    - Nuclear Non-Proliferation Treaty (NPT) (1968)
    - Arms Trade Treaty 2013

- UNSC Resolutions, Veto powers - UN Charter Article 27 (iii), Chapter 7 Powers
- Intergovernmental Organisations – ASEAN, EU, AU, Arab League
- Peace Keeping forces - INTERFET

Compliance

- Compliance can vary when it comes to world order issues due to the consensual nature of IL and issues of State Sovereignty
- Promote peaceful, stable and cooperative international relations
- Prevent and resolve conflicts between nations and organisations

Non-Compliance

- Failure to abide by international treaties or agreements
- Undermined by state sovereignty
- Lack of enforceability of IL
- Use of force or aggression against nations
- Non-compliance with international human rights standards.
- Veto powers UNSC

Dealing with issues of non-compliance with regard to world order,

- Resolutions
- International legal bodies such as the International Court of Justice may be involved
- Use of diplomatic pressure
- Economic sanctions
- Military intervention.
- Education and awareness campaigns - can help promote an understanding of IL, as well as promote the peaceful resolution of conflicts in the promotion of human rights and social justice.
- Efforts to promote collaboration between nations and IGOs - can also help to promote compliance

General comments:

- This was the least preferred question, as the open-ended nature of the second question attracted the majority of candidates
- Read carefully the set question, look at the directive term & spend time planning the written response.
- Some students also need to improve their handwriting skills, improve essay style, and make use of distinct paragraphs throughout their responses.
- The extent to which international law reform promotes compliance and deals with issues of non-compliance needs to be clearer at times. The key term was compliance which should demonstrate law reform. This could be seen in new treaties, courts, cases and principles such as the Responsibility to protect.
- Students need to integrate the essence of the question in their paragraphs and not only at the end of the paragraph to link back. Some need to focus on writing more logically, concisely and clearly.

Better responses

- Extensively covered law reform - elaborating how reform can play a significant role in promoting compliance and maintaining world order and not just identifying them (demonstrating specific knowledge) - how effective these reforms are in international laws and regulations.
- Extensively covered law reform - elaborating how reform can address issues of non-compliance by helping address and prevent conflicts between nations and ensure that disputes are resolved peacefully through legal mechanisms (demonstrating specific knowledge) - how effective these reforms are in international laws and regulations.
- Addressed specific implications of both compliance and non-compliance when trying to achieve world order.
- Judgements well-articulated using clear criteria as the basis of evaluating the effectiveness and ineffectiveness of law reform using contemporary issues. Provided justification and balanced reasoning in support of the comprehensive judgements. (Highlighting the difficulty, ease, and limitation of the responses achieving justice in regards to world order)
- Integrate a variety of relevant supporting examples as evidence to demonstrate the effectiveness of the legal responses in encouraging cooperation and resolving conflict in achieving world order, including establishing instruments such as United Nations Security Council Resolutions and The Rome Statute.
- Clearly, —
- Integrating and analysing relevant media reports, documents, international law and opinions from experts.

Students need to improve:

- Some students also need to improve their handwriting skills
- Answer the question - knowing your syllabus dot points will help ensure you are answering the question
- Avoid writing page long introduction
- PLAN!!!!!
- Use PLEEL/PEEEL Structure -Improve essay style and make use of *distinct paragraphs* throughout their responses
- Link the end of the paragraph to the question even though it is repetitive.
- Not rushing to examples or evidence, needed to demonstrate specific knowledge of contemporary issues before introducing the responses
- Quote cases & legislation correctly. Try and include media articles, especially those provided in booklets
- Avoid being too descriptive - focus on the relevance of the evidence as these aids demonstrate the effectiveness/ineffectiveness of the responses

Sample introduction

Law reform in regards to promotng compliance and dealng with issues of non-compliance to maintain world order has been limited in its effectiveness due to the issue of State sovereignty that acts as a barrier for states from unwanted input from the international community. This is recognised in the issues of promotng compliance with regards to territorial integrity as well as human rights laws as part of the development of "Responsibility to protect" (R2P) doctrine, where law reform was ineffective as states chose to ignore international laws regardless. Thus overall, law reform has been limited in dealng with issues of compliance in regards to world order.

Sample paragraph #1

The development of inter-state conflict prevention mechanisms through law reform have also been limited by SS. These powers are granted to the UN Security council (UNSC) which as seen in Article 42 of Chapter VII of the UN charter, allows them to use "force" to coerce states into complying with world peace and dealng with non-compliant states to achieve world order. This is recognised in UNSC resolution 660 and 678 which authorised the use of force in Kuwait to forcefully eject the invading non-compliant Iraqi forces and promote compliance with territorial sovereignty established in Article 2(4) of the UN charter. However, a major limitation exists when members of the Permanent 5 exercise their state sovereignty to act in their own political interests as all UNSC resolutions must

not be disapproved by any of the permanent 5 ~~nations~~ nations to pass ~~as~~ as established in Article 27 of the UN charter, severely limiting law reform in the UNSC's powers to ~~stop~~ deal with non-compliant states when it is in the political interests of one of the 5 not to do so. This is seen in the current ~~war~~ ~~by~~ invasion of Ukraine by Russia in 2022, where it vetoed any resolution by the UNSC attempting to condemn its actions or force it to withdraw, demonstrating how non-compliance of states in the P5 ~~as~~ cannot be dealt with by law reform. ~~This is~~ However, this has been mitigated in law reform in UNSC resolution 377 (Uniting for peace) which grants the general assembly powers to make recommendations on matters of international security if the UNSC is unable to. This has promoted compliance ~~by~~ as seen in the eleventh ~~special~~ emergency special session of the UA, where it passed resolutions that strengthened the international response to Russia's actions by collectively refusing to recognise its annexed territories such as Donetsk in resolution ES-11/4. However, there

resolutions have been criticised as largely symbolic and without the actual power to deal with non-compliance, thus demonstrating the ineffectiveness of international law reform in dealing with non-compliant states due to SS.

Sample paragraph #2

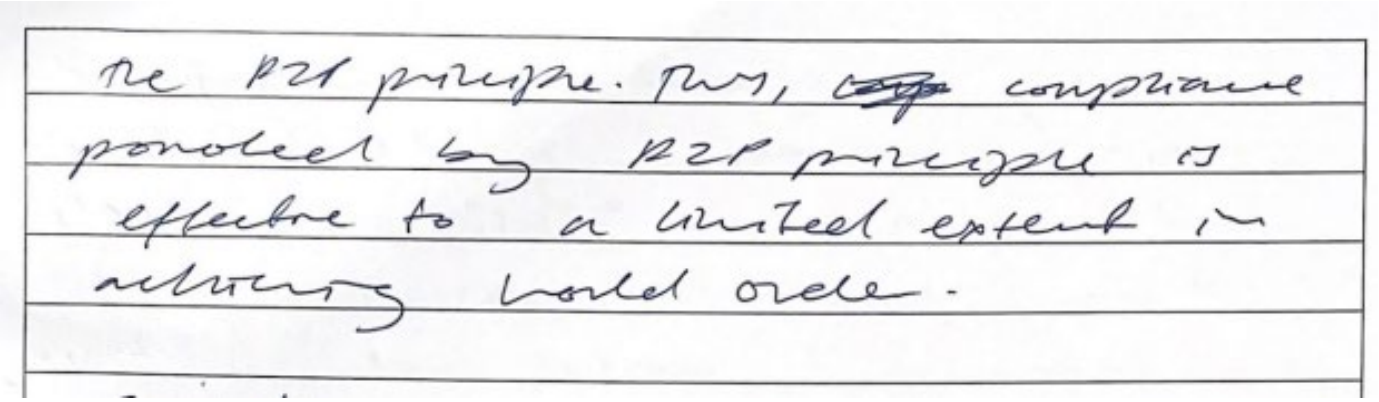
Moreover, ~~Chapter 5~~ the role of the United Nations security Council (UNSC) ~~has~~ as outlined under law reform ~~of~~ and creation of the UN Charter is highly limited in its ability to provide compliance in regards to World Order. Chapter 5 of the United Nations Charter outlines the role of the UNSC as dealing with threats against international security, along with Article 27 of Chapter 5 outlining the Power of the Permanent 5 members in the passing of binding resolutions. Due to the disproportionate power assigned to

the permanent 5 (P5) which enables them to block and veto the passing of any resolutions, has have caused severe limitations in sanctions compliance. This ~~has~~ is outlined in the blocking of over 16 resolutions in the past decade by Russia (a P5 member) in response to any resolution towards Syria due to the political alliance between the dictatorial Assad Regime and Russian Federation, ~~thereby~~ thereby ~~the~~ ~~has~~ preventing any sanctions of compliance with International law and a lack of law reform. This ineffectiveness is further highlighted in the Ghouta Chemical attacks in Syria where the lack of humanitarian intervention and aid was due to the ~~veto~~ Russian vetoing resolutions, outlining the lack of compliance of the Assad Regime with the Universal Declaration of Human rights by attacking civilians, a lack of compliance which is not addressed

by international law as article 27 of Chapter 5 of UN charter enables the passing of resolutions from the P5. This is further seen in the Russian unlawful military advancement into Ukraine on 25 February 2022 where Russia infringed ~~the~~ Article 2(4) of the UN charter by violating Ukraine's sovereignty. However, any response and humanitarian aid has been denied through Russia's veto in the UNSC, preventing cooperation with the law under Article 2(4) which requires nations to ~~respect~~ acknowledge the territorial sovereignty of other States. Thus, law ~~cannot~~ ~~practice~~ deals with issues of non-compliance to a highly limited extent in regard to world order due to the disproportionate power of the P5.

Contrastingly, the effectiveness of UNSC and law reform under the 'R2P' principle have enabled compliance in ~~both~~ issues.

~~But it~~ The 'R2P' principle under chapter 7 article 42 of the UN charter enables the use of force when nations are deemed unable to govern themselves. The passing of resolution 1973 enabled the enactment of the R2P principle in Libya 2011 where the "no fly zone" and tasked sanctions "prevented thousands of civilian deaths" (Guardian 2021). ~~Further,~~ ~~However,~~ Thus, R2P outlines the compliance of states to international law regarding ~~for~~ the chapter 7 powers when political will aligns, with all UN members approving the resolution as there is no political agenda in Libya, outlining the effectiveness of law reform under Article 42 of UN charter in promoting compliance. However, R2P principle is only a ~~temporary~~ temporary aid and removal of gross human rights violations, with Libya ~~remaining~~ in a civil state 2014 paving "difficult post-hellum circumstances" (BBC 2015) following



Success Criteria

- ☐ I have displayed a broad understanding of law reforms in world order, elaborating on how they work (demonstrating specific content knowledge)
- ☐ I have clearly made links to how the law reforms in world order promote compliance and the implications when trying to achieve world order
- ☐ I have clearly made a well-articulated judgement on how effective these law reforms are in encouraging compliance and provided justification for the judgment.
- ☐ I have clearly made links to how the law reforms in world order deal with issues of non-compliance and the implications when trying to achieve world order
- ☐ I have clearly made a well-articulated judgement on how effective these law reforms are in dealing with non-compliance and provided justification for the judgment
- ☐ I have made an informed, balanced judgement throughout my response
- ☐ I have consistently integrated relevance LCMDI throughout my response
- ☐ I have used the PEEEL paragraph and linked the question back at the end of the argument/paragraph

b) Assess the effectiveness of the legal and non-legal measures in achieving justice in regard to world order. Refer to ONE contemporary issue in your response.

Criteria	Marks
• Demonstrates extensive understanding of legal and non-legal measures in regard to world order • Makes an informed judgement, using criteria, about the effectiveness of legal and non-legal measures in achieving justice in regard to world order • Integrates ONE contemporary issue concerning world order • Integrates relevant examples such as legislation, cases, media, international instruments and documents • Presents a sustained, logical and cohesive response to the question using relevant legal terminology and concepts	21-25
• Demonstrates substantial understanding of legal and non-legal measures in regard to world order • Makes a sound judgement, using explicit or implicit criteria, about the effectiveness of legal and non-legal measures in achieving justice in regard to world order • Uses ONE contemporary issue concerning world order • Uses relevant examples such as legislation, cases, media, international instruments and documents • Presents a logical and cohesive response to the question using relevant legal terminology and concepts	16-20
• Demonstrates an understanding of legal AND/OR non-legal measures in regard to world order • Makes some judgement about the effectiveness of legal and non-legal measures in achieving justice in regard to world order • Makes some reference to examples such as legislation, cases, media, international instruments and documents • Presents a structured response to the question using relevant legal terminology and concepts	11-15
• Demonstrates limited understanding of legal AND/OR non-legal measures in regard to world order • Makes statements about the effectiveness of legal and non-legal measures in achieving justice in regard to world order • Makes limited reference to examples such as legislation, cases, media, international instruments and documents • Uses some relevant legal terminology	6-10
• Writes in general terms about world order • May include reference to legislation, cases, media, international instruments and documents • May refer to general legal terms	1-5

Legal measures covered included:

- United Nations
- UNSC – Resolutions, Veto powers - UN Charter Article 27 (iii), Chapter 7 Powers
- International Court of Justice (ICJ) – Article 17 UN Charter
- International Criminal Court (ICJ) – Article 3 UN Charter – Advisory Opinions
- Ad Hoc Tribunals such as ICTY, ICTR, and ECCC
- European Courts of Human Rights
- Permanent Court of Arbitration (PCA)
- International instruments
    - UN Charter (1945) Article 2 (3) – peaceful settling disputes, Article 2 (4) – use of force
    - UNCLOS, including the South China Sea dispute and the breach of UNCLOS articles (57, 60, and 300) – can also link the PCA decision, Geneva Conventions 1949
    - NPT (1968)
- Intergovernmental Organisations – ASEAN, EU, AU, Arab League
- R2P – Article 4 UNSCR, Para 138-139 World Summit 2005, Link of Syria, Libya, etc
- State Sovereignty - Article 2 UN Charter, Treaty of Westphalia, Chapter X11: overrule SS

Non-legal measures covered included:

- Political negotiations and Persuasion
- Use of force
- Media – Article 19 ICCR allows freedom of information
- NGOs – Amnesty International, Red Cross, International Crisis Group (ICG), International Coalition for the Responsibility to Protect (ICRP), Coalition for the International Criminal Court (CICC), International Campaign to Abolish Nuclear Weapons (ICAN)

Contemporary Issues:

- R2P – Libya, Syria
- Regional and global situations that threaten peace and security amongst others – Iran, North Korea
- Success of global cooperation in achieving world order – R2P Libya, East Timor, ICC
- Rules regarding the conduct of hostilities – IHL, Geneva Conventions

Achieving Justice in World Order

- Respect for Human Rights
- Rule of Law – accountability for actions
- Global Cooperation
- Resolution of Conflict
- Protection of vulnerable people
- Effective international institutions
- Accountability
- Access to essential services
- Economic Justice

General comments:

- Read carefully the set question, look at the directive term & spend time planning the written response.
- Some students also need to improve their handwriting skills, improve essay style, and make use of distinct paragraphs throughout their responses.
- This was a more popular question where many students demonstrated extensive knowledge of the effectiveness of the legal and non-legal responses in achieving world order.
- Students mostly used the contemporary issue of Responsibility to Protect Regional and global situations that threaten peace and security
- Some popular evidence included the South China Sea dispute, including UNCLOS articles and PCA. Students were able to contrast this dispute well with the Australia v Timor Leste maritime disputes and the positive impacts of state sovereignty on enhancing diplomatic relationships and giving Timor Leste a chance to earn profits and for the country to prosper.

Better responses

- Extensively covered legal responses and at least TWO non-legal responses - elaborating how legal responses work and not just identifying them (demonstrating specific knowledge) - how effective these responses are in achieving justice in regards to world order.
- Judgements well-articulated using clear criteria as the basis of evaluating the effectiveness and ineffectiveness of the responses using contemporary issues. Provided justification and balanced reasoning in support of the comprehensive judgements. (Highlighting the difficulty and the ease, limitation of the responses achieving justice in regards to world order)
- Integrate a variety of relevant supporting examples as evidence to demonstrate the effectiveness of the legal responses in encouraging cooperation and resolving conflict in achieving world order, including establishing instruments such as United Nations Security Council Resolutions and The Rome Statute.
- Clearly, articulating the link between the response and the outcome (achieving justice - **rule of law, accountability, resolution of conflict, protection of vulnerable, global cooperation** etc.) in regards to world)
- Integrates ONE contemporary issue concerning world order with a brief description of world issue
- Integrating and analysing relevant media reports, documents, international law and opinions from experts.

Students need to improve:

- Some students also need to improve their handwriting skills
- Answer the question - knowing your syllabus dot points will help ensure you are answering the question
- Avoid writing page long introduction
- PLAN!!!!!
- Use PLEEL/PEEEL Structure -Improve essay style and make use of *distinct paragraphs* throughout their responses
- Link the end of the paragraph to the question even though it is repetitive.
- Not rushing to examples or evidence, needed to demonstrate specific knowledge of contemporary issues before introducing the responses
- Quote cases & legislation correctly. Try and include media articles, especially those provided in booklets
- Avoid being too descriptive - focus on the relevance of the evidence as these aids demonstrate the effectiveness/ineffectiveness of the responses

Sample paragraph#1

The principle of Responsibility to protect (R2P) was introduced in an attempt to override SS to achieve world order, but ~~it contains a~~ has been limitations due to its inability to provide just outcomes for the global community. R2P was endorsed by all of attending members at the 2005 World Summit, also the paragraphs 138 & 139 of the World Summit Outcome Document states that R2P can be used to override SS if a nation state's government fails to protect its citizens from genocide, Crimes against humanity and war crimes. thus As such, R2P was an international a legal measure that paved the framework for creating world order. This was made evident with ~~protection~~ 1970 the 2011 Libyan Civil War, where R2P was invoked with Resolution 1970, which

saw the UNSC impose an asymmetrical advantage in favour of the ICC prosecution. Additionally, Resolution 1973 was also used by the UN to set up the subsequent NATO-led military attack which established a no-fly zone, thereby making strides in protecting civilians. These collective efforts of R2P led to the eventual collapse of the Qaddafi regime, showing the initial success of this legal norm in achieving justice for promoting world order. However, there has been continued conflict as a result of the power vacuum left and the lack of enforcement measures of R2P, rendering these legal measures ultimately unsuccessful in achieving world order. Furthermore, R2P is also limited due to its member states being able to utilise it Selfishly self-interests, as evident with the Syrian Civil War where the US has used R2P to justify their 8,772 airstrikes to areas under ISIS. As "Does the US have a R2P to protect Syrian Citizens?" (Washington Post, 2015) discloses, the US only targeted ISIS areas and not government controlled areas in order to maintain geopolitical standings with Russia & Syria, despite the deaths of over 207,000 civilians, showing how R2P can be used as a means to justify ill-intentioned actions.

saw the UNSC impose an arms embargo and freeze ICC prosecutions. Additionally, Resolution 1973 was also used by the UN to set up the subsequent NATO-led military attack which established a no-fly zone, thereby saving lives in protecting civilians. These collective efforts of R2P led to the eventual collapse of the Gaddafi regime, showing the initial success of this legal norm in promoting achieving justice for... world order. However, these have been contrasted against as a result of the power vacuum left and the lack of enforcement measures of R2P, rendering these legal measures ultimately unsuccessful in achieving world order. Furthermore, R2P is also limited due to its member states being able to utilise it Selfishly self-interests, as evident with the Syrian Civil War where the US has used R2P to justify their 8,772 airstrikes to areas under ISIS. As "Does the US have a R2P to protect Syrian Citizens?" (Washington Post, 2015) discusses, the US only targeted ISIS areas and not government controlled areas in aim to maintain geopolitical standards with Russia in Syria despite the deaths of over 207,000 civilians, showing how R2P can be used as a means to justify ill-intentioned actions.

Under the pretense of achieving world order by such, R2P is a legal measure that sought to achieve world order, but was gravely mitigated in its ability to provide just outcomes for the global community.

Sample paragraph#2 – non-legal response

Furthermore, media has the ability to raise awareness & issues that can impede world order, but is politicised due to the nature of it. Media functions as a strategic response as it can evoke a reaction to atrocities committed globally. This is because the emotive effect that contrasting images shown of global warfare by 24-hour news channels can lead to global awareness and response to address these issues. This is evident with the Syrian Civil War due to contrasting images depicted of the harm done to civilians led the UN to by the media led the UN to enact Resolution/Obj 2401, which called for a "durable humanitarian pause" to allow the Clark warfare for 30 days to allow the UN to provide for essential medical assistance and supplies, thus showing the effectiveness of the media as a strategic response to the evoke response to threats of world order. This is further evident with the contrasting images of the 1991 Battle of Mogadishu where the atrocities and horrible acts committed by the US for "humanitarian intervention" led the global outrage this caused to the US being forced to withdraw from Operations, resulting for effectiveness of

media and its CNN effect in inciting responses for world order. Both However, the media can be limited due to its ability to controlled by the state which can mitigate its effectiveness in showcasing (leads) to an ineffective ~~and~~ ~~to~~ atrocities committed by ~~nationals~~. This is evident with the lack of information surrounding the Chinese Uyghur Muslim detention camps due to China's control of the media, leading to lack of outrage and lack of aggressive acting actions for those actions to promote world order. As such, the media is significant in its ability to call ~~call~~ attention to world order but is due to be controlled ~~leading~~ to only be somewhat effective in acting justice.

Overall, both legal and non-legal mechanisms both promote and raise awareness of ~~the~~ world order but are limited / heavily ~~from~~ their responses have dominant effects in acting justice in regards to world order.

Success Criteria

- ☐ I have extensively covered legal responses, elaborating on how they work (demonstrating specific content knowledge)
- ☐ I have clearly made links to how the legal responses achieve justice in world order (rule of law, respect for human rights, global cooperation, resolution of conflict, protection of vulnerable people, effective international institutions, access to essential services, etc.)
- ☐ I have clearly made a well-articulated judgement on how effective legal responses are and provided justification for the judgment.
- ☐ I have extensively covered non-legal responses, elaborating on how they work (demonstrating specific content knowledge)
- ☐ I have clearly made links to how the non-legal responses achieve justice in world order (rule of law, respect for human rights, global cooperation, resolution of conflict, protection of vulnerable people, effective international institutions, access to essential services, etc.)
- ☐ I have clearly made a well-articulated judgement on how effective these non-legal responses are and provided justification for the judgment
- ☐ I have made an informed, balanced judgement throughout my response
- ☐ I have consistently incorporated achieving justice into my evaluation
- ☐ I have consistently integrated relevant LCMDI throughout my response
- ☐ I have used the PEEEL paragraph and linked the question back at the end of the argument/paragraph
- ☐ I have incorporated ONE of the following contemporary issues:
    - ✓ R2P
    - ✓ regional and global situations that threaten peace and security, amongst others
    - ✓ Success of global cooperation in achieving world order
    - ✓ Rules regarding the conduct of hostilities