cause integration would require all legal academics to rethink the structure, content and process of their course. The potential excuses for avoiding integration are many. Some believe that making materials compulsory that have a strong ideological perspective is inappropriate. Others consider that inclusion of feminist perspectives in the core curriculum will perpetuate and entrench gender differences. It is for this reason that diligence is required in assessing the progress and approaches of law schools on this issue.

There is no shortage of material available for use in core curriculum units which would assist with the integration of women's perspectives and these need to be more widely promoted and disseminated. There are also numerous articles regarding the integration of women's perspectives into core curriculum subjects. Helping academics with the content of materials that integrate women's perspectives into the core curriculum is important. But legal academics may also need assistance and encouragement with process. Programs for integrating feminist perspectives into the core law school curriculum need to be developed.

INDIVIDUAL SUBJECTS/ AREAS OF LAW

Simulating multilateral treaty making in the teaching of international law

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10 *Legal Educ Rev* 1, 2000, pp 61-82

The general course in Public International Law has not traditionally been considered a 'black letter law' subject along the lines of the legislation and case law based domestic law subjects in most Australian law school curricula. Despite the general acceptance among international law educators that international law is much more than simply a set of rules, teaching methods in the subject have rarely focused on the actual practices of international law making. A clinical international legal education program has yet to be developed anywhere in Australia.

This lack of attention to teaching about the making of international law poses a particular problem in the area of multilateral treaty making. Treaties are one of the four major formal sources of international law and, increasingly, are seen as the most significant component of the international legal order. An understanding of the principles of treaty law is fundamental to any analysis of the substantive provisions of an individual treaty and therefore indispensable to any student of international law. Yet, the methods and processes by which treaties emerge remains relatively unexplored in the discipline. This can be contrasted with scholarly activity in domestic law where emergence studies into national legislation is a thriving field.

The use of simulations offers at least one means by which this over-emphasis on doctrine at the expense of practice can be remedied. Through simulations students can understand that process is vital to an adequate comprehension of the political context in which international law operates and the legal forms which international law adopts and utilises. We have drawn on previous efforts to devise a simulation exercise aimed at redressing the lack of emphasis on process and negotiation in the teaching of international law and organisations.

The doctrinal focus of much international law teaching can be explained partly by the difficulties inherent in any attempt to teach process and negotiation. Communicating information about legal rules and principles is, on the whole, more straightforward than engaging students in the simulated practice of international law.

A successful simulation exercise on the negotiation of a draft multilateral treaty requires a substantial time commitment on the part of both teachers and students. Teachers need to identify an appropriate subject for negotiation – either from an existing multilateral negotiation process or by creating a hypothetical subject and process. In addition, the amount of time the actual exercise consumes is a factor for consideration. If the exercise occurs during normal class time, a teacher would need to allocate a substantial proportion of the lecture/seminar time allocated to the subject.

Possible deterrents include the suspicion that students may not be sufficiently motivated to make the simulation work and the sense that such events are rather unpredictable. The teacher concerned with getting through a mass of material in a course will find simulations an unappealing way to teach international law. Students teach themselves more slowly than we can teach them. But they teach themselves more effectively.

We have found it helpful to provide one or two lectures as background preparation for the simulation exercise. The lectures have helped students participating in the simulation exercise to gain a greater sense of familiarity and, as a consequence, confidence with the substantive issues. In the explanatory session we also attempt to describe some of the principles of how multilateral negotiations work – both in terms of procedure and conventional forms of negotiation, as well as in terms of the pursuit of national objectives and priorities.

Students usually have relatively little background in either multilateral negotiations or the history and politics of the State they are purporting to represent. This can lead either to a lack of confidence on the part of students or a tendency to enter the realm of the fantastic in adopting debating positions. To avoid this, teachers must provide adequate briefing papers in good time for students to absorb these papers and develop positions.

Either during or after a simulation, students will come to realise that they do not possess the answers or that the process is highly procedural, frustratingly slow, surprisingly informal and inelegant. These are, of course, insights but it will not always be clear to students that these are valuable conclusions. It is important that teachers engage in a serious debriefing at the conclusion of the simulation.

One has to accept from the outset that a simulation cannot entirely replicate actual negotiation and drafting. There are severe time constraints that do not exist to the same extent in reality; there are no sec-

ond chances in simulated negotiations; cultural factors are often missing from simulations; inter-state histories do not wield the same influence; and Realpolitik differentials are impossible to reproduce effectively in a simulated context. Again, the important point is to acknowledge the artifice and explain the departures from reality.

In any educational activity, the prior determination of goals is one of the keys to success. Traditional legal education has focused on cognitive learning (doctrinal, formalistic problem solving and information gathering). The performative and affective objectives concerning what students can do and how they feel and experience a situation are insufficiently emphasised.

The simulation accomplishes specific goals. First, it permits collaboration on meaningful tasks. One of the unfortunate by-products of our highly individualised mode of assessment in the academy is a tendency to deprecate the benefits of co-operative endeavour and yet much of what we do on leaving university is by necessity done as part of a team (whether in government or private practice). Simulations give students a rare opportunity to develop these very particular group skills. Second, students can better see the value of their own ideas in a situation. Third, the simulation can be an entertainment, a break from the routines of lectures and tutorials.

Teaching corporate governance

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As corporate governance has emerged as a prominent topic, legal academics have pursued the subject with some vigour. A substantial literature has already developed and the trend seems likely to continue in the future. Still, although it has emerged as an important research topic, corporate governance has been largely ignored as an academic discipline for law students. This is unfortunate. A proximity between research and teaching can often be beneficial for students.

There is no universally accepted definition of corporate governance. Instead, experts in the area prescribe the boundaries of the subject in different ways. For some, the primary concern is with those who supply finance to companies, and more narrowly, shareholders. The key goal of corporate governance, under this approach, is to improve the returns available to investors by upgrading standards of managerial accountability.

Still, while many think of corporate governance as a means of improving shareholder return, it is also possible to define the topic much more broadly. Various experts in the field have concerns which extend well beyond the risks which a shareholder will face. They focus instead on the entire network of formal and informal relations that determine how control is exercised within companies and how the risks and returns from corporate activities are allocated.

Students who are confident that they are going to practise law and anticipate that they might ultimately act as advisers to directors and executives in public companies are the individuals who will think of a course on corporate governance as having the greatest practical relevance. The audience for the subject should not be restricted, however, to individuals with such precisely focused career objectives. Instead, the market for a course on corporate governance should extend to all students who have a general interest in the role which large business enterprises play in our society. Those who take such a course will, for example, have the opportunity to think about whether corporate executives are held sufficiently accountable for actions taken. Also, if there is coverage of 'stakeholders', students will learn about the impact which corporate activity has on employees, creditors, and other such constituencies.

Since debates concerning corporate governance have focused primarily on publicly quoted companies, it follows that a course dealing with the subject is likely to be organised on similar lines. If this is in fact done, students should be discouraged from enrolling unless they have completed an introductory course on company law. A common complaint made by academic company lawyers is that they cannot teach their subject in sufficient depth in one course. For students, studying corporate governance should fill some of the gaps which result.

There is a further way in which students can expand their intellectual horizons by studying corporate governance. Law is only one of a variety of factors which influences corporate activities. As a result, if students only learn about cases, statutory measures, stock exchange rules and the like, there is a mismatch of business law education and business law practice. Taking a course on corporate governance should help to address this potential problem. The study of corporate governance draws from a variety of fields other than law, including economics, ethics, accounting and finance.

If members of an academic law department agree in principle that it would be desirable to offer a course on corporate governance, those responsible for organising matters will have to address some questions of a practical nature. With law departments that offer a degree course for graduate students, one will be whether the course should be taught at this level or as part of the undergraduate curriculum. Another important matter is teaching materials. Since there is not a suitable text or set of cases and materials for a course on corporate governance, those teaching the subject will be under an onus to draw upon a range of sources when they structure lectures and assign readings to students. This approach has significant potential drawbacks since the course will probably lack something in terms of cohesion and the students may find the learning outcome to be somewhat derivative.

A course on corporate governance should probably begin by addressing the same sort of questions that this article does. What is corporate governance? Why has it emerged as a prominent issue? What will students learn by taking a course on the topic? An overview of the corporate governance framework can then be provided. Once students are aware of the ba-