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EDUCATION IN THE FIELD: A CASE STUDY OF EXPERIENTIAL LEARNING IN INTERNATIONAL LAW

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[P]assion and context are central to effective legal education. ... [F]or many students experiential learning is a superior method for generating passion and providing important types of contexts ...¹

I INTRODUCTION

This article considers an approach to teaching international law aimed at maximising the exposure of students to the practical operations of international agencies. Conventional, classroom-based international law courses² do not provide students with the level of insight into the practice of international law that can be gained from direct involvement with a range of international institutions. The courses outlined and evaluated in this article were designed by the authors following considerable professional experience working

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¹ Deborah Maranville, 'Infusing Passion and Context into the Traditional Law Curriculum through Experiential Learning' (2001) 51(1) *Journal of Legal Education* 51, 52.

² Different law schools have different names for a unit of study, including topic, subject and course. We will use the term 'course', meaning a unit of study that counts towards a student's program completion. Our course is 'elective' in the sense that it does not comprise one of the 17 compulsory courses within the JD program at MLS. Within our program, international law is not a required or compulsory course.

with international agencies.³ The courses assist students interested in pursuing careers in international law to be better prepared for the inherent complexities, and sometimes incoherencies, of law and legal work in this field. Unlike typical, doctrine-based ‘international law’ courses, the courses reviewed here offer law students genuine insights into the working environment, complex roles, and interrelationships of the institutions, policies and legal regimes operating in the field of international law.

The course design outlined in the article has, as its centrepiece, first-hand exposure to international institutions and their professional roles and environments. This exposure creates an experiential learning opportunity that affords students unique insight into how international law works in action, and how legal professionals work with real international law problems. However, the existing models of experiential learning — such as clinical placements, internships, simulations or role-plays — were not designed to introduce students to the diverse range of institutions and problems in international law. Consequently, in 2006, the authors developed an adapted model of experiential learning by proposing a credit-bearing course that would take a relatively small group of students off-shore to study intensively in the offices of the institutions being analysed, enabling them to explore current legal problems with some of the legal professionals directly involved in addressing them. The resulting elective course, ‘Institutions in International Law’, was designed explicitly as an extension opportunity for students with a strong academic record who were interested in pursuing a career in an international law field. By introducing students to a range of institutional contexts for the practice of international law, and to a range of practitioners in a variety of roles, students were able to ‘try on’ and test their interest in various professional roles and explore future career opportunities first-hand.

First offered in 2006, *Institutions in International Law* was based in Geneva, Switzerland. It gave students a unique opportunity to engage directly with the work of international lawyers in a broad range of areas and establishments, taking advantage of Geneva’s position as a hub for intergovernmental organisations, including the United Nations (UN) Office at Geneva, the World Health Organization (WHO), and the World Trade Organization (WTO). In July 2011, this course was taught in Geneva for the fifth consecutive

³ The first three named authors are international lawyers and the designers and teachers of the courses reviewed in this article. Dr Wendy Larcombe, as Director of Teaching at the MLS, has assisted the other authors in analysing, evaluating and articulating the pedagogical bases of their approach to experiential learning in international law teaching. The authors are grateful to Timothy Lau and the Law Research Service of the MLS for valuable research assistance, and to Sonya Willis, Consulting Editor, *Legal Education Review*, for valuable editorial advice and assistance.

year. Each year, the course has consistently achieved outstanding student evaluations and participation rates.

The success of Institutions in International Law and its model of experiential learning led to the development of an additional elective course — ‘Global Lawyer’ — with an explicit focus on professionalism and legal ethics in the transnational working environment of contemporary global lawyers. First offered in January 2011, the two-week off-shore component of Global Lawyer engages with practitioners and institutions based in Washington DC and New York City.

As discussed below, the intentional integration into these courses of practice-based learning and professional identity formation alongside a substantive, cognitive curriculum has produced strong learning outcomes on a range of measures. Most importantly, students are highly engaged in all aspects of the learning program and often describe the experience as ‘transformative’. As teachers, the authors are confident that students who have studied international and transnational law in this way have a superior understanding of the law, and are better prepared for legal work in an international institution or role. However, while these kinds of experiential courses provide many significant educational benefits, they also pose continuous challenges.

This article outlines some of the salient lessons learned through sustained teaching of Institutions in International Law and, more recently, Global Lawyer. It is argued that the administrative and resourcing costs are generally outweighed by the substantial educational outcomes and tangible institutional benefits that can result from this experiential learning model. Part II of this article reviews the established benefits and methods of experiential law teaching, while Part III outlines the elements of our course design and the principles and objectives around which they have been created. Part IV provides details of the specific learning outcomes for each course. In Parts V and VI, the outcomes and particular benefits to students of this teaching approach are evaluated and weighed against the not insignificant constraints and costs. In our experience, the superior learning outcomes justify persevering with the effort to provide law students with experiential learning opportunities in the field of international law (broadly conceived), despite the comparatively high financial and organisational burdens.

II EXPERIENTIAL LEARNING

A *In Legal Education*

The value of experiential learning for law graduates has been widely recognised in Australia and internationally.⁴ In all its forms, experiential learning creates a central role for experience in the learning process.⁵ Based on the insight that knowledge-creation involves active transactions between the student and the environment being studied,⁶ experiential learning theory rejects the model of learning as a personal internal process that requires only books, teachers and memorising a body of knowledge.⁷ However, it also recognises that providing experience alone will not necessarily achieve the desired learning outcomes. As Dewey has famously observed, 'all genuine education comes about through experience [but] ... not all experiences are genuinely or equally educative'.⁸ A connection must be drawn between practical experience and broader concepts, knowledge and understanding. In a legal education context, then, experiential learning, or practical experience in work-related contexts outside the classroom, is understood to enrich understanding by engaging students in 'a form of active learning that enables the learner to link theory taught in the classroom to practice'.⁹ More particularly, by seeing what lawyers do on a day-to-day basis, and experiencing first-hand some of the challenges and decisions that are an inevitable part of a professional role, students gain a rich insight into the skills required to perform such roles and also the responsibilities they entail. Experiential learning has thus long been

⁴ See, eg, the showcasing of experiential learning programs on the websites of law schools including: New England Law, Boston, *Experiential Learning* <<http://www.nesl.edu/experiential/>>; School of Law, University of California, Irvine, *Experiential Learning* (2010) <http://www.law.uci.edu/experiential_learning.html>; Law School, Duke University, *Clinical and Experiential Learning* <<http://www.law.duke.edu/curriculum/clinics>>; Windsor Law, University of Windsor, *Experiential Learning* <<http://www.uwindsor.ca/law/experiential-learning>>; Yale Law School, *Clinics and Experiential Learning* (2011) <<http://www.law.yale.edu/academics/clinicalopportunities.htm>>.

⁵ Allan Chay and Frances Gibson, 'Clinical Legal Education and Practical Legal Training' in Sally Kift et al (eds), *Excellence and Innovation in Legal Education* (LexisNexis Butterworths, 2011) 497, 502.

⁶ D A Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (Prentice Hall, 1984) 38.

⁷ Chay and Gibson, above n 5, 503. See also *ibid* 34.

⁸ J Dewey, *Experience and Education* (Collier Books, 1938) 13.

⁹ Anne Tucker Nees, Susan Willey and Nancy Mansfield, 'Enhancing the Educational Value of Experiential Learning: The Business Court Project' (2010) 27(2) *Journal of Legal Studies Education* 171, 174. See also National Association for Law Placement (NALP) and the NALP Foundation, *2010 Survey of Law School Experiential Learning Opportunities and Benefits* (2011).

at the forefront of ‘skills-based’ legal education that seeks to prepare students for the practice of law.¹⁰

More recently, legal educators have begun to test the capacity of experiential learning to develop not only practical legal skills but also professional attitudes and values.¹¹ This research has been prompted by major reports on, and ‘road maps’ for, legal education that seek to combine ‘the elements of legal professionalism — conceptual knowledge, skills, and moral discernment — into the capacity for judgment guided by a sense of professional responsibility’.¹² In Australia, now that ‘ethics and professional responsibility’, including ‘a developing ability to exercise professional judgement’, has been adopted as a ‘threshold learning outcome’ for all law graduates,¹³ law schools are likely to look to experiential learning in a range of forms as a means of developing the required professional judgement.¹⁴ More broadly, as higher education in Australia adopts an increasingly outcomes-focused approach, prioritising what graduating students are ‘expected to know, understand and be able to do’, experiential learning may become central to achieving a number of ‘learning outcomes’, because of the opportunities it affords to develop and assess a range of graduate capabilities and competencies.¹⁵

¹⁰ See, eg, Rebecca Sandefur and Jeffrey Selbin, ‘The Clinic Effect’ (2009) 16 *Clinical Law Review* 57; Jeff Giddings, ‘Contemplating the Future of Clinical Legal Education’ (2008) 17 *Griffith Law Review* 1, 2–4; University of New South Wales, *Clinical Legal Education Guide: Your Guide to CLE Courses Offered by Australian Universities in 2009 and 2010* (2009) <www.law.unsw.edu.au/centres/klc/doc/CLE_GUIDE_09_10.pdf>; Chay and Gibson, above n 5, 506–8.

¹¹ See Sandefur and Selbin, above n 10, whose research found no evidence of a relationship between clinical training and lawyers’ civic participation.

¹² W M Sullivan et al, *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass, 2008) 12 (‘the Carnegie Report’). See also Roy Stuckey et al, *Best Practices for Legal Education* (Clinical Legal Education Association, 2007) ch 5 <http://law.sc.edu/faculty/stuckey/best_practices/best_practices-cover.pdf>; Richard Johnstone and Sumitra Vignaendra, *Learning Outcomes and Curriculum Development in Law: A Report Commissioned by the Australian Universities Teaching Committee* (Department of Education, Science and Training (Cth), 2003).

¹³ See Australian Learning and Teaching Council (ALTC), *Bachelor of Laws: Learning and Teaching Academic Standards Statement* (2010) 9 [3.2].

¹⁴ See generally Carol Bensinger Liebman, ‘The Profession of Law: Columbia Law School’s Use of Experiential Learning Techniques to Teach Professional Responsibility’ (1995) 58(3–4) *Law and Contemporary Problems* 73; Stephen Weiss, ‘Mega-Simulations in Negotiation Teaching: Extraordinary Investments with Extraordinary Benefits’ (2008) 24(3) *Negotiation Journal* 325; Des Butler, ‘Entry Into Valhalla: Contextualising the Learning of Legal Ethics through the Use of *Second Life* Machinima’ (2010) 20 *Legal Education Review* 85.

¹⁵ On the challenges of assessing student learning in legal placements or internships, see Judith McNamara, ‘A Collaborative Model for Learning and Assessment of Legal Placements’ (Paper presented at the Conference on Collaborative Education and Work Integrated Learning, Vancouver, Canada, 23–26 June 2009) <<http://www.waceinc.org/papers/vancouver/Australia/McNamara.pdf>>; Judith McNamara, *The Challenge of Assessing Student Capabilities in Legal Internships* (2008) Queensland University of Technology <<http://eprints.qut.edu.au/15057/1/15057.pdf>>.

The prevailing modes of experiential learning embedded in the curricula of Australian law schools include: clinics or clinical placements, in which students have direct contact with and responsibility for 'live' clients;¹⁶ internships/externships, in which students work in a legal practice or research role with a judge, firm, government department or non-profit organisation; and simulations or role-plays, in which students perform various professional roles and problem-solve in simulated 'real-world' (either virtual or 'mock') environments.¹⁷ 'Clinical legal education', in particular, has been readily embraced by the legal education fraternity in Australia, where at least 20 law schools describe themselves as having clinical programs of one variety or another.¹⁸ Many of these programs place students in community legal centres, government departments, non-government organisations (NGOs), or law reform commissions with the objective of exposing students not only to legal practice but also to the needs and experiences of clients from disadvantaged and disenfranchised groups.¹⁹ As a result, the focus of clinical legal education is typically on domestic law and individuals as clients.

Experiential learning is also a feature of a range of co-curricular activities, such as seasonal clerkships, mooting and client-related competitions, professional mentoring, and programs involving

¹⁶ Chay and Gibson, above n 5, 506.

¹⁷ See, eg, the program at the immigration clinic run through Southern Communities Advocacy and Law Education Service (SCALES) and the clinical legal programs at Murdoch University: Murdoch University, *Handbook* (2011) <http://print.handbook.murdoch.edu.au/_files/authoritative_handbook_2011.pdf>. Under supervision of legal practitioners, students will see real clients and take responsibility for client files. Students assist asylum-seekers by taking statements, researching country information, writing submissions and (if necessary) preparing for review hearings or Federal Court appeals. See also Margaret Castles, Maureen Goldfinch and Anne Hewitt, 'Using Simulated Practice to Teach Legal Theory: How and Why Skills and Group Work Can Be Incorporated in an Academic Law Curriculum' (2007) 26 *University of Tasmania Law Review* 120; Butler, above n 14.

¹⁸ Adrian Evans and Ross Hyams, 'Independent Evaluations of Clinical Legal Education Programs: Appropriate Objectives and Processes in an Australian Setting' (2008) 17 *Griffith Law Review* 52, 52. See, eg, Australian National University, *Clinical Youth Law Program* (15 June 2011) <<http://law.anu.edu.au/Undergraduate/ClinicalYouth.asp>>; Monash University, *Clinical Legal Education* (2011) <<http://www.law.monash.edu.au/about-us/legal/cle.html>>; University of New South Wales, *Kingsford Legal Centre* <<http://www.law.unsw.edu.au/centres/kingsford-legal-centre>>; University of Queensland, *Clinical Legal Education Programme* (2010) <<http://www.law.uq.edu.au/clinical-legal-education-prog>>.

¹⁹ See, eg, University of Sydney, *Sydney Law School Social Justice Program* (2011) <http://sydney.edu.au/law/fstudent/undergrad/social_justice_program.shtml>. In this subject, students work in organisations such as the Public Interest Law Clearing House, Public Interest Advocacy Centre, Environmental Defender's Office and Refugee Advice and Casework Service. According to the subject description, students will be exposed to real-world cases and participate in a structured seminar program dealing with social justice issues and aspects of public interest law. Similarly, La Trobe University has developed a clinical partnership with Victoria Legal Aid: La Trobe University, *University Handbook 2011: Bachelor of Law Electives* (2011).

visiting practitioners and employers. However, the modes of experiential learning adapted for course credit generally have a preparation component and formal assessment related to the work-based experience. In the design of any experiential learning courses, debriefing and reflective thought are essential.²⁰ Experientially-based, credit-bearing courses thus provide an integrated curriculum structure that combines theory, experiential learning and reflection, directed towards specific learning objectives. In this respect, they can be distinguished from general volunteering and other public service activities that might improve law students' understanding of the law in practice and of a range of professional skills, but which are not part of an intentional curriculum design.²¹

B *In International Law Teaching*

Given the increasing importance of international and transnational law, there is a corresponding interest in developing experiential learning opportunities for students wanting to improve their understanding and skills in this field.²² The growing interconnectedness of the world environment is 'rapidly developing', influenced by new communication and transport technologies, and the internationalisation of legal work and professional services.²³

²⁰ L Anderson, D Boud and R Cohen, 'Experience Based Learning' in G Foley (ed), *Understanding Adult Education and Training* (Allen and Unwin, 2nd ed, 1995) 225, 228.

²¹ On intentional curriculum design, see Sally Kift, Karen Nelson and John Clarke, 'Transition Pedagogy: A Third Generation Approach to FYE: A Case Study of Policy and Practice for the Higher Education Sector' (2010) 1 *International Journal of the First Year in Higher Education* 1; Sally Kift, *Final Report for ALTC Senior Fellowship Program: Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Learning Experience in Australian Higher Education* (ALTC, 2009); Sally Kift '21st Century Climate for Change: Curriculum Design for Quality Learning Engagement in Law' (2008) 18 *Legal Education Review* 1; Sally Kift and Rachael Field, 'Intentional First Year Curriculum Design as a Means of Facilitating Student Engagement: Some Exemplars' (Paper presented at the 12th Pacific Rim First Year in Higher Education Conference, Townsville, Queensland, 29 June – 1 July 2009) <<http://eprints.qut.edu.au/30044/1/c30044.pdf>>.

²² See, eg, the American Society of International Law, *Teaching International Law beyond the Classroom: Engaging Students in Experiential Learning, in Webpages and Blogs, and in Historical and Empirical Research* (2011) <http://www.asil.org/activities_calendar.cfm?action=detail&rec=169>; University of New South Wales, *Transforming Legal Education — Australian National Conference on Clinical and Experiential Learning* (2011) <<http://www.law.unsw.edu.au/news/2011/01/transforming-legal-education-australian-national-conference-clinical-experiential-learn>> — this conference, organised by the Kingsford Legal Centre, featured a workshop on international internships.

²³ Terry Hutchinson, 'The Transnational Lawyer: GATS, Globalisation and the Effects on Legal Education' (2006) 11 *Australia and New Zealand Journal of Law and Education* 93, 94. See also Fleur Johns and Steven Freeland, 'Teaching International Law across an Urban Divide: Reflections on an Improvisation' (2007) 57 *Journal of Legal Education* 539.

Australian and international law schools are responding to the increasingly internationalised and interconnected legal environment in innovative and inventive ways. For example, several law schools, including Harvard and Georgetown, have included 'International Law' in their compulsory first-year curricula.²⁴ The School of Law at the University of California, Irvine, has gone further and now requires all first-year students to engage in extensive international and transnational legal analysis as the basis of their curriculum.²⁵

Traditional forms of experiential learning are being adapted and applied in a range of contexts to support and enrich students' learning of international and transnational law.²⁶ Clinics, ex/internships,²⁷ and real or simulated practice-based courses now afford a range of experiential learning opportunities oriented towards international law. For example, international (overseas) internships and clinical placements are offered by a number of Australian law schools, including UNSW's refugee law clinic based in Hong Kong;²⁸ practicums in international criminal law, international environmental law and international human rights are available;²⁹ and simulations and role-plays have been developed to engage students with complex transnational scenarios, and team-based legal problem-solving with international counterparts.³⁰ Clerkships and placements at the International Court, and international mooting competitions (including the Jessup Moot, Vis Moot and WTO Moot) extend the opportunities currently available to students for experiential learning in international law.

However, not all aspects of international law doctrine and practice are well-suited to being taught using existing forms of

²⁴ See Symposium, 'Integrating Transnational Legal Perspectives into the First Year Curriculum' (2006) 24 *Penn State International Law Review* 735.

²⁵ See Carrie Menkel-Meadow, 'Why and How to Study "Transnational" Law' (2011) 1 *UC Irvine Law Review* 97.

²⁶ Including where international law is part of the compulsory curriculum or offered through the elective program.

²⁷ Different law schools use different terminology — the essence of an internship or externship is that it places the student outside the home institution, inside a relevant organisation or role. We use the term 'internship' in this article to include what others might describe as 'externships'.

²⁸ See <<http://www.law.unsw.edu.au/news/2010/07/hong-kong-refugee-law-clinic-new-ug-summer-elective-apply-now>>.

²⁹ See, eg, Washington and Lee University School of Law, transnational law internship program: Washington and Lee University School of Law, *Welcome* <<http://law.wlu.edu/transnational/>>.

³⁰ See, eg, 'Globalisation and the Law', offered by the MLS: University of Melbourne, *LAWS40058 Globalisation and the Law* (22 January 2009) <<https://handbook.unimelb.edu.au/view/2011/LAWS40058>>; Johns and Freeland, above n 23. In the latter program, students were organised in two groups and engaged in a simulated conflict resolution negotiation. Students were given real-life scenarios, such as the 'situation in Darfur, Sudan' or the 'Israeli security barrier', and had to find a negotiated solution between the two sides. At the end of the negotiations, a representative from each side of the various groups reported on what had been achieved.

experiential learning, and there are particular challenges in designing experiential learning opportunities that address international aspects of law and legal practice. Roger Alford has raised concerns that ‘many topics within international law do not easily lend themselves to experiential learning’ and, as a result, international law options may be reduced or sidelined by the current orientation in favour of experiential learning.³¹ For example, a particular limitation of current experiential models is that they generally afford significant insight into and exposure to one institution or area of international law (such as Amnesty International or international human rights law); however, they are unlikely to enable students to experience the fragmentation and incoherence that is a distinctive feature of international law, or the diverse range of professional roles played by legal practitioners in the international field. In this respect, despite their significant merits, a clinical placement or internship with an overseas organisation, or an extended simulation or role-play that enables students to work on a complex transnational problem, is unlikely to give students a comprehensive understanding of international law and its practice.

It was this limitation of the established forms of experiential learning in international law that prompted the authors to develop a new course design framework incorporating elements of experiential learning so as to immerse students in the ‘field’ of international law. The aim of this teaching model is to prepare students to engage and work with diverse international agendas and problems, and with a range of international institutions and organisations.

III A NEW COURSE DESIGN FOR EXPERIENTIAL LEARNING IN INTERNATIONAL LAW

A Course Design

The courses, *Institutions in International Law* and *Global Lawyer*, take students off-shore to visit the institutions and professionals whose roles and work are being studied. This experience involves students directly in hands-on learning, working with people from a range of backgrounds, and facing new challenges. The two-week period of intensive seminars ‘in the field’ of international law follows several weeks of advance preparation at ‘home’. Preparation includes a series of formal seminars which introduce students to the doctrine and practice of international and transnational law, and the professional responsibilities of its institutions and practitioners. One hundred per cent attendance at the pre-departure seminars is required to ensure that all students are prepared for the academic challenges

³¹ Roger Alford, *Experiential Learning and the Marginalization of International Law* (31 March 2008) *Opinio Juris* <<http://opiniojuris.org/2008/03/31/experiential-learning-and-the-marginalization-of-international-law/>>.

of the course and the off-shore learning program, and also that they are ready to conduct themselves appropriately as law school ambassadors during the trip.

The two-week off-shore learning program is designed to give students a rich ‘experience’ of learning about international law and its practice in the fullest sense. Each visit to an international organisation, governmental agency, firm or NGO is a micro-internship, enabling students to gain insight into that organisation’s mission and the legal work it undertakes, as well as the working environment and key professional roles within the organisation. Furthermore, the substantive curriculum is aligned with these visits so that students learn about and analyse some of the legal problems currently being addressed by lawyers within the organisations that they visit. This allows students to imagine that they are working for the organisation when they work on that problem. It is then very rewarding for them to have the opportunity during the visits to discuss aspects of the problem and their analysis with the international lawyers practising in the relevant field. Students learn that their curriculum is based on real-life contexts and problems, and they are enabled to role-play or rehearse positions within international organisations which they might aspire to hold in the future. Motivation to learn is maximised when students can observe or perform tasks that are as close as possible to tasks that may be performed in future employment contexts.³² Our ‘in the field’ teaching model provides multiple opportunities for such ‘authentic’ learning tasks.

The course design also provides multiple opportunities for collaborative learning and peer engagement in a unique learning environment. The experience of not only studying but also of travelling together heightens the interdependence among the student group and extends the opportunities for meaningful discussion of and reflection on the formal curriculum. Peer interactions and the shared construction of understanding and knowledge are thus an important way in which student learning is supported in this teaching model. For this reason, the course teachers work actively to create a vibrant and embracing collegial network among the student cohort, which is directly linked to ensuring that students feel part of an international and culturally diverse community of legal practice. Teachers also pay particular attention to identifying and offering assistance to students who might be experiencing difficulty with any aspect of the course, such as public speaking, team work or collaborative learning. Finally, careful attention is paid to group social dynamics to ensure

³² R Field and S Kift, ‘Addressing the High Levels of Psychological Distress in Law Students through Intentional Assessment and Feedback Design in the First Year Curriculum’ (2010) 1(1) *International Journal of the First Year in Higher Education* 65, 70; R James, C McInnis and M Devlin, *Assessing Learning in Australian Universities* (University of Melbourne, 2002) 10.

that students remain respectful of each other's needs and support each other in a positive manner throughout the course. Especially given the intensive nature of the learning experience while off-shore, it is important that no individual becomes ostracised or isolated. A concerted approach to developing an inclusive and diverse sense of community and collegiality contributes directly to students' positive experiences of learning in these courses.

B *Aim of the Course Design*

The general aim of our course design is to stimulate and enrich students' learning about international law (broadly conceived), so that they develop a nuanced understanding of the relationships between the law, the institutions, and the lawyers who are engaged in applying and developing that law. It is important for students' future work in the sector that they have an advanced understanding of the enormous breadth and depth of issues dealt with by organisations and lawyers operating in an international context, and also of some key legal questions that those organisations and lawyers face.

Experiential learning generally aims to prepare students for their future careers by promoting the acquisition of work-related knowledge and participation in activities that contribute to professional experience and employability skills.³³ In addition, our courses aim to nurture a range of personal and professional attributes and values, such as honesty, integrity, reliability and judgement,³⁴ and to enable students to develop their professional identities as lawyers while exploring a range of potential career options. The overall objective is thus to ensure that students completing these courses have the knowledge and skills to tackle the complex problems of international and transnational law, and the values and attitudes to make a productive contribution to the work of lawyers in a global context.

C *Design Principles*

To achieve these broad aims, our course design gives priority to promoting student engagement and developing graduate attributes.

1 *Engagement*

'Student engagement' focuses on students' involvement in educational activities and conditions associated with academic

³³ Australian Council for Educational Research (ACER), *Engaging Students for Success: Australasian Student Engagement Report Australasian Survey of Student Engagement* (2009) 5.

³⁴ Stephen Gerst and Gerald Hess, 'Professional Skills and Values in Legal Education: The GPS Model' (2009) 43(2) *Valparaíso University Law Review* 513, 521–2.

achievement, satisfaction and high-quality learning outcomes.³⁵ The six dimensions or scales of student engagement analysed in the Australasian Survey of Student Engagement (AUSSE)³⁶ identify known conditions, or facilitators, of high-quality learning and academic achievement: academic challenge; active learning; student and staff interactions; enriching educational experiences; a supportive learning environment; and work-integrated learning.³⁷ In common with most experientially-based course designs, our course design intentionally addresses these dimensions of student engagement.

Engaging students in active learning and enriching educational experiences lies at the heart of effective experiential education.³⁸ As Alice and David Kolb have explained, in the process of active learning ‘one is called upon to move back and forth between opposing modes of reflection and action and feeling and thinking’.³⁹ The structure of our off-shore program intentionally involves students

³⁵ See, eg, Gary Pike and George D Kuh, ‘A Typology of Student Engagement for American Colleges and Universities’ (2005) 46 *Research in Higher Education* 185; Mantz Yorke, ‘Student Engagement: Deep, Surface or Strategic?’ (Paper presented at the 9th Pacific Rim First Year in Higher Education Conference, Gold Coast, Queensland, 12–14 July 2006) 1 <http://www.fyhe.qut.edu.au/past_papers/2006/Keynotes/Yorke.pdf>; Bonita London, Geraldine Downey and Shauna Mace, ‘Psychological Theories of Educational Engagement: A Multi-Method Approach to Studying Individual Engagement and Institutional Change’ (2007) 60(2) *Vanderbilt Law Review* 455; Kerri-Lee Krause and Hamish Coates, ‘Students’ Engagement in First-Year University’ (2008) 33(5) *Assessment and Evaluation in Higher Education* 493, 494.

³⁶ See ACER, *Attracting, Engaging and Retaining: New Conversations about Learning: Australasian Student Engagement Report: Australasian Survey of Student Engagement* (2008). Krause and Coates, above n 35, used a more comprehensive set of scales to assess first-year student engagement, and also argued for the further development of qualitative, not only quantitative, measures of engagement.

³⁷ In short, high-quality learning is identified as being promoted when:

- coursework sets high, yet achievable, standards, thereby challenging students to extend themselves;
- coursework provides opportunities for students to actively construct and apply knowledge;
- academic staff are seen as approachable, helpful and sympathetic, and students have opportunities to work alongside and interact with academic staff outside the classroom;
- students participate in enriching experiences, such as community work, exchange programs, industry placements, internships, clubs and societies, and so on;
- institutions work actively to integrate students within the social and academic life of the university, fostering supportive relationships with peers and professional staff as well as academic teachers; and
- students are prompted to consider the applications of knowledge and skills being developed in their course to work-related situations and contexts: see ACER, *Attracting, Engaging and Retaining*, above n 36, 3.

³⁸ ACER, *Doing More for Learning: Enhancing Engagement and Outcomes: Australasian Survey of Student Engagement: Australian Student Engagement Report* (2009) 13.

³⁹ Alice Kolb and David Kolb, ‘Learning Styles and Learning Spaces: Enhancing Experiential Learning in Higher Education’ (2005) 4(2) *Academy of Management Learning and Education* 193, 194.

in this process, contributing to the academic challenge of the course, as well as fostering active learning. Both the visits to international organisations and the experience of studying with a committed cohort of peers provide ‘enriching educational experiences’, as understood within the student engagement framework.⁴⁰

Particular aspects of our course design outlined above — going ‘inside’ international institutions and their work, and learning as a member of a supportive peer group — ensure a high level of student engagement. In this respect, another important feature of our course design is that, in addition to creating a unique cohort experience, it ensures that students have extended opportunities to interact with their academic teachers beyond the classroom environment. Indeed, teachers effectively live with the students over the two weeks offshore, ensuring that interactions extend beyond the formal curriculum into more general social settings and individualised discussions of students’ goals and interests. Many students value this aspect of the courses particularly, and all teachers make an effort to get to know each student taking the course. This process begins even before the course starts, as students are asked to write a letter explaining their interest in the course and how it relates to their previous studies and experiences. Teachers also organise a social event for the whole group before leaving Melbourne and then, while off-shore, arrange informal meetings and outings with the students, including on the weekend when there is a break from formal seminars. In our experience, this aspect of our course design is important in ensuring high levels of student engagement.

2 Graduate Attributes

The experiential and ‘work-integrated’ nature of learning in our courses also contributes to development of a range of graduate attributes. In addition to building a comprehensive knowledge and understanding of international law, students in these courses have numerous opportunities to practise and develop skills in communication, teamwork, analytical thinking and problem-solving.

The particular focus, however, is on developing students’ professionalism. To prepare students for professional practice in international and transnational law, they need to learn to interact in writing and in person with professionals from different countries and disciplines, and from within all levels of an organisation. Through a scaffolded process of instruction, practice and performance, students in our courses learn to conduct themselves appropriately in a range of settings, from academic debates to informal receptions, where they

⁴⁰ ACER, *Attracting, Engaging and Retaining*, above n 36; ACER, *Doing More for Learning*, above n 38.

are meeting people who may be practising in the highest echelons of their field. The lessons we provide in professional etiquette will serve the students in their future careers, whether as lawyers or otherwise. However, in our view, these elements of the learning experience are central to the professional development of (future) international lawyers.

Another aspect of professionalism that the course design aims to foster is awareness of the role that values and attitudes play in shaping international law and its practice. To achieve this attribute, an important feature of Institutions in International Law, for example, is a simulated mediation exercise facilitated by the Humanitarian Dialogue Centre in Geneva. This exercise not only enhances students' communication and dispute settlement skills, but also helps them to develop a clearer understanding of the tensions that arise between policies and the interests of different groups as a result of competing value orientations. The exercise is based on the Centre's practical expertise in mediating peace agreements. Students are provided with a basic scenario and instructions to reach a peace agreement within strict time constraints. They are divided into three groups, representing the government, rebels and mediators. In the course of the exercise, students have the opportunity to hear from and speak with Centre negotiators and mediators, but must reach a settlement by themselves. At the end of the exercise, Centre representatives debrief the students on key issues arising in the mediation. Through this exercise, students learn about both the challenges and tensions of applying international law, and the practical challenges of conducting mediation. They also come to understand how their own bias towards particular aspects of the law, such as the application of human rights, can influence the position they take during discussions. This 'self-awareness' of 'cultural mindset'⁴¹ provides a valuable counterpoint to the tendency to teach law 'as if the decision makers have no social perspective'.⁴²

Finally, professionalism in its broadest sense requires that lawyers adopt a critical attitude to law and a sense of responsibility for improving the quality of law. This attribute is also intentionally fostered in our courses. For example, in Global Lawyer this year, students debated the issue of developing better ethical and moral frameworks for legal practice, particularly in areas where legitimacy and governance are not adequately dealt with by the law. In this context, a private international lawyer explained to students how, notwithstanding the limited reach of US law in regulating companies operating internationally, ethical and moral values may shape the

⁴¹ Catherine J Iorns Magallenes, 'Teaching for Transnational Lawyering' (2005) 55(4) *Journal of Legal Education* 519, 520.

⁴² Homer La Rue, 'Developing an Identity of Responsible Lawyering through Experimental Learning' (1992) 43 *Hastings Law Journal* 1147, 1152.

legal advice given to commercial operators in situations where corruption and bribery are a common feature of doing business. This discussion provided an opportunity for students to consider their own ‘moral compass’ and the extent to which that should, or must, influence the legal advice they would prepare. This is only one example of the ethical and justice-related issues that students in this course encounter, enabling them to develop the ability to respond to the range of ethical issues that arise in the workplace settings of international law.

IV SPECIFIC LEARNING OBJECTIVES

Both Institutions in International Law and Global Lawyer provide students with opportunities to think about the theoretical and practical realities that exist in the legal, political and policy contexts in which international and transnational law is developed and practised. However, while the general aim and design of the two courses is the same, each has a distinct substantive focus and set of learning objectives.

A Institutions in International Law

Institutions in International Law focuses on international institutions in Geneva (primarily intergovernmental organisations), including their history, developments in their mission, influence and importance, and reform proposals. More specifically, students in Institutions in International Law are expected develop a sophisticated understanding of: (i) the legal framework within which international institutions function, including their structure, normative underpinnings, and activities; (ii) the relevance of fragmentation in public international law, including the proliferation of institutions and dispute settlement tribunals and the proliferation of substantive laws; (iii) the importance of governance in international institutions, particularly as regards participation and representation by governments, business, civil society and secretariat staff; and (iv) inter-organisational cooperation, coordination and conflict in areas such as the development of general international law, trade, human rights, the laws of war, and development. The Melbourne-based seminars establish a foundational understanding of these substantive legal issues, providing important preparation for the Geneva-based component of the course.

Geneva was chosen as the venue for Institutions in International Law because it is one of the most significant international law centres, hosting not only the UN and associated institutions, but also a range of other international organisations, governmental bodies and NGOs that influence the practice and development of international law. At first glance, the organisations visited may seem a disparate collection with few common links. Students have already learned, however, that

the selected institutions enable them to analyse and reflect on several overarching themes. For example, students consider the relevance of international institutions from two different paradigms: economics and trade on the one hand, and peace and security on the other.⁴³ In discussions with guests, teachers and each other, students examine whether the contemporary practice of the institutions visited adhere to these paradigms and explore whether it is true that

[i]f the politics of international law is largely a debate about the jurisdiction of particular institutions, this reflects the realisation that once one knows which institution will deal with a matter, one will already know how it will be disposed of.⁴⁴

Students in Institutions in International Law also develop a rich understanding of the roles and interactions between States and international institutions in developing and applying the law. In particular, they question whether States are still the foremost actors in the international sphere, or whether international institutions have now 'taken over'. Visits to the WHO and the Australian Permanent Mission in Geneva have provided the basis for lively student debates about whether the functionalist⁴⁵ or realist approach⁴⁶ to international institutions is more appropriate in examining their influence. In developing an understanding of the role played by both States and international institutions in establishing legal principles, rules and standards, students reflect on the differences between a State-centric,

⁴³ The range of institutions studied enables students to consider whether an organisation concerned primarily with economic issues, such as the World Intellectual Property Organization, applies and develops law differently from an organisation concerned primarily with peace and security, such as the International Committee of the Red Cross (ICRC). Similarly, students debate whether the ICRC considers the law applicable to the protection of victims of armed conflict differently from the way an organisation such as the Office of the United Nations High Commissioner for Human Rights (OHCHR) considers that law. More specifically, students are asked to determine whether the approach taken by the OHCHR will differ from that taken by the ICRC on the legal protections afforded to the detention of civilians in military operations. In this way, they gain a rich understanding of the importance of different international institutions in the development of international law.

⁴⁴ Martii Koskeniemi, *From Apology to Utopia* (Cambridge University Press, revised ed, 2005) 610.

⁴⁵ The functionalist approach represents the most common perspective on international organisations, regarding States as 'the dominant actors in international relations' and State needs as accounting for the rise in, and development of, international organisations: José Alvarez, *International Organizations as Law-Makers* (Oxford University Press, 2005) 17, 24.

⁴⁶ Realists see the State as the 'only important international actor', denying that international organisations or their laws and regimes have 'fundamentally altered the conditions in which states find themselves': *ibid* 29.

treaty-based approach versus a ‘soft law’ approach that analyses the development of law through standard-setting.⁴⁷

B *Global Lawyer*

While the learning outcomes of Institutions in International Law focus on developing a specialised understanding of the role of institutions in public international law, politics and policy, Global Lawyer focuses on the roles played by lawyers, and their associated ethical responsibilities, in an international context.

Specifically, Global Lawyer examines lawyers’ international work as advisers, advocates, negotiators, settlers of disputes, and drafters of legislation, contracts and treaties within national government bodies, NGOs, private law firms and corporations. Within the frameworks of legal ethics, professional regulation, comparative law, and public and private international law, students gain an understanding of the functions and responsibilities of: (i) private lawyers acting in cross-border contractual negotiations, cross-border transactions such as mergers and acquisitions, or cross-border disputes involving individuals or firms; (ii) private lawyers practising domestic law in foreign jurisdictions; (iii) lawyers employed in internationally-focused NGOs and think tanks; (iv) government lawyers addressing international issues; and (v) lawyers working within the Secretariat of an intergovernmental organisation. Students completing Global Lawyer develop an enhanced understanding of their future opportunities and obligations as lawyers in a globalised world and can explain and critique the various accountability mechanisms that govern the practice of law in an international context.

Again, some months before departure, students participate in a series of seminars in Melbourne on substantive legal issues of relevance to the day-to-day practice of global lawyers. From the initial seminars, Global Lawyer also emphasises the role played by policy advisers in shaping how lawyers think about the law. For example, students are introduced to the ways in which law and policy interact

⁴⁷ Students’ understanding of the development of international law is deepened when they attend a meeting of the International Law Commission (ILC), a highlight of this course. Students first meet with ILC Member and University of Ottawa Law Professor, Donald McRae, and we review the structure and organisation of the ILC, its methods of work, its relationship with UN Member States and other organisations, and key aspects of its work for that year and session. Students then remain for the plenary session, during which a specific area of the ILC’s work is debated. Issues that students have learned about during the plenary sessions have included the responsibility of international organisations, reservations to treaties, and the effects of armed conflicts on treaties. The opportunity to observe international legal experts debating contemporary international law issues enables students to learn first-hand how international law is applied and developed by a key organisation responsible for the progressive development of the law in this field.

and reflect on whether policy drives the law or whether law drives policy.⁴⁸ These conceptual foundations of the course prepare students to interact with lawyers and policy advisers in Washington DC and New York. These cities were chosen as the base for Global Lawyer because they represent significant international legal centres from the perspective of both private and public aspects of international law. Washington DC is home to a rare combination of domestic government bodies, foreign State representatives, intergovernmental organisations, think tanks and key NGOs. New York plays host not only to some of the largest law firms in the world dealing on a daily basis with transnational legal issues but also to the UN, associated organisations, and the permanent missions of UN Member States.

To deepen students' understanding of lawyers' different professional roles and responsibilities, we ensure that a broad range of practitioners from a variety of organisations are available to discuss with our students their professional experiences and goals, as well as the challenges facing them and their organisations. Practitioners are individually invited, based on our knowledge of them and their roles, and are asked to lead a frank discussion of their work, rather than simply providing an overview of their organisation.⁴⁹ Practitioners are chosen from all levels of an organisation, and have included the Director-General of an intergovernmental organisation, the Ambassador of a foreign country, and a first-year intern. In addition to legal officers and counsellors, we also invite economists and policy advisers, emphasising to students the inter-disciplinary nature of work in this field, and the challenges and rewards that such work entails. The mixture of lawyers, policy advisers, economists and law school academics brings to the fore contemporary debates about and fascinating examples of the role of lawyers in applying and developing law in an international context.

Students are prompted throughout this course to reflect on the policy and political constraints that influence the application and development of law in an international context. For example, following seminars at the Pentagon, the US Institute for Peace, the

⁴⁸ The concept of 'policy' is derived from the approach of Rosalyn Higgins, who argues that: 'policy considerations ... are an integral part of ... [the] decision making process which we call international law; the assessment of so called extralegal considerations is a *part of the legal process*, just as is reference to the accumulation of past decisions and current norms ...': Rosalyn Higgins, *Problems and Processes: International Law and How We Use It* (Clarendon Press, 1994) 5.

⁴⁹ In 2011, the first students undertaking Global Lawyer engaged in heated discussions on controversial topics with lawyers and policy advisers from such organisations as the Pentagon, the Brookings Institution, the Campaign for Innocent Victims in War (CIVIC), the Stimson Centre, the United States Institute of Peace, the World Bank, the International Monetary Fund, the Campaign for Tobacco-Free Kids, the Australian Embassy, the Australian Mission to the UN, the UN Office of Legal Affairs, Pfizer Corporation, and four of the most prestigious US law firms. We also introduced students to academics at Georgetown University Law Center and the New York University School of Law.

Stimson Centre, and the Campaign for Innocent Victims in Conflict (CIVIC),⁵⁰ students debated whether the law relating to the protection of civilians in conflicts is developed by lawyers, or by professionals and policy advisers concerned with protecting political and policy values. Similarly, following visits to private law firms, students deliberated on the relevance of the ethical and moral framework individual lawyers bring to dealing with specific legal issues that do not have sound normative underpinnings. Thus, whether engaging with government lawyers, policy advisers or private lawyers, students are analysing the ways in which practitioners' value systems influence the legal advice they develop.

C Assessment

Whether students have achieved the learning objectives in each course is typically assessed through active class participation, an individual presentation to the class, and a research essay of 5000–6000 words on a topic of interest to the student. These assessment forms have been chosen to maximise students' opportunities to pursue individual areas of interest while understanding that collaborative learning and professional conduct are essential to their developing abilities as professionals. The 'class participation' component of assessment, for example, is based on professional comportment throughout the course; active contribution to the seminars in Melbourne before departure; leading discussions and questions on particular topics; liaising with individual guests; introducing and thanking guests (after researching their backgrounds and work); and writing short reports in small groups. We have found that the quality of student essays is improved by these forms of class participation as well as the interactive approach to seminars undertaken both in Melbourne and internationally. The course aims and expected learning outcomes are communicated to the class from the outset, and students are reminded of the learning objectives throughout the course so that they can critically reflect on their progress.

⁵⁰ CIVIC 'works on behalf of war victims by advocating that warring parties recognise and help the civilians they harm. CIVIC supports the principle that it is never acceptable for a warring party to ignore civilian suffering': CIVIC, *Our Mission* (2010) <http://www.civicworldwide.org/index.php?option=com_content&task=view&id=384&Itemid=227>. 'We seek recognition and help for civilians caught in the crossfire of armed conflict from the warring parties themselves': CIVIC, *What We Do* (2010) <<http://www.civicworldwide.org/our-work/what-we-do>>. The visit with CIVIC, in particular, highlighted that lawyers and policy-makers at a small NGO can alter the approach taken by governments and intergovernmental organisations in developing practice concerning the treatment of innocent victims of armed conflict. Again, following the seminar, students were prompted to reflect on the interaction between policy and law and consider how both are guided by political values and interests.

Student reflection on and evaluation of the course aims and learning outcomes is also important for improving the courses, which are reviewed and revised regularly by the teaching team. Each year, students complete course evaluation surveys, and teachers have frank discussions with students about the structure and approach of each course. Close attention is paid to this feedback when determining whether and what changes to make to the courses. This enables students to have input into course development and to devise possible improvements for future years.

V COURSE DESIGN OUTCOMES AND BENEFITS

A *Student Learning*

One measure of the impact of Institutions in International Law on student learning, student engagement and the overall student experience is provided by the ‘quality of teaching’ scores for the course. In the four completed years of the course the following mean ratings (out of a maximum rating of 5.0) have been recorded in student evaluation forms (90–100 per cent response rate):

| Institutions in International Law | 2007 | 2008 | 2009 | 2010 |
|---|-------------|-------------|-------------|-------------|
| This course was well taught | 4.8 | 4.9 | 5.0 | 4.9 |
| Course was intellectually stimulating | 5.0 | 4.9 | 5.0 | 5.0 |
| Teacher showed an interest in my academic needs | 4.9 | 4.9 | 5.0 | 5.0 |
| I felt part of a group committed to learning | 4.9 | 5.0 | 5.0 | 4.9 |
| Overall satisfied with the quality of learning | 4.9 | 4.9 | 5.0 | 4.9 |

Qualitative student feedback is also collected through the subject evaluations. Students’ comments confirm the value of experiential learning provided through this course design model and its success in achieving specific learning objectives relating to international law:

The insight we gained into the actual world of intellectual affairs was both broad and I believe unique. To not only hear one speaker alone, but forty together meant that we could start to see the complex and convoluted interconnectedness between all the different organizations, and issues affecting us.

Given Australia’s geographic isolation, the opportunity to come to Geneva and talk to professionals and practitioners about their work and careers is truly invaluable, and has opened a number of doors. The course provides an excellent opportunity for learning — extending the course

matter far beyond text and theory, and into what public international law really means in practice.

This was a fantastic course. The staff and students were passionate about the course-matter and ... the overall learning experience was both intellectually rigorous and inspiring. The opportunity to engage closely with senior representatives of key institutions ... brought the complexities and realities of international law and institutions to life in a way not possible in the traditional confines of a classroom.

Another theme that has emerged from students' comments has been the transformative potential of this teaching model and the opportunities it creates, particularly for students interested in pursuing a career in the international law field:

I honestly feel that this was one of the best experiences of my life both academically and personally.

For students interested in pursuing international law or alternative career options, this course is a tremendous gift.

Once in a lifetime.

In addition to student evaluations of the learning experience, the quality of the work that students produce and the skills that they demonstrate as a result of taking the courses are another means of evaluating the effectiveness of the teaching model. In this respect too, in our experience, teaching international law 'in the field' has distinct advantages over traditional classroom-based models. Students completing *Institutions in International Law* or *Global Lawyer* have submitted written work that demonstrates comprehensive knowledge and understanding of international and transnational law, a strong ability to research and analyse complex legal problems, and an enhanced awareness of the roles and responsibilities of international institutions and lawyers. In addition, students' class presentations and class participation have been of a consistently high quality. Students are expected to maintain high standards of personal and academic responsibility while studying both on- and off-shore and, in return, teachers are rewarded with more thoughtful contributions, a high level of analysis and participation, and more responsible behaviour as our students develop their emerging professional identities in our 'global classroom'.⁵¹

B Other Benefits

In addition to the academic outcomes of the courses, our teaching model has the benefit of creating and maintaining — for both students and the academic teachers — professional networks among the present and future community of international lawyers.

⁵¹ Magallenes, above n 41, 519.

These networks are valuable resources for students interested in securing further experience in international law. For example, the experience of Institutions in International Law and the opportunities it provides has enabled students to secure internships in Geneva (with organisations such as private law firms, the WHO, the WTO, the United Nations Office of the High Commissioner for Refugees, and the United Nations Environment Programme) and elsewhere (for example, the UN Development Programme and the International Criminal Tribunal for Rwanda), and to develop longer-term career plans in the field of international law. Teachers also assist students to expand and refine their research essays from this course to a publishable standard and to find appropriate fora for their work to be presented or published.

Our teaching model also has benefits for the academic teachers involved and their home institution. Each year, professional relationships are renewed and affirmed during the off-shore visits, and practice-based knowledge of the current issues in international law is also refreshed. It is a particularly rewarding teaching experience to be able to design a curriculum based on professional experiences and research expertise. It is also rewarding to work closely with and get to know, academically and personally, a relatively small group of students who have elected to study a course in your area of expertise and who are interested to work in that area. It is not only the students who value this aspect of the teaching model highly.

Our courses have also had tangible benefits for our institution. Unexpectedly, but very happily, we have learned that these courses and the opportunities they afford play a role in attracting students to our law school.⁵² Given that our law school adopts an explicitly 'global' and international focus, Institutions in International Law and Global Lawyer provide tangible evidence of a commitment to fostering future lawyers who adopt a global outlook and are prepared for the challenges of legal practice in an increasingly internationalised world.

VI CHALLENGES

The key challenge for experiential learning is how resource-intensive it is.⁵³ Resourcing issues are usually an important consideration for academic institutions offering experiential learning opportunities, and our courses are no exception.⁵⁴ Multiple strategies need to be adopted to deal with the resourcing challenge, whether strengthening existing funding arrangements or accessing new

⁵² That is, MLS at the University of Melbourne, Australia. This feedback has been provided to us from our marketing and recruitment office.

⁵³ Giddings, above n 10, 2.

⁵⁴ *Ibid* 5.

sources of funding. Resources also need to be used creatively, in order to make these valuable learning experiences broadly accessible. However, it is simply not possible to make these experiences available to all students, leading to difficult issues of access and equity. In addition, experiential courses create logistical and administrative burdens. If such courses are to be sustainable, these issues must also be resolved or minimised.

A Student Selection

Providing an enriching experiential education for students in the field of international law has inherent cost implications. The additional costs involved in arranging a program of off-shore learning activities need to be considered and, where possible, defrayed so as to make the opportunity available to as many students as possible. However, even if costs can be subsidised, overseas law courses like ours have to be capped at a number that will make navigating a foreign city as a group manageable. Our courses take 25 students each year and, in our experience, this ensures class cohesion, facilitates group travel on foot and on public transport, and allows us to fit into the various meeting rooms provided by firms and organisations.

However, the limit of 25 students means that demand for the courses always outstrips supply — we routinely receive more than 70 applications for the 25 places. From the first offering of Institutions in International Law, the limited number of places and the high demand meant that we had to determine how to select students to participate. To what extent should admission be based on previous academic results? Should later-year students take priority over earlier-year students? Should students be required to take international law or other relevant law courses before applying, or should students that have taken those courses take precedence in the selection process? In the end, we have adopted a broad framework in selecting students, taking into account tertiary results but also personal interests, experiences and attributes as demonstrated in an extensive written application. We give priority to students who have achieved an honours-level academic standard and who can demonstrate a substantive interest in international aspects of the law.

These principles for course selection are outlined in the initial information pack used to call for applications. In particular, it is explained to students that academic results are only one criterion and that a high GPA average will not necessarily guarantee a place. Additional attributes are valued, such as broad intellectual curiosity (rather than a focus, for example, on one particular NGO), flexibility, and capacity to accept a degree of regimentation. Over the years, it has been our experience that the ability of students to follow instructions and work as a team in unfamiliar surroundings is more

important to the success of the group in a foreign city than their academic records. At the same time, enthusiasm for the substantive course matter is vital for every student to make the most of the opportunities offered and to encourage fruitful discussions involving the whole class. Accordingly, prior experiences in and knowledge of the international law field are also highly valued.

These selection criteria have been found to create a good balance between maximising the experience for those students who participate, and ensuring that the opportunity to study international law in the field is available to a broad range of students.

B Travel Logistics and Costs

Travel outside Australia with a class size of 25 entails substantial logistical and financial costs, which must be borne by students, the institution or a combination of these.⁵⁵ From the outset, we sought and received institutional funding to provide several needs-based scholarships to cover the accommodation costs for meritorious students who would not otherwise be able to afford to participate in the courses. While students are generally required to pay for their own airfares and accommodation, expenses for local transport, food and social events are kept to a minimum.⁵⁶ We ensure that there is no cost to students to visit the institutions and organisations on our schedule.

These courses also involve indirect costs. For example, administrative steps necessary to ensure that the courses run smoothly include liaising with selected speakers regarding rooms and times; securing venues for student presentations and class discussions; noting public transport timetables or arranging other means of group transport; arranging for any group meals and social functions; and providing students' identity details to the sites they will be visiting. From an institutional perspective, certain additional steps may be necessary, such as performing a risk assessment and encouraging students to register their international trip on the relevant government website. All these tasks could be converted to an additional administrative fee payable by participating students.⁵⁷ However, we have chosen not to adopt such an approach, in an effort to keep the costs to students as low as possible.

⁵⁵ The direct financial costs involved (and the associated administrative burden) for students and staff include airfares, travel insurance, visas, accommodation, airport transfers, local transport and meals.

⁵⁶ In relation to local transport, we ensure that the hotels are centrally located and, so that food and drink costs benefit from economies of scale, we organise a number of group meals and social events, such as picnics.

⁵⁷ Several United States law schools who run these kinds of programs do impose a hefty fee, which they then use to employ people to deal with the administrative issues (often including people on site in the relevant international city).

This means that many additional tasks are borne by the academic teaching staff administering the courses — tasks that are on top of the ‘normal’ teaching workload, or are difficult to account for in standard workload formulas. The degree of administrative support available from the home institution can make a significant difference to this additional burden on academic teaching staff. However, there are other indirect costs to the academic teaching staff involved in these courses as a result of the off-shore teaching component, including the interruption to family life and disruption of caring responsibilities, often with associated costs which are not compensated. While the requirement to be available for overseas travel might be considered a standard element — and, often, of course, a desirable aspect — of an academic position, teaching off-shore for extended periods does limit other professional and personal activities, with corresponding financial and non-financial costs.

C Behaviour and Security

Taking a relatively large group of mostly young law students outside Australia is also a major responsibility, again borne by the academic teaching staff. In our experience, one way of trying to ensure that this responsibility is properly fulfilled is to make students aware of their obligations in caring for themselves and each other.⁵⁸ In the foreign cities we visit, the academic program can be severely disrupted by events such as a student: wandering off in the middle of a highly security-conscious intergovernmental organisation; engaging in illegal conduct; becoming inebriated; having their bag or wallet snatched; failing to notify us in advance of medical conditions or allergies; needing emergency medical treatment; having an accident; or not eating properly. We have now experienced most of these scenarios, which can generally, but not always, be prevented or at least managed by precautions and attention to the surrounding people and environment. Accordingly, from the first meeting with selected students in Melbourne, teachers try to instil in the class a sense of personal responsibility and an understanding of the potential security hazards that may arise even in a city as safe as Geneva. At the end of the day, these are adults, even if young adults, and we rely on their maturity and capacity to look out for each other to minimise risks.

⁵⁸ To assist in this regard, and also to facilitate moving such a large group around a city, we divide each class into groups of five and assign a leader to each group.

VII CONCLUSION

The quality of the education that lawyers receive is directly a function of the resources that can be brought to bear on that education. It is imperative to shift from passive mass education to tailored skills training, clinical and other experiential learning, and deep embedding of ethical values.⁵⁹

This article has outlined a course design framework for effective experiential learning in international law and its practice. Given the growing importance of international and transnational law, and the relatively limited opportunities for experiential learning, our courses are an innovative approach to teaching in this field. The opportunities that the model affords for enhanced student engagement, development of professional identity, collaborative learning and teamwork, and extensive interaction with academic teachers have resulted in high levels of student achievement and satisfaction. In addition, this teaching approach has proven effective in meeting specific learning objectives related to developing students' understanding of the complexity and fragmentation of international law, and their knowledge of the diverse legal problems, institutions and actors in this field.

A range of measures indicate that student learning is significantly enhanced by the experiential elements and practice-based focus of these international law courses. Engaging directly with a diverse range of institutions and practitioners immerses students in the 'world' of international institutions and the challenging legal problems that international lawyers are required to address. Intensive small group and on-site seminars afford students unique opportunities to meet with a range of actors involved in ongoing disputes, controversies and even crises in the field of international law, and to participate in meaningful analysis of substantive international law issues with some of the world's leading international lawyers. This innovative teaching approach inspires students to learn by engaging them simultaneously with contemporary legal issues in international and transnational law, as well as the many and varied career opportunities available to lawyers in the international field. Thus, our courses directly target students' passions, which, as Maranville has noted, are 'likely to be related to their postgraduation goals' as well as their intellectual and professional interests.⁶⁰

The benefits to students of studying international law 'in the field' flow through to the institution itself. Our courses have attracted students and faculty to our law school, as they provide evidence of the school's commitment to innovative teaching techniques,

⁵⁹ Council of Australian Law Deans, Submission to Department of Education, Employment and Workplace Relations, *Review of Australian Higher Education*, 2008, 8–9.

⁶⁰ Maranville, above n 1.

experiential learning, a global perspective, and engagement with the non-academic community in connection with the practice of international law. The administrative and financial costs associated with this form of experiential learning must be assessed within this broader context, recognising the significant educational benefits that can result from this teaching mode.