##### Optional Focus Study 8 – World Order

##### Principal Focus

In applying the framework, students learn about the different components and legal instruments of world order.

##### Outcomes

A student:

H1.1 applies domestic and international legal vocabulary in appropriate contexts

H2.3 evaluates the effectiveness of domestic law in responding to global challenges

H3.1 analyses the interrelationship between law, justice and society and the changing nature of law

H3.2 assesses how cultures and values of different groups within society impact on the legal system

H3.3 evaluates the effectiveness of the processes and mechanisms of change in the legal system

H3.4 analyses legislation, cases, media reports and opinions to review arguments for change and reform in the law

H4.1 analyses specific problems encountered in gaining access to the legal system

H4.2 assesses the effectiveness of dispute resolution mechanisms

H4.3 explains rights and responsibilities and evaluates the provisions of domestic and international legal systems in addressing these issues

H5.1 selects and organises relevant legal information from a variety of sources and evaluates information and sources for usefulness, validity and bias

H5.2 investigates, analyses and synthesises legal information from a variety of perspectives and presents the findings of investigations

H5.3 communicates through well-structured texts to describe, explain, argue, discuss, analyse, evaluate and apply legal information, ideas and issues using appropriate written and oral forms

H5.4 uses planning and review strategies to manage effectively the competing demands of complex tasks and makes effective use of time and resources.

##### Content

Students learn about:

*Key Legal Concepts and Features of the Legal System*

• the need for world order: forms of conflict, expansionism, growth of interest in limiting war in human society, interdependence, impact of conflict on indigenous peoples and local communities

• the main ways of working for world order: world government, world/regional federation, peace-enforcement and peacekeeping, regulation of the conduct of hostilities, humanitarian intervention

• implementation of international agreements: State sovereignty and the roles of national governments in being both the vehicle to implement world order agreements and also the obstacle to accepting new ones

Legal Issues and Remedies

• the scope for achieving world order: force, international instruments (declarations and treaties) international customary law, the United Nations, regional inter-governmental organisations, non-government organisations (eg Red Cross/Red Crescent Movement) and media

• the role of international tribunals

– International Court of Justice (ICJ)

– other international tribunals

• the role of Australia’s federal structure in determining Australia’s response to the search for world order

• non-legal remedies (force, persuasion, political negotiation)

Morality, Ethics and Commitment to the Law

• the extent to which law reflects moral and ethical standards

• commitment to the law – the issue of compliance and non-compliance

*Effectiveness of the Law*

• factors to be considered when evaluating the effectiveness of law in achieving justice:

– for individuals: equality, accessibility, enforceability, resource efficiency, protection and recognition of individual rights

– for society: resource efficiency, law as a reflection of community standards and expectations, opportunities for enforcement, appeals and review, balance of individual rights and values and community rights and values

– for the nation-state: recognition of nation-state, sovereignty, interdependence of nation-states, enforceability, equality of treatment between nation-states, addressing inequality between nation-states, balance of international standards and expectations of nation-states

*Law Reform*

• the agencies of reform and the conditions that give rise to the need for reform

– law reform commissions, parliament, courts, changing social values and composition of society, new concepts of justice, failure of existing law, international law and new technology.

#### Key Questions/Issues

• Why do we need world order?

• What forms of conflict disrupt world order?

• What are the legal measures for the peaceful settlement of international disputes?

• How effective are the remedies that seek to achieve world order?