**Legal studies (Year 11) –The legal system – part 2 sources of contemporary Australian law** 

This resource has been designed to support teachers by providing a range of tasks based on syllabus content. Tasks can be incorporated into context driven teaching and learning programs in full or can be used to supplement existing programs. All content is textbook non-specific to ensure equity.

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## Aim

Legal studies develops students’ knowledge, understanding and critical thinking skills in relation to the legal system and its effectiveness in promoting a just and fair society, with a view to empowering students to participate effectively as responsible citizens at the local, national and international level.

## Principal focus

Students develop an understanding of the nature and functions of law through the examination of the law-making processes and institutions.

## Themes and challenges

* the need for law in the operation of society
* the importance of the rule of law for society
* the relationship between different legal institutions and jurisdictions
* the development of law as a reflection of society
* influences on the Australian legal system

## Outcomes

A student:

* **P1** identifies and applies legal concepts and terminology
* **P2** describes the key features of Australian and international law
* **P3** describes the operation of domestic and international legal systems
* **P4** discusses the effectiveness of the legal system in addressing issues
* **P5** describes the role of law in encouraging cooperation and resolving conflict, as well as initiating and responding to change
* **P6** explains the nature of the interrelationship between the legal system and society
* **P7** evaluates the effectiveness of the law in achieving justice
* **P8** locates, selects and organises legal information from a variety of sources including legislation, cases, media, international instruments and documents
* **P9** communicates legal information using well-structured responses
* **P10** accounts for differing perspectives and interpretations of legal information and issues

[Legal Studies Stage 6 Syllabus](https://educationstandards.nsw.edu.au/wps/portal/nesa/11-12/stage-6-learning-areas/hsie/legal-studies) © NSW Education Standards Authority (NESA) for and on behalf of the Crown in right of the State of New South Wales, 2009.

## Learning sequence 2 – sources of contemporary Australian law

Table 1 – syllabus content

|  |  |
| --- | --- |
| Students learn about: | Students learn to: |
| **Common law*** British origins, including:
* development of common law
* equity, precedent
* adversarial system of trial
* court hierarchy:
* jurisdiction of state and federal courts

**Statute law*** role and structure of parliament
* legislative process
* delegated legislation

**The constitution*** division of powers
* separation of powers
* role of the High Court

**Aboriginal and Torres Strait Islander People’s customary laws*** diverse nature of customary laws
* spiritual basis, significance of land and water
* family and kinship
* ritual and oral traditions
* mediation and sanctions
* relevance to contemporary Australian law

**International law*** differences between domestic and international law
* state sovereignty
* sources, including:
* international customary law
* instruments (declarations and treaties)
* legal decisions, writings
* role of:
* United Nations
* courts and tribunals
* intergovernmental organisations
* non-government organisations
* relevance to contemporary Australian law.
 | * outline the origin of common law
* examine the hierarchy and jurisdiction of state and federal courts
* outline the role and structure of parliament and the legislative process
* describe the function of delegated legislation
* explain the difference between the division of powers and separation of powers
* examine the role of the high court in the interpretation of the constitution
* examine the characteristics of Aboriginal and Torres Strait Islander Peoples’ customary laws
* outline the extent to which Aboriginal and Torres Strait Islander People’s customary laws have been integrated into Australian law
* distinguish between domestic and international law and examine the impact of state sovereignty.
* examine the sources of international law
* describe the role of the various organisations involved in international law
* examine how international law impacts on and is incorporated into Australian law.
 |

**Teacher note:** this learning sequence is likely to take 20–25 hours. This sequence covers foundational knowledge which is essential for later learning sequences. Syllabus themes and challenges should be integrated throughout learning sequences. Please note that cases used in the activities below should be read and assessed for the suitability of the cohort and context.

### Common law

* Brainstorm and discuss as a class where law comes from.
* Use [Types of law](https://peo.gov.au/understand-our-parliament/how-parliament-works/bills-and-laws/types-of-law/) to write a 1–2 sentence definition of common law. Check your definition against the one provided by [Law Access Legal Dictionary](https://www.legalaid.nsw.gov.au/ways-to-get-help/legal-words).
* Watch [The origins of common law (3:25)](https://www.coursera.org/lecture/intro-common-law/the-origins-of-common-law-7PTRd) and respond to the following about common law and equity in 1–2 sentences
* From which country does Australian common law originate?
* Briefly outline the single system of justice that was introduced by King Henry II.
* Explain the responsibility of the travelling justices.
* Suggest reasons the name ‘common law’ was given to this legal system.
* Explain how past equal decisions influenced the courts.
* Using [Precedent and evidence](https://legalanswers.sl.nsw.gov.au/hot-topics-courts-and-tribunals/precedent-and-evidence), complete the following
* define precedent
* distinguish between persuasive and binding precedent.
* Read the following scenario and use a [Think-Pair-Share](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/645#.Ysz6vSOhPwc.link) strategy to explain how this situation highlights the importance of precedent in achieving justice.

Your teacher has just allowed your classmate John to use green paper for his writing task. You raise your hand 5 minutes later and also ask to use the green paper. Your teacher responds, ‘No way! You know that you have to use white lined paper for this task; that’s always been the rule.’

* Watch [*Ratio Decidendi* and *Obiter Dicta* (1:10)](https://www.youtube.com/watch?v=_hVgnXqqDio) and read [Timebase – What are the superior courts which form the doctrine of precedent?](https://www.timebase.com.au/support/legalresources/What_are_the_superior_courts_which_form_the_doctrine_of_prec.html) to complete the following
* explain *Ratio Decidendi*
* explain *Obiter Dicta*
* using your knowledge from the previous task, how do you think these terms relate to the setting of precedent?
* Determine whether the scenarios provided in the table below are binding or persuasive precedent, or if no precedent applies.

Table 2 – types of precedent

|  |  |  |
| --- | --- | --- |
| Scenario | Precedent type | Court influenced by this |
| The NSW Supreme Court of Appeals sets a precedent on the use of mobile phones when driving. |  |  |
| A judge in the NSW Supreme court refers to a decision made in a South Australian court when sentencing an offender. |  |  |
| A local court magistrate decides to fine an offender and gives reasons for this. |  |  |

### Adversarial system of trial

**Teachers note:** the adversarial system of trial shows how courts work in Australia. The syllabus recommends taking students to view the courts in action on an excursion where possible. Teachers can approach their local court to organise a visit. Alternatively, the Rule of Law Education Centre offers a free [Virtual Law Day Out](https://www.ruleoflaw.org.au/virtual-law-day-out/) which includes videos, worksheets and a local court role play activity. To enable students to experience the courts, teachers may also like to explore appropriate excerpts from documentaries such as [Court Justice Sydney](https://www.youtube.com/watch?v=QJ7MYjdtCNQ) and [So Help Me God](https://www.screenaustralia.gov.au/the-screen-guide/t/so-help-me-god-1993/7041/). The below video [The Adversarial System (8:00)](https://iview.abc.net.au/show/legal-briefs) requires a free ABC account to watch it. Teachers should consider the [Controversial issues in schools policy](https://education.nsw.gov.au/policy-library/policies/pd-2002-0045) and ensure all material used is appropriate for individual classroom and school context.

* In small groups, watch [The Adversarial System (8:00)](https://iview.abc.net.au/show/legal-briefs) to complete the following
* make brief notes on how the adversarial system works
* identify as many positive and negative aspects of the adversarial system of trial as you can and summarise these into the table provided.

Table 3 – pros and cons of the adversarial system

|  |  |
| --- | --- |
|  Pros | Cons |
|  |  |

* In your small group, conduct a debate on whether the adversarial system is effective in achieving justice.
* Use your notes and what you learned in the debate to write a one paragraph response to the question ‘How effective is the adversarial system in achieving justice?’

### Court Hierarchy

**Teacher note:** for this activity, students will need to be assigned to groups to research the following courts: the [Federal](https://www.fedcourt.gov.au/about/jurisdiction) Court, [New South Wales Courts](https://courts.nsw.gov.au/courts-and-tribunals/about-us/about-the-courts-and-tribunals.html) including the [Local](https://www.localcourt.nsw.gov.au/local-court/types-of-cases.html), [District](https://www.districtcourt.nsw.gov.au/district-court/about-us/more-about-us.html) and [Supreme](https://www.supremecourt.justice.nsw.gov.au/Pages/sco2_aboutus/sco2_aboutus.aspx) Court, the [Drug](https://drugcourt.nsw.gov.au/drug-court/about-us.html) Court and the [Children’s](https://childrenscourt.nsw.gov.au/childrens-court/about-the-court.html) Court.

* As a class, use [Attorney General's Department – Courts](https://www.ag.gov.au/legal-system/courts) and [Rule of Law – Court Jurisdiction](https://www.ruleoflaw.org.au/crime/criminal-trial-processes/criminal-law-processes-court-jurisdiction/) to construct a simple visual diagram showing the federal and state court hierarchies.
* Read [Jurisdiction and hierarchy of courts](https://legalanswers.sl.nsw.gov.au/hot-topics-courts-and-tribunals/jurisdiction-and-hierarchy-courts) and use this information to complete the following
* explain the term ‘jurisdiction’ in 2–3 sentences
* explain the difference between a federal court and state court jurisdiction.
* Your teacher will divide you into small groups and assign you one of the following courts to research – the [Federal](https://www.fedcourt.gov.au/about/jurisdiction) Court, [New South Wales Courts](https://courts.nsw.gov.au/courts-and-tribunals/about-us/about-the-courts-and-tribunals.html) including the [Local](https://www.localcourt.nsw.gov.au/local-court/types-of-cases.html), [District](https://www.districtcourt.nsw.gov.au/district-court/about-us/more-about-us.html) and [Supreme](https://www.supremecourt.justice.nsw.gov.au/Pages/sco2_aboutus/sco2_aboutus.aspx) Court, the [Drug](https://drugcourt.nsw.gov.au/drug-court/about-us.html) Court and the [Children’s](https://childrenscourt.nsw.gov.au/childrens-court/about-the-court.html) Court.
* Work in your small groups to complete a [Step-Inside](http://www.pz.harvard.edu/resources/step-inside) activity for your assigned court. This means that you will explain the role of the court to the class as if you are that court. Use the following sentence stems to guide your response
* I am the (insert court name)
* My jurisdiction covers (criminal and/or civil cases) …
* I hear appeals from …
* I set precedent for …
* I am an important court because …
* As your peers present on their court, make notes on the role of each court and summarise these into the table below.

Table 4 – court jurisdiction

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Court | Jurisdiction | Precedent | Appeals | Notes |
|  |  |  |  |  |
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* Decide which court each of the following cases would be heard in. Discuss your answers with your peers.

Table 5 – which court would these cases be heard in?

|  |  |
| --- | --- |
| Case examples | Which court would the case be heard in? |
| Greg has been charged with kidnapping in NSW. |  |
| The Australian Competition and Consumer Commission brings a case against a national company for misleading advertising. |  |
| Jordan has been found guilty of assault in the NSW District Court. They are planning to appeal the decision. |  |
| Sava has been charged with trafficking drugs across borders from NSW to Western Australia. |  |
| Rayyan has been charged with vandalism of local playground equipment in Glebe, NSW. |  |
| Taylor employed a construction company to renovate his kitchen in Sydney. They did a poor job and the kitchen is falling apart. Taylor plans to sue the kitchen company and is seeking 40,000 in damages. |  |
| Morgan is 17. They were found with a large amount of marijuana on their person at a high school party in NSW. They had been selling it to their peers. They are charged with supply of marijuana. |  |
| The NSW police have been investigating a death that occurred in a home fire. They have reason to believe the death may be suspicious. |  |
| Anh has been charged with murder in NSW. |  |

* As part of this activity, you will review the role of the youth drug court and the decision to close the court. Watch [Youth drug court closure sparks debate (5:00)](https://youtu.be/87EcTm10H8I) and as a class, discuss the following questions
* What was the youth drug court?
* What were the benefits of the drug court for young people and the community?
* What were the reasons for axing the youth drug court?
* Compare the short-term cost benefit of closing the court with the long-term costs of young people entering the prison system.
* Has justice been achieved for society by closing this court?

### Statute law

**Teacher note:** in this activity, you will need to organise students into groups and assign roles to conduct a [role-play](https://peo.gov.au/teach-our-parliament/classroom-activities/parliamentary-processes-and-practices/make-a-law-house-of-representatives/). The [Parliamentary Education Office](https://peo.gov.au/teach-our-parliament/classroom-activities/parliamentary-processes-and-practices/make-a-law-house-of-representatives/) provides an instructional video on how to conduct this activity, as well as a guide for class preparation, scripts and how to set up the classroom. You will need to use the resources provided by the PEO to prepare for and conduct the role-play.

* Watch [The House of Representatives (3:51)](https://peo.gov.au/understand-our-parliament/parliament-and-its-people/house-of-representatives/the-house-of-representatives/) and complete a [Plus, Minus, Interesting](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/551#.Ysz-AGwlJ9U.link). Use this to have a class discussion on the role of parliament.
* In groups, use the [Introducing our Parliament](https://peo.gov.au/understand-our-parliament/introducing-our-parliament/) to develop an instructional [brochure](https://www.canva.com/brochures/) for Year 7 students on what the role of parliament is, and how parliament is structured.
* In groups, launch the interactive process [Pass the bill](https://peo.gov.au/understand-our-parliament/how-parliament-works/bills-and-laws/pass-the-bill/). Write a simple outline of the steps in the legislative process used in this example.
* As a class, conduct a [role-play](https://peo.gov.au/teach-our-parliament/classroom-activities/parliamentary-processes-and-practices/make-a-law-house-of-representatives/) of the House of Representatives in passing legislation. As part of this activity you will
* prepare to make a law by choosing a topic to develop a bill as a class
* divide into teacher assigned teams of government, opposition, minor parties and independents
* follow the script process to make a law and vote to either pass or reject the bill
* reflect, as a class, on the process and why your bill passed or was rejected.
* Discuss as a class why it is important for members of parliament to be elected by the people to make decisions and laws.
* Read [Delegated law](https://peo.gov.au/understand-our-parliament/how-parliament-works/bills-and-laws/delegated-law/) and as a class discuss the benefits of this type of legislation. In 2–3 sentences, describe the function of delegated legislation.
* As a class, discuss the following question – ‘Why is it impractical for parliaments to make every rule and law for society?’ Consider how long it takes to pass a bill in parliament when discussing your answers.

### The Constitution

**Teacher note:** student understanding of the Australian Constitution is key to understanding the separation of powers, division of powers, role of the High Court and the protection of the rule of law in Australia. This topic provides foundational knowledge relevant to the HSC core part 2 – human rights. For the step inside activity, students will need to be assigned a level of government to research, either Federal, State or Local. The Tasmanian Dams activity in this section asks students to complete an [ILAC Scaffold](https://www.ruleoflaw.org.au/legal-literacy/). Teachers can familiarise themselves with [the worked example](https://www.ruleoflaw.org.au/legal-literacy/) provided on the A3 PDF of the resource provided to support students to successfully complete this activity.

* Use [Introducing the Australian Constitution](https://peo.gov.au/understand-our-parliament/how-parliament-works/the-australian-constitution/introducing-the-australian-constitution/) to outline what the Constitution is, and its purpose in 1–2 sentences.
* In small groups, examine [Section 51 of the Constitution](https://ausconstitution.peo.gov.au/chapter-i_part-v_powers-of-the-parliament.html). Choose 3 legislative powers of Parliament and discuss why you think the Federal Government should have control over this area of law.
* Your teacher will divide you into small groups to research a level of government - either Federal, State or Local. Use [Division of powers](https://education.parliament.nsw.gov.au/student-lesson/division-of-powers/), [Three levels of government](https://education.aec.gov.au/teacher-resources/three-levels.html) and your own research to learn about your assigned level of government and complete a [Parts, Purposes, Complexities](http://www.pz.harvard.edu/resources/parts-purposes-complexities) activity. Use the following questions to guide your response
* What are the parts? (Consider the people involved, role)
* What are its purposes? (Consider legislative powers and if they are exclusive, residual or concurrent)
* What are its complexities? (Consider why they have this power and what problems could arise).
* Present your understanding of your level of government to your peers. Summarise each level of government in the table below.

Table 6 – parts, purposes and complexities of the division of powers

|  |  |  |  |
| --- | --- | --- | --- |
| Level of government | Parts | Purposes | Complexities |
| Federal | The leader is…The main role is to… | To make laws about… | Problems that could arise are… |
| State | The leader is…The main role is to… | To make laws about… | Problems that could arise are… |
| Local | The leader is…The main role is to… | To make laws about… | Problems that could arise are… |

* Consider what you know already about the rule of law from learning sequence 1 – basic legal concepts. As a class discuss the following
* What do you think would happen if there were no limits on government power?
* Why is it important that our legal system prevents abuse of power?
* Use [Checks and Balances](https://www.ruleoflaw.org.au/priorities/checks-and-balances/) to describe, in 2–3 sentences, the
* operation of the judiciary
* executive
* legislature as part of the system of checks and balances in Australia.
* Outline the role of the High Court in 1–2 sentences using [The role of the High Court](http://www.australianconstitutioncentre.org.au/the-role-of-the-high-court.html).
* In small groups, complete an [ILAC Scaffold](https://www.ruleoflaw.org.au/legal-literacy/) on the [Tasmanian Dams Case](http://www.australianconstitutioncentre.org.au/nationhood---the-constitution-saves-the-franklin-river.html). Use your scaffold to explain the role of the Constitution and the High Court in achieving justice in this case in one paragraph.
* Using what you have learned from the activities above and [Separation of powers: Parliament, Executive and Judiciary](https://peo.gov.au/understand-our-parliament/how-parliament-works/system-of-government/separation-of-powers/), answer the following questions in one paragraph each
* explain the difference between the separation of powers and division of powers
* explain the importance of the separation of powers in upholding the rule of law.

### Aboriginal and Torres Strait Islander Peoples’ customary laws

**Teacher note:** this activity involves materials that would support a teacher led explanation and class discussion of Aboriginal and Torres Strait Islander Peoples’ customary laws. Where possible, it is recommended that consultation is made with local Indigenous community members to support the teaching of this content relevant to local contexts. It is recommended that the first activity in this section be supplemented with additional research or school-based resources if needed to support individual school context.

* As a class, read [Law, song and a Meriam Moon Dance](https://indigenousknowledge.unimelb.edu.au/curriculum/resources/law%2C-song%2C-and-a-meriam-moon-dance) and [Aboriginal astronomy and appropriate relationships.](https://indigenousknowledge.unimelb.edu.au/curriculum/resources/aboriginal-astronomy-and-appropriate-relationships) Your teacher will lead a discussion on the nature of Aboriginal and Torres Strait Islander Peoples’ customary laws. Refer to the following ideas in your discussion
* the diverse nature of customary laws
* the spiritual basis, and significance of land and water
* the importance of family and kinship
* the role of ritual and oral traditions.
* Watch [NSW's first Koori Youth Court trial – ABC News (1:56)](https://www.youtube.com/watch?v=4KnFph9MLP8) and read [NSW Youth Koori Court reduces custody rates for Aboriginal Young people](https://www.bocsar.nsw.gov.au/Pages/bocsar_media_releases/2022/mr-YKC-outcomes.aspx). Outline in 1–2 sentences each
* the purpose of the Koori Youth Court
* the way Aboriginal approaches to mediation and sanctions have been integrated into Australian law in this program
* the impact this program has had on young Aboriginal people.
* Using what you have learned and your own research, outline the extent to which Aboriginal and Torres Strait Islander People’s customary laws have been integrated into Australian law.

### International law

**Teacher note:** this content provides foundational knowledge relevant to the HSC core part 1 – crime, international crime and HSC core part 2 – human rights, as well as option studies. The [Controversial Issues in Schools Policy](https://education.nsw.gov.au/policy-library/policies/pd-2002-0045) should be followed when exploring this topic, and it is recommended that readings are complemented by explicit teacher guidance and explanation.

* As a class, discuss what you already know about international law and how you think it influences Australia.
* Use [What is International law? (1:36)](https://www.youtube.com/watch?v=jTzKgI68VLc) and what you have discussed as a class to complete a [Frayer diagram](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/553#.YwK-4Lm4njo.link) on international law.
* Use [Customary law](https://www.icrc.org/en/war-and-law/treaties-customary-law/customary-law#:~:text=Customary%20international%20law%20consists%20of,the%20protection%20offered%20to%20victims.) to explain customary law as a source of international law in 1–2 sentences.

**Teacher note:** the following activity uses the [Jigsaw strategy](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/546#.YhbvOGkJ8yY.link). Jigsaw provides a step-by-step outline on how to run this activity in your classroom. Student attention should be brought to the role the International Court of Justice plays in relation to legal decisions and writings as a source of contemporary law. Students should go beyond the provided starting resources linked in the below activity when researching their international law body.

* Your teacher will assign you into a ‘home’ group as part of a [Jigsaw activity](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/546#.YhbvOGkJ8yY.link) to explore the role of international law bodies and organisations.
* In your ‘home’ group, each person will be allocated one of the following international law bodies to research
* [United Nations – general assembly](https://www.un.org/en/ga/)
* [United Nations – security council](https://www.un.org/securitycouncil/)
* [courts and tribunals – International Court of Justice](https://www.icj-cij.org/en)
* [courts and tribunals – International Criminal Court](https://www.icc-cpi.int/)
* [intergovernmental organisations – the European Union](https://european-union.europa.eu/index_en)
* [intergovernmental organisations – Commonwealth of Nations](https://thecommonwealth.org/)
* [non-government organisations – Amnesty International](https://www.amnesty.org.au/).
* Break into ‘expert’ groups and collaborate with your peers who have been allocated the same international law body as you. In your expert group, research your international body to
* develop a short description of the body or organisation
* provide an example of this organisation in action (this could be a case or an article which shows the work of the organisation)
* write a short explanation of how the body influences international law.
* Return to your home group and share your research with your team. As your team shares their research, summarise their findings into the table below.

Table 7 – summary of international law bodies

|  |  |  |  |
| --- | --- | --- | --- |
| International Body | Description | Example | Influence on international law |
| UN General Assembly |  |  |  |
| UN Security Council |  |  |  |
| International Court of Justice |  |  |  |
| International Criminal Court |  |  |  |
| European Union |  |  |  |
| Commonwealth of Nations |  |  |  |
| NGO Amnesty International |  |  |  |

**Teacher note:** this next activity requires students to research one treaty or declaration and examine how international law impacts on and is incorporated into Australian law. This activity should be adapted to suit class contexts where possible, and students will need to research beyond the provided starting links. Support students to make the link between signing a treaty and enacting enforceable domestic legislation to fulfil international obligations. This will then support student understanding of the subsequence learning about state sovereignty and the consensual nature of international law.

* In pairs, choose one of the below treaties or declarations to research
* [The Convention on the Rights of the Child](https://humanrights.gov.au/our-work/commission-general/convention-rights-child-human-rights-your-fingertips-human-rights-your)
* [The Universal Declaration of Human Rights](https://humanrights.gov.au/our-work/commission-general/universal-declaration-human-rights-human-rights-your-fingertips-human)
* [International Covenant on Civil and Political Rights](https://humanrights.gov.au/our-work/commission-general/international-covenant-civil-and-political-rights-human-rights-your)
* [International Covenant on Economic, Social and Cultural Rights](https://humanrights.gov.au/our-work/commission-general/international-covenant-economic-social-and-cultural-rights-human-rights)
* [International Convention on the Elimination of all forms of Racial Discrimination](https://humanrights.gov.au/our-work/commission-general/international-convention-elimination-all-forms-racial-discrimination)
* [another international instrument](https://humanrights.gov.au/our-work/rights-and-freedoms/publications/human-rights-your-fingertips) as approved by your teacher.
* Present your findings in either a written report, a [visual presentation](https://app.education.nsw.gov.au/digital-learning-selector/LearningTool/Card/653#.Ys40BZSX14g.link) or a [podcast](https://app.education.nsw.gov.au/digital-learning-selector/LearningTool/Card/186#.Ys40BYyExoI.link) outlining
* the key features of the treaty
* when Australia agreed to be bound by the treaty
* what domestic measures (enacting laws) Australia has taken to enact the treaty
* any positive or negative criticisms on how well Australia is fulfilling their international obligations.
* Watch [Sovereignty explained (4:40)](https://youtu.be/0EggqmMixig). Use this resource and the ideas from your class discussion to define state sovereignty.
* Imagine that all school rules were voluntary to follow. This means you could choose, or agree to follow certain rules, but no one could force you, and there would be no consequences from teachers. In small groups, discuss the advantages and disadvantages of this system and share your ideas with the class.
* As a class, read [Why is investigating war crimes so difficult?](https://theconversation.com/civilians-are-being-killed-in-ukraine-so-why-is-investigating-war-crimes-so-difficult-178155)
* Identify the big ideas in the article.
* What does the article suggest about the impact of state sovereignty on achieving just outcomes internationally?
* Your teacher will assign you either a [black or yellow thinking hat](https://www.debonogroup.com/services/core-programs/six-thinking-hats/). Use what you have learned so far to consider the concept of state sovereignty from your assigned hats perspective. Share your thinking with your peers. As you hear from your peers, complete the below table.

Table 8 – state sovereignty

|  |  |
| --- | --- |
| Yellow Hat | Black Hat |
|  |  |

* Use what you have learned about the nature of international law and state sovereignty to write one paragraph discussing the statement, ‘State sovereignty is a barrier to the enforcement of international law’. Include reference to evidence (legislation, cases, media or international laws or treaties) in your answer.
* Revisit the [Frayer diagram](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/553#.YwK-4Lm4njo.link) you created earlier in this section. Using what you have learned, make any additions to show your complete understanding of international law.
* Drawing on your prior learning, complete a [Venn diagram](https://app.education.nsw.gov.au/digital-learning-selector/LearningActivity/Card/599#.YwLAAiSbXG8.link) to show the similarities and differences between international law and domestic law.
* Complete a [Walk the week](http://www.pz.harvard.edu/node/773310) activity, reflecting on the new concepts and content you have explored in this learning sequence. Walk with a partner to discuss the following questions for at least 2 new things you have learned
* How does this content or concept connect with what you know about justice and fairness?
* How can you apply what you have learned in this topic to other parts of your life?

## References

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