



Sydney Centre for International and Global Law

First Report – August 2003 to December 2005



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1. Objectives and Activities

The Sydney Centre for International and Global Law was established in 2003 at the University of Sydney's Faculty of Law. The purpose and paramount initiative of the Centre is to provide and demonstrate excellence in research and in the teaching of international law. It does this by providing a diverse focus for research and by making an important contribution to international legal scholarship.

The Centre's main objectives are:

- to promote excellence in the teaching of international law;
- to make a major contribution to international legal scholarship;
- to play a significant advisory role for governments and non-governmental organizations in the Asia Pacific region in matters of international law; and
- to enhance public awareness of, and interest in, international law.

The objectives of the Centre will continue to be realised by the following activities:

Teaching

- Offering a range of courses, many of them new to the University and to the region, that specialize in global and international law;
- Offering units of study at postgraduate level that feature traditional international law and its newly emerging fields;
- Attracting doctoral students of the highest calibre from the Asia Pacific region; Providing a centre within the region that deals exclusively with the study of international law;
- Promoting the Jessup International Law Moot Court competition.

Research

- Developing and expanding research within international law that builds on the well-recognised expertise that is already a feature of the Law School
- Achieving eminence as the only centre of research in international law within the Asia Pacific region;
- Obtaining project funds from here and abroad that allow for pro bono undertakings in the public interest

Advisory Work

- For the first time within the region develop the means to address comprehensively the needs of any who come to it for advice;
- Offer practical and independent advice on matters that are politically sensitive and also confidential;
- Bridge the gap that separates universities, private practice and government;
- Be sufficiently flexible to service a range of clients including governments, corporations and NGOs.

2. Structure of the Centre

2.1 Staff

Foundation Director

Professor Donald R. Rothwell, Challis Professor of International Law

Centre Administrator

Mrs Jennifer Hornitzky

Centre Associates

Ms Nicole Abadee, Mr Ross Anderson, Assoc. Prof. Belinda Bennett, Prof. Ben Boer, Assoc. Prof. Mary Crock, Prof. Mark Findlay, Mr Jolyon Ford, Dr Fleur Johns, Ms Rosemary Lyster, Dr Jane McAdam, Dr Luke Nottage, Prof. Don Rothwell, Prof. Ivan Shearer, Dr Tim Stephens, Dr Chris Ward, Dr Brett Williams, Assoc. Prof. Alex Ziegert.

2.2 Management Committee

The Centre's constitution provides for the creation of a Management Committee to oversee the administrative, public education and research activities of the Centre. The Management Committee is comprised of the teaching and research staff and the Administrative staff of the Sydney Centre for International and Global Law.

3. Director's Report

The Sydney Centre for International and Global Law was launched amid great fanfare in August 2003 at a series of functions in the Faculty of Law. The first was a packed public forum titled "International Law: Where to after Iraq?" where the speakers included Professor Ivan Shearer AM (University of Sydney), Professor Hilary Charlesworth (Australian National University), Professor Gillian Triggs (University of Melbourne), and Dr Richard Butler (former Australian Ambassador to United Nations). This was followed by a reception in the Minter Ellison Rooms hosted by the Dean, Professor McCallum, and attended by members of the University and Faculty community, and the legal profession. On that occasion I spoke of the Centre's future as follows:

This Centre has been in the making now for over 3 years and I wish to pay a particular tribute to our former Dean, Professor Jeremy Webber, for his initial support for this proposal. Special thanks should also be extended to Mr Martin Wilder of Baker & McKenzie, and Dr Chris Ward of the Sydney Bar, for their contribution to the initial discussions over how this Centre should be shaped. Finally, the Centre owes a debt of thanks to our current Dean, Professor Ron McCallum, for his enthusiastic support. Without that support and the firm indication of Decanal backing, this Centre would not have been launched this evening.

The development of the Centre is of course reflective of the long standing engagement of this Faculty with international law – a tradition which stretches back for well over a century. During that time members of the Faculty have not only taught and published in a wide range of international law areas – they have also engaged in the practice of international law at the very highest levels. This Centre hopes to continue and expand upon that tradition by actively engaging where possible in the practice of international law. The Centre will also engage with what we have called 'Global Law'. Again this reflects this Faculty's long standing international engagement in areas such as comparative law, private international law, European Law, and Asian Law. But it also reflects not only the phenomena we know as 'globalisation' but also the growth of 'global law' – a mixture of international, regional, and municipal law which is having global influence. This is perhaps no better reflected by the global efforts to legislatively respond to the threats posed by international terrorism, and the resulting global litigation that is taking place as a result of terrorist acts in places as far flung as New York and Bali.

The Sydney Centre for International and Global Law will not be an insular Centre. We shall actively engage with our academic colleagues from around this city and Australia – some of whom are represented here this evening. We shall also actively engage with the profession – government lawyers, Law Firms, members of the Bar, and the Judiciary - who have an interest in the teaching, research and the practice of international and global law.

Since that time, the vision of the Centre gradually began to be realised throughout 2004 and 2005. During this period the Centre has worked collaboratively with the Faculty in further promoting the teaching of international and global law, with particular focus upon the postgraduate coursework and research programs. New units of study have been introduced including 'National Security Law' and 'Terrorism and Counterterrorism Law and Policy', ensuring that the Master of International Law program has remained at the cutting edge of legal developments. Postgraduate research students have also been engaged in various aspects of the Centre's activities, including Tim Stephens, Hitoshi Nasu and Ivana Zovko.

In promoting research and scholarship, the Centre has sought to support the individual projects of a number of Centre members whilst also undertaking larger collaborative projects. Two in particular should be noted. The first has been a joint project with colleagues at the Institute for Antarctic and Southern Ocean Studies, University of Tasmania titled 'Australia's Antarctic Agenda' in which law and policy scholars reviewed and reassessed Australia's engagement in Antarctica affairs and sought to assess future challenges. This project resulted in two joint workshops in Sydney (2004) and Hobart (2005) involving Centre Associates, researchers from the University of Tasmania, and Antarctic scholars from the Universities of New South Wales and Canterbury. A monograph to be published by Federation Press will be forthcoming from the project in the near future. The Centre was also associated with an ARC funded project on "Globalisation and Biomedicine" which resulted in two workshops throughout 2005, the second in collaboration with the recently launched Centre for Health Governance, Law and Ethics. The Centre Director and Associate Professor Belinda Bennett were the lead researchers in the project. The Centre was also actively engaged in an Advisory capacity and acted as a consultant to a number of non-governmental organisations on matters addressing issues of international law, including a major project on climate change and world heritage.

Throughout 2004/2005 the Centre also sponsored and co-hosted a number of public conferences, seminars and events. Highlights included a joint conference in Canberra with the Department of Foreign Affairs and Trade titled "Strategic Directions for Australia and the Law of the Sea" held in Canberra in November 2004, a joint seminar in February 2004 convened by Dr Brett Williams with the Institute for International Business, Economics and Law (University of Adelaide) on "Why have a World Trade Organization? Focussing on the Welfare Effects of the Law of the WTO", and a series of public forums on "International Law and Australian Foreign Policy" in the lead up to the October 2004 federal election. In November 2005, Dr Jane McAdam convened a very successful conference titled "Moving On – Forced Migration and Human Rights". Important seminars were also held on the "Australia-US Free Trade Agreement", and the "Trial of David Hicks".

Elsewhere in this report, the activities of individual Centre members in the Media and public affairs are also recorded. There has been considerable media interest in a range of international and global law issues during the period under review, and Centre Associates have been actively engaged in public debates on a range of issues ranging from the conflict in Iraq, the status of the death penalty, and the trials of Australian in Indonesia. Finally, it should be noted that the Centre was appointed National Administrator for the Philip C. Jessup International Law Moot Court Competition and was responsible for

administering the Australian Regional Rounds of the Jessup Moot in Canberra in February 2005. The Centre will continue to act as the Jessup Moot National Administrator until 2007.

Donald R. Rothwell
August 2006

1. Financial Report

CENTRE FOR INTERNATIONAL & GLOBAL LAW (J0033 00000 & J0033 11111)

Statement of Financial Performance for year ended 31 December 2004

	2004	2003
	\$	\$
INCOME		
Fees Seminars / Conferences		
Consulting income Local		
Administration fee income		
Faculty Support	15,000	15,000
Internal income	Note 1 2,456	
Other Income	Note 2 697	
Total Income	<u>18,153</u>	<u>15,000</u>
EXPENDITURE		
Salaries & associated Costs	11,411	1,278
Printing & Photocopying	150	2,656
Travel & Conferences	3,619	251
Catering & Entertainment	1,375	1,129
Plant & Equipment costs	989	200
Contractors	3,023	
Other Expenses	2,530	709
Total Expenditure	<u>23,097</u>	<u>6,223.00</u>
Surplus/(Deficit)	-4,944	8,777
Accumulated Funds as at 1 January 2004	8,777	
Accumulated Funds as at 31 December 2004	<u><u>3,833</u></u>	<u><u>8,777</u></u>

Note 1: 2004 - Transfer from CLE for coordinator fees (\$600) & profit distribution (\$1,856.35) totalled \$2456.35

Note 2: 2004 - Reimbursement income from University of New South Wales.

CENTRE FOR INTERNATIONAL & GLOBAL LAW (J0033 00000 & J0033 11111)**Statement of Financial Performance for year ended 31
December 2005**

	2005	2004
	\$	\$
INCOME		
Fees Seminars / Conferences	6,807	
Consulting income Local	1,002	
Administration fee income	Note 3 9,000	
Faculty Support	20,000	15,000
Internal income	Note 1 47	2,456
Other Income	Note 2 1,050	697
Total Income	<u>37,906</u>	<u>18,153</u>
EXPENDITURE		
Salaries & associated Costs	12,715	11,411
Printing & Photocopying	440	150
Travel & Conferences	4,494	3,619
Catering & Entertainment	3,489	1,375
Plant & Equipment costs		989
Contractors		3,023
Other Expenses	286	2,530
Total Expenditure	<u>21,425</u>	<u>23,097.00</u>
Surplus/(Deficit)	16,481	-4,944
Accumulated Funds as at 1 January 2005	3,833	8,777
Accumulated Funds as at 31 December 2005	<u><u>20,314</u></u>	<u><u>3,833</u></u>

Note 1: 2004 - Transfer from CLE for coordinator fees (\$600) & profit distribution (\$1,856.35) totalled \$2456.35
2005 - CLE profit distribution (\$46.70).

Note 2: 2004 - Reimbursement income from University of New South Wales.
2005 - \$1,050 was made up of : reimbursement from Jessup Intl Law Moot for Roslyn's travel claims of \$750; and invoiced Cambridge Press \$150; & Oxford Press \$150.

Note 3: Acted as National Administrator for the Jessup Moot in 2005 to Jessup International Law Moot Inc

2. Centre Administration

The Centre Administration was initially under the control of Mr Tim Stephens from inception till he left in July 2004 to take up a teaching position in the Faculty. Mr Mariusz Bartoszewicz was then administrator of the Centre until he left in December 2004. Mrs Jennifer Hornitzky assumed the position of Centre Administrator, commencing in April 2005.

3. Visitors to the Centre

The Centre hosted a number of visitors during the period under review, including:

- Professor Donald Chalmers (University of Tasmania)
- Dr Tom Faunce (Australian National University)
- Dr Stephen Girvin (National University of Singapore)
- Dr Guy Goodwin-Gill (University of Oxford)
- Dr Rob Hall (University of Tasmania)
- Dr Marcus Haward (University of Tasmania)
- Dr Alan Hemmings (University of Canterbury)
- Dr Julia Jabour (University of Tasmania)
- Professor Aynsley Kellow (University of Tasmania)
- Professor David Kennedy (Harvard Law School)
- Dr Gail Lugten (University of Tasmania)
- Professor Derek Morgan (Cardiff Law School)
- Professor Margaret Otlowski (University of Tasmania)
- Professor William R. Park (Boston University)
- Mr Andrew Stoler (University of Adelaide)
- Dr Barbara von Tigerstrom (University of Canterbury)

4. Activities of the Centre

The Centre was actively engaged in the promotion of issues the subject of international debate and general concern. This was achieved by arranging a series of seminars and speakers as a means of furthering debate and discussion on topical issues and by research, publication and media exposure.

Matters of significant interest in the area of transnational legal practice were addressed in a series of seminars in November of 2003; including the global legal practice, international dispute resolution and multi-jurisdictional legal practice.

In May and June of 2004, a series of seminars was presented by the Centre, focussing on the Australian/U.S free trade agreement, maritime law and international security and issues involved in the criminal trials of Saddam Hussein and David Hicks.

Additionally in June of 2004 Professor David Kennedy of Harvard Law School presented a paper on the 'Politics of Global Governance' which the Centre assisted in sponsoring.

In preparation for the Federal Election in Australia in October of 2004, the Centre arranged and presented a further series of seminars on current international issues and included as speakers the Minister for Foreign Affairs, the Hon. Alexander Downer, Senator Kerry Nettle and Senator Aden Ridgeway.

Also in October 2004, the Centre co-organised with Amnesty International for a forum to take place addressing the issue of refugee protection in Australia and its likely path, while in the same month co-sponsored an event concerning the *ACT Human Rights Act*. A special event "*Strategic Directions for Australia and the Law of the Sea*" was jointly hosted by the Centre and the Department of Foreign Affairs and Trade in Canberra in November 2004.

The Centre was actively involved in research, publication and conference presentations. A comprehensive list of all publications for the Centre is found in the section of this report entitled *Publications*.

An important and essential activity of the Centre is to constitute a point of liaison for the media, researchers and others, including international scholars, who require specific information on international and global law.

Further details are set out below of (4.1) Seminars and Events, (4.2) Public Presentations by Centre Associates, (4.3) Public Submissions, Legal Opinions and Reports and (4.4) Media Appearances. Publications are listed at Item 5 below.

4.1 Seminars and Events

The Sydney Centre for International and Global Law from its inception in August 2003, and continuing throughout 2004 and into 2005, has organised and run successfully, seminars and conferences and has co-organised and contributed to other important and topical seminars and conferences that have been well received by both the public, academics and professional alike. A description of these events is provided as follows:

For 2003:

The Global Practice of Law: Some Contemporary Debates

Wednesday 5 November 2003, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

Speakers: Mr Jolyon Ford, University of Sydney, Faculty of Law
“Democratisation and the Changing Scope of lawyers’ expertise, influence and authority.”

Dr Fleur Johns, University of Sydney, Faculty of Law
“What does globalisation imply in the context of legal practice?”

International Dispute Resolution: Challenges and Possibilities

Wednesday 12 November 2003, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

Speakers: Dr Andrew Bell, Sydney Barrister
“Transnational commercial litigation at the coalface.”

Dr Luke Nottage, University of Sydney, Faculty of Law
“The past, present and future of international commercial arbitration: globally and for Australia and New Zealand.”

Professor Hilary Astor University of Sydney, Faculty of Law
“Mediatio and questions of cultural identity.”

Multi-Jurisdictional Legal Practice: The Way Ahead

Wednesday 19 November 2003, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

Speakers: Dr Brett Williams, University of Sydney, Faculty of Law
“How the WTO’s General Agreement on Trade in Services opens foreign markets for lawyers.”

Mr Steven Mark, NSW Legal Services Commissioner

“Proposals for an international code of professional conduct.”

Mr Ewen Crouch, Allens Arthur Robinson
“The Challenges of multi-jurisdictional commercial legal practice for law firms in the Asia Pacific region.”

For 2004:

‘The Australia/US Free Trade Agreement’

Wednesday 12 May 2004, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

Chair: Dr Brett Williams, Faculty of Law, University of Sydney
General
Convenor: Professor Donald R Rothwell
Speakers: Mr Stephen Bouwhuis, Attorney-General’s Department Canberra
Ms Anne Flahvin Baker & McKenzie
Mr Andrew L. Stoler, Institute for International Business,
Economics and Law, University of Adelaide
Professor Linda Weiss, University of Sydney

‘Maritime Security: The National and International Impact of the ISPS Code

Monday 24 May 2004, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

Chair: Justice James Allsop, Federal Court of Australia
General
Convenor: Dr Brett Williams, Faculty of Law, University of Sydney
Speakers: Dr Stephen Girvin, Faculty of Law National University of Singapore
Commentators: Justice Richard Cooper, Federal Court of Australia
Mr Stephen Harper, Norton White Solicitors Sydney

‘The Trials of Saddam Hussein and David Hicks’

Monday 7 June 2004, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

Chair: Professor Donald R Rothwell, Faculty of Law, University of Sydney
Speakers: The Hon Justice Greg James, Supreme Court NSW
Emeritus Professor Ivan Shearer AM, Faculty of Law, University of Sydney
Ms Elizabeth Fullerton SC, Law Council of Australia and NSW

Bar
Dr James Renwick, NSW Bar

‘Challenging Expert Rule: The Politics of Global Governance’

Monday 17 June 2004, co-sponsored by the Centre

Speaker: Professor David Kennedy, Harvard School of Law, Harvard University, USA

This event was held in the Banco Court of the Supreme Court of NSW and was attended by the general public, academics, scholars and students.

‘Apes, Neanderthals and Missing Links: Evolution in International Business Arbitration’

Wednesday 11 August 2004, co-sponsored by the Centre

Speaker: Professor William R. Park, Boston University

This event was held in the Banco Court of the Supreme Court of NSW and was attended by the general public, academics, scholars and students.

‘Harnessing the International System for Peace and Prosperity’

Friday 13 August 2004, Faculty of Law, 173 Phillip Street Sydney

Chair: Professor Ivan Shearer, Faculty of Law, University of Sydney

Speaker: The Hon. Alexander Downer Minister for Foreign Affairs and Trade

“Harnessing the International System for Peace and Prosperity.”

‘Australian Foreign Policy and International Law’

Wednesday 25 August 2004, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

Speaker: Senator Kerry Nettle, Australian Greens’ Senator for NSW

‘Human Rights and International Law in Australia: At the Crossroads’

Wednesday 6 October 2004, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

Chair: Dr Mary Crock, Faculty of Law, University of Sydney

Speakers: Senator Aden Ridgeway of the Australian Democrats
Ms Tanya Plibersek MP, Labor Member for Sydney

‘The Future of Refugee Protection in Australia’

Thursday 28 October 2004, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

Speakers: Mr Graham Thom of Amnesty International
Dr Mary Crock, Faculty of Law, University of Sydney

This seminar was co-sponsored and organised with the Centre and Amnesty International.

‘Australia’s Antarctic Agenda’

Thursday 4 November & Friday 5 November 2004, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

This event constituted a Workshop co-sponsored by the Centre and the Antarctic Climate and Ecosystems CRC at the University of Tasmania.

Workshop Participants:

Professor Ben Boer, Faculty of Law, University of Sydney
Mr Mariusz Bartoszewicz, Sydney Centre for International and Global Law
Dr Marcus Haward, Antarctic Climate and Ecosystems CRC
Dr Alan Hemmings, Polar Consultant, Canberra
Dr Julia Jabour, Antarctic Climate and Ecosystems CRC
Mr Murray Johnson, Sydney Centre for International and Global Law
Dr Rob Hall, Antarctic Climate and Ecosystems CRC
Professor Aynsley Kellow, School of Government, University of Tasmania
Dr Lorne Kriwoken, Antarctic Climate and Ecosystems CRC
Dr Gail Lugten, Faculty of Law, University of Tasmania
Dr Eric Molenaar, Antarctic Climate and Ecosystems CRC
Professor Donald R. Rothwell, Faculty of Law, University of Sydney
Dr Shirley Scott, Faculty of Law, University of New South Wales
Mr Tim Stephens, Sydney Centre for International and Global Law
Ms Ivana Zovko, Sydney Centre for International and Global Law

For 2005:

“Globalisation and Biomedicine” Workshop

Monday 24 February 2005, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney

This Workshop was part of an ARC sponsored project directed by Professor Donald Rothwell and Associate Professor Belinda Bennett.

Workshop Participants:

Professor Donald Rothwell, Faculty of Law, University of Sydney
Associate Professor Belinda Bennett, Faculty of Law, University of Sydney
Dr Tom Faunce, Australian National University

Professor Derek Morgan, Cardiff Law School
Dr Isabel Karpin, Faculty of Law, University of Sydney
Professor Donald Chalmers, University of Tasmania
Professor Margaret Otowski, University of Tasmania
Mr George Tomossy, Faculty of Law, University of Sydney
Professor Philip Bates, University of Newcastle

Launch of Amnesty International Australia's *The Impact of Indefinite Detention Report*

Monday 20 June 2005, Faculty of Law, University of Sydney, 173-175
Phillip Street, Sydney

Speakers: Dr Mary Crock, Faculty of Law, University of Sydney
Mr Salim Jafari, former Afghan refugee
Mr Brett Solomon, Amnesty International Australia's Campaign
Co-ordinator

'In Conversation with David Marr: From Tampa to Vivienne Alvarez: Connections or Simple Dysfunction?'

Tuesday 6 September 2005, Faculty of Law, University of Sydney, 173-175
Phillip Street, Sydney

Speakers: Dr Mary Crock, Faculty of Law, University of Sydney
Mr David Marr, award winning Journalist

'The Trial of David Hicks'

Wednesday 19 October 2005, Faculty of Law, University of Sydney, 173-175
Phillip Street, Sydney

Speakers: Mr Mark Ierace of the Sydney Bar
Ms Irene Baghoomians, Centre for International & Global Law,
and Faculty of Law, University of Sydney
Mr Ted Lapkin, Australia/Israel and Jewish Affairs Council
Melbourne

'Globalisation and Biomedicine' Workshop

Monday 3 November 2005, Faculty of Law, University of Sydney, 173-175
Phillip Street, Sydney

This Workshop was part of an ARC sponsored project directed by Professor Donald Rothwell and Associate Professor Belinda Bennett and co-sponsored by the Centre for Health Governance, Law and Ethics.

Workshop Participants:

Professor Donald Rothwell, Faculty of Law, University of Sydney
Associate Professor Belinda Bennett, Faculty of Law, University of Sydney

Dr Tom Faunce, Australian National University
Professor Derek Morgan, Cardiff Law School
Dr Isabel Karpin, Faculty of Law, University of Sydney
Professor Margaret Otowski, University of Tasmania
Professor Philip Bates, University of Newcastle
Dr Barbara von Tigerstrom, University of Canterbury

'Moving On: Forced Migration and Human Rights'

Tuesday 22 November 2005, NSW Parliament House Theatre, Sydney

This one-day conference was held at the NSW Parliament House on 22 November 2005, organised by Dr Jane McAdam.

The keynote speaker was Dr Guy S Goodwin-Gill of All Souls College, University of Oxford, whose address was entitled 'Forced Migration: Rights and Security'. The conference covered topics including terrorism and asylum, separated children, trafficking and slavery, offshore processing, judicial interpretations of the refugee definition, complementary protection, and human rights. The proceedings will be published in a forthcoming collection by Berghahn Books.

Thanks to Oxford University Press, Cambridge University Press and LexisNexis for their sponsorship of this event.

Keynote Speaker: Dr Guy S Goodwin-Gill, All Souls College, University of Oxford
"Forced Migration: Rights and Security"

Chairpersons: Professor Ron McCallum, Faculty of Law, University of Sydney
Professor Donald R Rothwell, Challis Professor of International Law, University of Sydney
Associate Professor Mary Crock, Faculty of Law, University of Sydney
Dr Ben Saul, Faculty of Law, University of New South Wales
Dr Jane McAdam, Faculty of Law, University of Sydney

Other Speakers: Justice Tony North, Federal Court of Australia
"A Proposal for an International Judicial Commission on Refugees."

Dr Jane McAdam, Faculty of Law, University of Sydney
"Humane Rights: The Refugee Convention as a Blueprint for Complementary Protection Status."

Dr Penelope Mathew, Australian National University

“Refugee Rights in the Age of Terror.”

Dr Ben Saul, University of New South Wales
“Race, Religion and Immigration in a Time of Terror.”

Mr Rodger Hains, QC, New Zealand Refugee Status
Appeals Authority
*“National Security and Non-Refoulement: Recent New
Zealand Developments.”*

Associate Professor Arthur Glass, University of New
South Wales
*“Decision-Making and the Processing of Refugee
Claims.”*

Dr Savitri Taylor, La Trobe University
*“Offshore Barriers to Asylum Seeker Movement: The
Exercise of Power without Responsibility.”*
Associate Professor Susan Kneebone, Monash
University
*“The Legal and Ethical Implications of Extra-Territorial
Processing of Asylum Seekers: Recent EU Proposals.”*

Ms Erika Feller, Director of the Department of
International Protection, UNHCR
*“The 2005 ExCom Conclusion on Complementary
Protection.”*

Dr J P Fonteyne, Australian National University
*“Lost in the Woods Barking Up the Wrong Tree: A Plea
for a Functionally Meaningful Interpretation of the
Refugee Definition as a Selection Tool.”*

Associate Professor Mary Crock, Faculty of Law,
University of Sydney
“Children and Refugee Protection in Australia.”

Ms Jennifer Burns, University of Technology Sydney
*“Forced Migration and the Australian Response to
Human Trafficking.”*

**‘Forced Migration and the Limits (and Limitations) of Law and
Policy’**

21 November 2005, Western Tower Room, Main Quad, University of
Sydney

Chair: Dr Jane McAdam, Faculty of Law, University of Sydney

- Speaker:** Dr Guy Goodwin-Gill, All Souls College, University of Oxford
- Commentators:** Associate Professor Mary Crock, Faculty of Law, University of Sydney
Mr David Marr, award-winning Journalist

This event is co-sponsored by the Parsons Visitors Scheme, Sydney Centre of International and Global Law, and by a new RIHSS interdisciplinary research cluster, 'Nation-Empire-Globe.'

4.2 Other Presentations by Associates

The following list of public presentations by Associates of the Centre for International and Global Law was compiled by the Faculty of Law, University of Sydney.

For 2004:

Bennett, B, 'Between the Local and the Global: Reimagining public health law', presented at 15th World Congress on Medical Law, Sydney, 1-5 August 2004.

Bennett, B, "Saviour Siblings" and the Assessment of Best Interests', presented at Australian Bioethics Association and the AHILE, Sydney, 12-14 November 2004.

Bennett, B, 'Between the Local and the Global: Reimagining public health law', presented at 7th World Congress on Bioethics, Sydney, November 2004.

Bennett, B, 'Beyond Universalism and Relativism: Health, Rights and Gender', presented at *Intersections of Medical Ethics and International Human Rights*, Canberra, 18-19 November 2004.

Boer, B, 'Assessing the Implementation of the World Heritage Convention and other MEAs in the Asian region', presented at *Assessing and Harmonising Implementation and Compliance of MEAs: International, regional and national*, International Centre for Environmental Compliance Assessment, Tokyo University of Foreign Studies. Tokyo, December 2004.

Crock, M, 'Childhood Enchained: Constitutional Deficiency or Careless Neglect? The Australian Constitution and Children in Immigration Detention' presented at the Gilbert and Tobin Centre of Public Law: Constitutional Law Conference, 20 February 2004 (available at: <http://www.gtcentre.unsw.edu.au/Conference-Papers-February-2004.asp>)

Crock, M, 'Imagining the Labour Market: The Formative Role of Immigration Regulation', presented at *Labour Law, Equity and Efficiency: Structuring and*

Regulating the Labour Market for the 21st Century, University of Melbourne Law School, 8 July 2005.

Crock, M, participated in the Round Table on 'Seeking Asylum Alone' along with Cathy Preston-Thomas, Azadeh Dastyari, Jacqueline Bhabha, hosted in Melbourne at the Monash University Law Chambers, 12 May 2004.

Crock, M, hosted an evening forum with John Basten QC and Stephen Duffield, HREOC on "Child Asylum Seekers: Issues for Administrative Lawyers" at the Australian Institute of Administrative Law, Sydney, 4 August 2004.

Crock, M, participated in the Round Table on 'Seeking Asylum Alone' along with Azadeh Dastyari, hosted in Adelaide, 5 August 2004.

Crock, M, participated in the Round Table on 'Seeking Asylum Alone' along with Azadeh Dastyari and Mr Stephen Smith MP (Shadow Minister for Immigration) hosted in Perth, 24 August 2004.

Findlay, M, 'Misunderstanding Corruption and Community: Comparative cultural politics of corruption regulation', presented at *Corruption: Expanding the Focus*, ANU and APSEG, Canberra, 30-31 July 2004.

Johns, F, 'The Courts and the ACT Human Rights Act', presented at *The ACT Human Rights Act 2004: Australia's First Bill of Rights*, Sydney Centre for International and Global Law, and Gilbert + Tobin Centre for Public Law UNSW, Sydney, 29 October 2004.

Johns, F, 'A La Carte Sovereignty: Rewriting the menu', presented at *New Voices 2004: A La Carte Sovereignty: Australia's Transforming Borders*, Lowy Institute for International Policy, Sydney, 28 May 2004.

Johns, F, 'Thinking Through the Hyphen', presented at Expert Workshop – International Challenges to the Australian Legal System, ANU, Canberra, 12-13 August 2004.

Johns, F, 'Public Spaces; Private Law: Troubling the Grid', presented at *Law, Landscape and Ethics*, International Institute for Sociology of Law, Onati, Spain, 9-11 June 2004.

Johns, F, 'Laws of the Camp', presented at European Society of International Law Meeting, Florence, Italy, 13-15 May 2004.

Johns, F, 'Laws of the Camp', presented at Joint Workshop of Birkbeck Law School and Foundation for New Research in International Law, London, 9-11 May 2004.

Lyster, R, 'The implications of Electricity Restructuring for a Sustainable Energy Framework: What's law got to do with it?', presented at IUCN Academy of Environment Law 2003 Colloquium, Shanghai, China, 4 November 2004.

Lyster, R, 'Sustainable Water Law: Are we there yet?', presented at AC21 Satellite Forum, Australian Centre for Environmental Law, Orange, 21 July 2004.

Lyster, R, 'The Sustainable Regulation of Genetically Modified Organisms: US and EU comparisons', presented at AC21 Satellite Forum, Australian Centre for Environmental Law, Sydney, 22 July 2004.

McAdam, J, 'Seeking Refuge in Human Rights? – Subsidiary Protection in the EU', Asylum and Migration, Policy and Practice in the EU Acceding Countries, Prague (June 2004) (Conference paper available at www.forcedmigration.org/conferences/prague2004)

Nottage, L, 'Who's Afraid of the Vienna Sales Convention (CISG)? A New Zealander's View from Australia', presented at *Facilitating Trade Conference*, Victoria University, Wellington, 18-19 February 2005.

Nottage, L, 'Build It in Kyoto, or Virtually, and Will They Come - Sooner and Later?', presented at *Build It and They Will Come - The First Anniversary of Law Schools in Japan*, University of Melbourne, 26 February 2005.

Rothwell, D R, 'Multi-unilateralism and International Legal Order: Another form of WMD?', Professorial Seminar, University of Sydney, 23 February 2004.

Rothwell, D R, 'The Legitimacy of Australia's military occupation of Iraq', After Dinner Talk, St Andrews College, University of Sydney, 17 May 2004.

Rothwell, D R, 'The Legality of Australia's military occupation of Iraq', presented to School of Government, University of Tasmania, 21 May 2004.

Rothwell, D R, 'The Timor Sea Dispute', presented to Australian Section - International Commission of Jurists, Sydney, 16 August 2004.

Rothwell, D R, 'Australia's Antarctic Sovereignty: The AAT and Heard and McDonald Islands', presented at *Australian's Antarctic Agenda Workshop*, Sydney Centre for International and Global Law, 4-5 November 2004.

Rothwell, D R, 'Extended Continental Shelf Claims and the Deep Sea-Bed', presented at *Australian's Antarctic Agenda Workshop*, Sydney Centre for International and Global Law, 4-5 November 2004.

Rothwell, D R, 'Freedom of Navigation in a 21st Century Strategic Environment', presented at *Strategic Directions for Australia and the Law of the Sea Symposium*, Department of Foreign Affairs and Trade, Canberra, 16 November 2004.

Rothwell, D R, 'The impact of State practice on the jurisdictional framework contained in the United States Convention of the Law of the Sea', presented at *Stability and Change in the Law of the Sea: Selected Issues*, Third JHW Verzijl Memorial Symposium, Utrecht University, 3 December 2004.

Rothwell, D R, 'Multi-Unilateralism and the International Legal Order', presented at American Society of International Law/George Washington University Law School Lecture, 7 December 2004.

Williams, B.G., "Bhagwati's Theory of Distortions and Welfare as the Backbone of the WTO" presented at a symposium "Why have a WTO? Focussing on the Welfare Effects of WTO Law" convened jointly by the Sydney Centre for International and Global Law and the University of Adelaide Institute for International Business, Economics and Law in Adelaide, 25 February 2004.

Ziegert, K A, 'Changing Norms Seriously: The rule of law and transitional law regimes', presented at Annual Meeting of Law & Society, Chicago, 27-30 May 2004.

Ziegert, K A, 'Gunnar Myrdal & Eugen Ehrlich: the politics of Sociology of Law', presented at Annual Meeting of Law & Society, Chicago, 27-30 May 2004.

Ziegert, K A, 'Key note address on teaching sociology of Law as a Foundational Subject in the Curriculum of Faculties of Law', presented at Inaugural Symposium of the Institute for Foundation of Law Subjects, Faculty of Law, University of Lucerne, Switzerland, 15-17 October 2004.

For 2005:

Bennett, B, 'Health Rights and Health Tourism: New Challenges for Law and Ethics', presented at Faculty of Law, University College London, March 2005.

Bennett, B, 'Health Rights and Health Tourism: New Challenges for Law and Ethics', presented at School of Law, University of Limerick, Ireland, March 2005.

Bennett, B, 'Health Rights and Health Tourism: New Challenges for Law and Ethics', presented at Globalisation Research Group, University College Cork, Ireland, March 2005.

Bennett, B, 'Health Rights and Health Tourism: New Challenges for Law and Ethics', presented at Faculty of Law, University College Dublin, Ireland, March 2005.

Bennett, B, 'Globalising the Body? Globalisation and Reproductive Rights', presented at Sex, *Gender and Rights*, Julius Stone Institute of Jurisprudence, Sydney, 5 August 2005.

Bennett, B, 'Federalism, Globalisation and Biomedicine', presented at *Globalisation and Biomedicine*, Sydney Law School, 3 November 2005.

Bennett, B, 'Globalising Rights? Constructing Health Rights in a Shrinking World,' presented at the Law and Ethics Conference on *Constructions of Health*, Sydney, 4 November 2005.

Boer, B, Keynote presentation at *Public Interest Environmental Law in Australia*, Environmental Defender's Office (NSW), Sydney, 14 May 2005.

Crock, M, 'Deflecting Refugees in The Asia Pacific Region: Provenance and Prospects of Australia's Pacific Strategy' presentation at the LawAsia Downunder Brisbane Conference, 21 March 2005.

Crock, M, 'Labor and Refugees: An Opportunity or a Liability?' Address to Labor Party Forum, Leichhardt, 7 April 2005.

Crock, M, 'Border Control and Australia's International Obligations', lecture for Department of Government, 17 May 2005.

Crock, M, South Carolina Summer School: International Refugee Law Unit, 27-30 June (with Dr Jane McAdam).

Crock, M, 'Imagining the Labour Market: The Formative Role of Immigration Regulation', presented at *Labour Law, Equity and Efficiency: Structuring and Regulating the Labour Market for the 21st Century*, University of Melbourne Law School, 8 July 2005.

Crock, M, 'From the Tampa to Vivienne Alvarez: Connections or Simple Dysfunction?' presented at the Sydney Law School, 2 September 2005.

Crock, M, 'An introduction to refugee law and policy,' lecture to HSC students, North Sydney, 11 November 2005.

Crock, M, 'The loneliness of the long distance writer: Surviving and thriving in post graduate research' presented at the National Post Graduate Students' Conference, Sydney, 25-26 November 2005.

Lyster, R, 'The reality and effect of the informed consent procedure', presented at IUCN Academy of Environmental Law 3rd Annual Colloquium, Macquarie University, July 2005.

Lyster, R & Franklin, N, 'Human Rights Protection in Australia: A mixture of curiosity and embarrassment', presented at *Comparative Constitutionalism and Rights: Global perspectives*, University of KwaZulu Natal, South Africa, 10-13 December 2005.

McAdam, J, '*Non-Refoulement* through Time: The Case for a Derogation Clause to the Refugee Convention in Mass Influx Emergencies', Conference on Human Rights and Refugees, IDPs and Migrant Workers in Honour of Joan Fitzpatrick and Arthur Helton, New York, January 2005.

McAdam, J, "Complementary" or "Subsidiary" Protection? The Convergence of International Refugee and Human Rights Law', Australian & NZ Society of International Law, Canberra, June 2005.

McAdam, J, 'Status Anxiety: Refugees in Legal Limbo' presented at 29th International Congress on Law and Mental Health, Paris, July 2005.

McAdam, J, 'Humane Rights: The Refugee Convention as a Blueprint for Complementary Protection Status' presented at Moving On: Forced Migration and Human Rights Conference, Sydney, 22 November 2005.

McAdam, J, 'The Meaning of Complementary Protection', University of Sydney College of Humanities and Social Sciences Nation–Empire–Globe Interdisciplinary Research Cluster, December 2005.

McAdam, J, Conference paper from seminar on 'Complementary Protection', Amnesty International (2005).

McAdam, J, Conference paper from seminar 'From the Tampa to Vivian Alvarez: Connections or Simple Dysfunction?', with Professor Ivan Shearer, Associate Professor Mary Crock, David Marr and others, Faculty of Law, University of Sydney (2005).

Nottage, L, 'Translating Tanase: Challenging Paradigms of Japanese Law and Society', presented at Sho Sato Conference in Honor of Takao Tanase, Boalt Hall School of Law, University of California, Berkeley, 13 February 2005.

Nottage, L, 'Who's Afraid of the Vienna Sales Convention (CISG)? A New Zealander's View from Australia and Japan', presented at the International Trade Law Conference, Victoria University, Wellington, New Zealand, 18 February 2005.

Nottage, L, 'Build It in Kyoto, or Virtually, and Will They Come - Sooner and Later?', presented at *Build It and They Will Come - The First Anniversary of Law Schools in Japan*, University of Melbourne, 26 February 2005.

Rothwell, D R, 'International Law Frameworks for Health Law Regulation', presented at Globalisation and Biomedicine Workshop, Faculty of Law, University of Sydney, 24 February 2005.

Rothwell, D R, 'Law and Practice of Anticipatory Self-Defence', presented at National Security Law Symposium, Australian Law Reform Commission, Sydney, 12 March 2005.

Rothwell, D R, Panellist for 'Ethical Nation-Building: The Responsibilities of Occupying Powers', Australian Red Cross Forum, University of Sydney, 16 May 2005.

Rothwell, D R, 'Law, Place and Sovereignty: Asserting Australian Values upon the Map - the Australian Maritime Identification Zone', presented at Navy Reserve Panel Training Night, HMAS Kattabul, 6 June 2005.

Rothwell, D R & Scott, S V, 'Australia and Whaling: Asserting Australian Values upon the Map', presented at Australia's Antarctic Agenda Workshop, University of Tasmania, 6 July 2005.

Rothwell, D R & Scott, S V, 'Australian Sovereignty in Antarctica: Real or Imagined?', presented at Australia's Antarctic Agenda Workshop, University of Tasmania, 7-8 July 2005.

Rothwell, D R, 'The Reform of the UN: Possibilities and Pitfalls?', presented at International Law Forum, Faculty of Law, University of Sydney, 13 September 2005.

Rothwell, D R, 'The Legal Implications of the War in Iraq', presented at the Law, War and History Research Cluster Forum, University of Newcastle, 21 September 2005.

Rothwell, D R, 'Biomedicine and International Law Challenges', presented at the 2nd Globalisation and Biomedicine Workshop, Faculty of Law, University of Sydney, 3 November 2005.

Rothwell, D R, 'Anti-Terrorism Bill (No.2) 2005', presented at the Australian Security Industry Association Limited (ASIAL), ACT Breakfast Briefing, Canberra, 17 November 2005.

Ziegert, K A, 'Classical European Sociology of Law', presented at the First European Socio-Legal Conference on *European Ways of Law*, Onati International Institute for the Sociology of Law, Spain, 6-8 July 2005.

4.3 Public Submissions, Legal Opinions and Reports

For 2004:

Rothwell, D R, Legal opinion on Australia's International Legal obligations in Post-war Iraq under Geneva Convention III and Geneva Convention IV as they relate to the Treatment of Prisoners and Detainees, published in the *Sydney Morning Herald* on 3 June 2004 in the column of Margo Kingston and available at <http://www.smh.com.au/articles/2004/06/03/1086203557559.html> .

Rothwell, D R, Report on "Global Climate Change and the Barrier Reef: Australia's Obligations under the World Heritage Convention" (prepared for Environmental Defender's Office (NSW) Ltd, CANA – Climate Action Network Australia and Greenpeace Australia Pacific) 21 September 2004 available at http://www.law.usyd.edu.au/scigl/SCIGLFinalReport21_09_04.pdf

Williams, B G, Submission to the Senate Select Committee on the Free Trade Agreement between Australia and the United States of America on "Chapter 15 Government Procurement", 30 April 2004. (Submission 448 available at http://www.apg.gov.au/senate/committee/freetrade_cte/submissions/sublist.htm)

For 2005:

McAdam, J, Opinion "No Visa for Australia Despite Proposed Changes to Asylum Seeker Rules" *Sydney Morning Herald*, 31 May 2005.

McAdam, J, 'How Australia Protects War Criminals but Not Asylum Seekers from Torture' *Australian Policy Online* (8 December 2005) at <http://www.apo.org.au>

McAdam, J, 'Nauru or Nuremberg? Australia - Asylum Seekers and War Criminals' Online Opinion (16 December 2005) at <http://www.onlineopinion.com.au>

Crock, M, comments on 'Court Overrules Refugee 'Offload' by Meaghan Shaw (3 March 2005) (<http://www.theage.com.au/news/Immigration/Court-overrules-refugee-offload/2005/03/02/1109700536485.html>)

Crock, M, comments on 'Almost 300 Given their Marching Orders' by Meaghan Shaw (25 November 2005) (<http://www.theage.com.au/news/national/almost-300-given-their-marching-orders/2005/11/24/1132703316493.html>)

4.4 Media

The list of Media Appearances by Challis Professor Donald Rothwell of the University of Sydney and the Centre and by other associates of the Centre was compiled from the Centre's Media Summary.

For 2004:

Janaki Bahadur "Australia's Asylum Policy Halts Seekers" 8 January 2004 *The Washington Times*, discussing Australia's policy of excising offshore islands.

NewsRadio 938 Singapore - 12 January 2004 discussing the status of Saddam Hussein as a prisoner of war.

ABC 666 Canberra - 6 February 2004 at 10.35am discussing the background to the 1949 III Geneva Convention Relative to the Treatment of Prisoners of War and its contemporary application.

ABC Radio 702 'James Valentine Show' 12 February 2004 at 2.48pm discussing the procedure that may be followed with respect to a government inquiry into Australian intelligence on Iraq's possession of weapons of mass destruction.

SBS World News 20 February 2004 at 6.35pm discussing the Australia's government's position towards Hicks and Habib being held by the US at Camp Deta in light of moves to release British detainees.

"We must be sure before we go to war" *The Canberra Times*, 2 March 2004 p. 11, discussing the need for a further inquiry into Iraq's WMD capability in the wake of the release of the Jull report and the legal significance of pre-war intelligence.

"Australia free to pull troops from Iraq at will" *The Canberra Times*, 2 April 2004, discussing Australia's legal obligations under Geneva Convention IV and the UNSC Resolutions as an occupying power in Iraq.

"I might represent Osama some day" *The Sun Herald*, 4 April 2004 p. 58 [quoted in a discussion on those members of the legal profession representing terrorist suspects].

Matt Wade and Cynthia Banham "Rudd stands firm with Latham on Labor line - equal partners in alliance" *The Sydney Morning Herald*, 13 April 2004 at 7, discussing the legal status of ongoing military operations in Iraq after 30 June.

Matt Wade and Cynthia Banham "Rudd stands firm with Latham on Labor line - equal partners in alliance" *The Sydney Morning Herald*, 13 April 2004 at 7, discussing the legal status of ongoing military operations in Iraq after 30 June.

How we can be hailed as true liberators in Iraq" *Sydney Morning Herald*, 16 April 2004, p. 11 [discussing the legality of Australia's continuing occupation of Iraq under the Geneva Conventions and UNSC Resolution 1511].

ABC Radio 'PM' "Australia on political collision course with East Timor" 19 April 2004 at 6.33pm, discussing the Australian/East Timor negotiations taking place over the maritime boundary in the Timor Sea.

ABC 666, Canberra, PM - 29 April 2004, Dr Mary Crock talks about the future of children in immigration detention following a decision by the High Court (also: Radio National PM).

SBS TV World News, 7 May 2004 at 6.40pm discussing the international law issues arising from the treatment of Iraqi prisoners and detainees.

The Age, 14 May 2004, p. 2 "Children's treatment 'shocks' expert". A US human rights expert, Professor Jacqueline Bhabha, executive director of Harvard University's Committee on Human Rights Studies, was 'shocked' by Australia's practice of long-term detention of detained children who are seeking asylum. Professor Bhabha spoke at the launch in Melbourne of an international research project to compile a database on the treatment of separated and sold children seeking asylum. The project will be co-ordinated by Dr Mary Crock.

ABC Local Radio/ABC 702 "The James Valentine Show" 25 May 2004 at 2.30pm discussing the Australia/East Timor dispute over the Timor Sea.

Radio SBS Alchemy Talks - 27 May 2004, Dr Mary Crock comments on the Department of Immigration, Multicultural and Indigenous Affairs sending tax invoices to people who were locked up in immigration detention centres charging them for the cost of their detention. One detainee was charged \$89,000 and told his ability to pay or make arrangements to pay would affect his ability to apply for a visa.

John Kerin "Lawyers must have recognised breaches" *The Australian*, 2 June 2004 at 4 (discussing the role of Australian Military lawyers in investigations into Geneva Convention breaches by the US military in Iraq).

ABC Local Radio/ABC 702 "The James O'Loughlan Show" 8 June 2004 at 8.25pm discussing the Australia/East Timor dispute over the Timor Sea.

NewsRadio 938 Singapore - 29 June 2004 discussing the United States Supreme Court ruling concerning the detention of prisoners at Guantanamo Bay, Cuba and its impact on the conduct of the US of its "war on terrorism."

"Saddam's trial will test the legitimacy of the new Iraqi government" *Sydney Morning Herald*, 1 July 2004, p. 11 [discussing the Iraqi Special Tribunal and the procedures in place for the trial of Saddam Hussein].

Midday News and Business ABC TV, 1 July 2004, 12.03pm discussing the trial of Saddam Hussein.

NewsRadio 938 Singapore - 1 July 2004 discussing the trial of Saddam Hussein.

NewsRadio 938 Singapore - 2 July 2004 discussing the charges laid against Saddam Hussein and the role of the Iraqi Special Tribunal.

ABC TV '7.30 Report' - 6 July 2004 at 7.48pm discussing the trial of Milosevic at the International Criminal Tribunal for Yugoslavia.

ABC Radio 'PM' - 13 August 2004 at 5.24pm discussing the Parliamentary debate over implementation of the Australia-United States Free Trade Agreement and how the US may respond if it believes the legislation is not consistent with the treaty.

ABC TV '7.30 Report' - 25 August 2004 discussing the implications of recent decisions by the Indonesian courts for the prosecution of the Bali bombers.

Curtin Radio (Perth) - 30 August 2004, Mary Crock speaks on the treatment of unaccompanied minors seeking protection as refugees.

SBS Radio, News Bulletin (68 languages) - 30 August 2004, Mary Crock speaks on the treatment of unaccompanied minors seeking protection as refugees, repeated in English at 5pm on World View.

The Age 'Children Board in Australia 'can be deported'', 10 September 2004 – Reports on the case of Tania Singh, born in Mildura in February 1998 to Indian asylum seekers. The High Court, in a 5-2 ruling, held that the constitution empowered Parliament to remove someone in Tania's position. Dr Mary Crock said the decision, along with a recent judgement on stateless asylum seekers, marked the "death of implied rights" in the constitution under the High Court's present make-up. "They are very literalist in their approach," she said.

International Law and pre-emptive strikes on terrorist bases:

- Letter to the Editor - *Sydney Morning Herald*, 22 September 2004 at 18
- Letter to the Editor - *The Australian*, 22 September 2004 at 14
- 6PR Radio Perth, 22 September 2004 at 5.40pm

ABC Radio 702 Sydney "Breakfast", 2 October 2004 at 7.20am discussing Russia's decision to ratify the Kyoto Protocol and the international implications for climate change.

ABC Radio Cairns, 6 October 2004 at 10.40am discussing the report of the Sydney Centre for International and Global Law addressing the impact of climate change upon the World Heritage status of the Great Barrier Reef.

Radio SBS Alchemy Talks - 28 October 2004, Dr Mary Crock comments on measures introduced in August 2004 to allow refugees on temporary visas to access other types of visa.

Donald R Rothwell and Tim Stephens "Global climate change, the Great Barrier Reef and our obligations" ON LINE Opinion (19 November 2004) at www.onlineopinion.com.au/print.asp?article=2770 (19 November 2004).

Australian announcement of intention to establish 1000nm maritime security zone and international law implications (15 December 2004):

- Michelle Nichols "Australia to boost security net around coastline" *Reuters*
- ABC Radio 'The World Today' 15 December 2004 at 12.15pm
- ABC Radio 'PM' 15 December 2004
- ABC TV 'News' 15 December 2004 at 7.10pm
- Radio Netherlands

Commenting on Australian announcement of intention to establish 1000nm maritime security zone and international law implications of failure to consult neighbouring countries (16 December 2004):

- Meraiah Foley "Australia Widens Maritime Security Zone" *Associated Press*
- Kathy Marks "Australia to impose 1000-mile "terror exclusion zone"
Independent.co.uk
- Michelle Nichols "Australia sea security widens "deputy sheriff" net" *Reuters*
- Richard Lloyd Parry "Hilton hotels in terrorism alert" *The Times*
- "Ship intercept plan hits legal minefield" *West Australian* 16 December 2004 at 43
- "NZ in dark over vast Australian security cordon" *The New Zealand Herald*

For 2005:

MEDIA appearances by the Director Professor Donald R Rothwell:

12 January 2005 - Discussion of the US decision to release Mamdouh Habib from custody at Guantanamo Bay and the Australian government's agreement to accept his repatriation:

- Radio 2UE "Drive with Murray Olds" - 4.10pm
- Radio 2GB - 5.10pm
- ABC TV '7.30 Report' - 7.45pm

13 January 2005 - Sophie Morris "PM Rules out Habib apology and compo" *The Australian Financial Review* 13 January 2005 at p. 6, discussing the case of Mamdouh Habib and any claim he may have for compensation under Australian or US law.

13 January 2005 - David Seale "Prospects of compensation are virtually nil: law experts" *The Canberra Times* 13 January 2005 at p. 6, discussing the case of Mamdouh Habib and any claim he may have for compensation under Australian or US law.

13 January 2005 - ABC Radio 702 'Summer Drive' 13 January 2005 at 3.06pm discussing the US decision to release Mamdouh Habib from custody at Guantanamo Bay and the Australian government's agreement to accept his repatriation.

1 March 2005 - BBC World Service 'Analysis' 1 March 2005 discussing Australia's proposal to establish a Maritime Identification Zone and the consistency of such a proposal with existing international law.

15 April 2005 - "Treaty another way into East Asia" *The Sydney Morning Herald*, 15 April 2005 at p 11, discussing whether Australia should ratify the ASEAN Treaty of Amity and Cooperation.

19 May 2005 - Australian Associated Press "Prisoner swap deal not a quick fix for a convicted Corby" 19 May 2005, discussing the potential issues arising for Schapelle Corby if she sought to be returned to Australia under a prisoner transfer agreement.

20-22 May 2005 - Discussing the potential issues arising for Schapelle Corby if she sought to be returned to Australia under a prisoner transfer agreement:

- Geoff Spencer "Corby faces a long wait for prisoner exchange option" *The Courier Mail* 20 May 2005 at p 1
- "Prisoner deal will not be a quick fix" *The Gold Coast Bulletin* 20 May 2005 p. 9
- "Jail deal won't be a quick-fix for Corby" *The Canberra Times* 22 May 2005 p. 24

21 May 2005 - Andrew Darby "Whaling halt a long way off" *The Age* 21 May 2005 p. 2, discussing proposals that Australia commence legal action against Japan to halt 'scientific whaling' of humpback whales.

25 May 2005 - Discussing a prisoner transfer agreement between Australia and Indonesia dealing with Schapelle Corby:

- 3 AW "The Derryn Hinch Show" - 25 May at 5.00pm
- SBS TV World News - 25 May 2005 at 6.30pm and 9.30pm

26 May 2005 - Discussing a prisoner transfer agreement between Australia and Indonesia dealing with Schapelle Corby:

- Joseph Kerr and Matthew Moore "Jakarta wary of Corby repatriation deal" *The Sydney Morning Herald*, 26 May 2005 at p. 2
- ABC Local Radio Newcastle - 26 May 2005 at 9.10am
- "A Current Affair" Channel 9 - 26 May 2005 at 6.40pm

27 May 2005 - Discussing a prisoner transfer agreement between Australia and Indonesia dealing with Schapelle Corby:

- ABC Radio 666 Canberra - 27 May 2005 at 7.20am
- ABC Local Radio Goulburn Valley (Victoria) - 27 May 2005 at 8.45am

27 May 2005 - Discussing the verdict in the Schapelle Corby case and the potential for her return to Australia under a Prisoner Transfer Agreement:

- ABC Local Radio Central West (NSW) - 27 May 2005 at 3.10pm
- ABC Local Radio Victoria - 27 May 2005 at 3.45pm
- Channel 9 "News" - 27 May 2005 at 6.00pm

31 May 2005 - ABC TV "Lateline", discussing the international law limitations upon Australia in making diplomatic representations on behalf of Schapelle Corby.

13 June 2005 - ABC TV "7.30 Report" at 7.32pm discussing the issues concerning the possible extradition from the US to Australia of Dr Patel to face trial in relation to charges arising from medical negligence.

1 August 2005 - ABC Radio 'PM' at 6.15pm discussing the Military Commission procedures proposed for David Hicks and their consistency with international human rights law.

4 August 2005 - Radio Australia, discussing the US and Chinese offer of assistance to Singapore, Malaysia and Indonesia to provide maritime security in the Straits of Malacca.

10 August 2005 - "A right to protection" *The Canberra Times*, 10 August 2005 at p. 11 [discussing the capacity of the Australian government to exercise diplomatic protection on behalf of Australian citizens such as David Hicks and Schapelle Corby].

12 August 2005 - "Expulsion no easy option" *The Australian Financial Review*, 12 August 2005 at p. 20 [discussing Australia's options under international law to revoke Australian citizenship and deport these persons when convicted of terrorist offences].

17 August 2005 - "Alan Jones Show" Radio 2GB, discussing the Convention on the Reduction of Statelessness and obligations upon Australia not to make persons stateless.

19 September 2005 - "Mornings with Felicity Biggins" 2NUR-FM (Newcastle), at 11.24am discussing the legal issues arising from the war in Iraq.

21 September 2005 - "Coalition too willing to subvert rule of law" *The Newcastle Herald*, 21 September 2005 at p 9, discussing the continuing impact of the Iraq War upon the rule of law.

19 October 2005 - NewsRadio 938 Singapore, discussing the forthcoming trial of Saddam Hussein by the Iraqi Special Tribunal.

22 October 2005 - Claire Harvey "Fighting war on new front" *The New Zealand Herald* 22 October 2005, discussing the refusal of Malcolm Kendall-Smith to undertake military duties in Iraq on the basis that the conflict was illegal under international law.

24 October 2005 - ABC Radio 'PM' discussing the potential under the Commonwealth's s. 51 (xxix) 'external affairs' power to enact significant parts of the proposed terrorism and counter-terrorism laws.

25 October 2005 - ABC TV 'Lateline' at 10.45pm interview with Tony Jones in conjunction with Professor George Williams discussing the proposed Anti-Terrorism legislation and the constitutional and international law implications.

27 October 2005 - 666 ABC Radio Canberra 'Breakfast' at 8.33am discussing the constitutional and international law issues arising from the Anti-Terrorism legislation current being debated by the Commonwealth, States and Territories.

8 November 2005 - Discussion of legal advice provided to IFAW arguing the illegality of Japan's JARPA II program of 'scientific whaling' in the Southern Ocean:

- ABC Radio 'AM' – 8 November 2005 at 7.25am
- Chris Johnson "Use courts to stop whale kill: professor" *The West Australian* 8 November 2005 p. 6
- Peter Trute "Whale killing season begins - Japan launches slaughter in our waters" *The Daily Telegraph* 8 November 2005 p. 10

9 November 2005 - Discussion of legal advice provided to IFAW arguing the illegality of Japan's JARPA II program of 'scientific whaling' in the Southern Ocean:

- Emma Tinkler "Stanhope refuses to lobby Nara on whaling" *Canberra Times* 9 November 2005 p. 3.
- Chris Johnson "Japanese set sail for whale kill" *The West Australian* 9 November 2005 p. 12.

9 November 2005 - Derek Parker "Iraq gives fillip to international law" *The Australian (Higher Education)* 9 November 2005 p. 38 commenting on the popularity of international law as a subject amongst law students.

13 November 2005 - Paul Dyer and Anna Cock "Japan's whale kill to top 900" *The Sunday Telegraph* 13 November 2005, p. 11 arguing the illegality of Japan's JARPA II program of 'scientific whaling' in the Southern Ocean and potential for action before International Tribunal for the Law of the Sea.

21 November 2005 - Analysis of the potential for the Australian government to commence legal action in the International Court of Justice against Singapore to halt the execution of Van Nguyen:

- ABC Radio 'AM' Monday, 21 November 2005, 8.12am
- ABC TV 'News', 7.00pm
- ABC TV 'Lateline', 10.30pm

22 November 2005 - Craig Skehan "Glimmer of hope for dead man waiting" *Sydney Morning Herald*, 22 November 2005, p. 1 discussing the options available to the Australian government to take the van Nguyen case to the International Court of Justice [similar discussion also appeared in *The Canberra Times*].

23 November 2005 - "With the end near, the time for diplomatic niceties is long gone" *The Sydney Morning Herald*, 23 November 2005, p. 19 [discussing Australia's options of commencing International Court of Justice action in the case of Nguyen Tuong Van].

23 November 2005 - Discussing a legal opinion suggesting that Australia has options open to it to take Singapore to the International Court of Justice in the case of Nguyen Tuong Van:

- ABC Radio 'The World Today' 23 November 2005 at 12.10pm
- Sky News 23 November 2005 at 1.04pm
- ABC Radio 702 Sydney 'Drive' 23 November 2005 at 3.07pm
- ABC Radio Melbourne 'Drive' 23 November 2005 at 4.12pm

24 November 2005 - Discussing a legal opinion suggesting that Australia has options open to it to take Singapore to the International Court of Justice in the case of Nguyen Tuong Van:

- Michelle Grattan and Ian Munro "Airline row linked to Nguyen" *The Age* 24 November 2005, p. 1
- Ten News 24 November 2005 at 11.30am & 5.15pm
- "Law experts say Nguyen case could go to ICJ" Australian Associated Press 24 November 2005
- Radio 2SM 'Evenings' at 7.10pm

25 November 2005 - Discussing a legal opinion suggesting that Australia has options open to it to take Singapore to the International Court of Justice in the case of Nguyen Tuong Van:

- ABC Radio National 'Breakfast with Fran Kelley' - 'Friday Forum' 25 November 2005 at 8.05am
- ABC Radio 'AM' - 25 November 2005 at 8.05am
- Australian Associated Press 'Govt awaits advice on legal challenge to Nguyen's execution' 25 November 2005
- Tracy Sutherland 'Nguyen not CHOGM issue, Howard warns' *Australian Financial Review* 25 November 2005, p. 20
- Australian Associated Press 'Singapore defends decision to execute Nguyen' 25 November 2005

26 – 27 November 2005 - Craig Skehan and Michael Pelly "Downer rejects experts' opinion" *The Sydney Morning Herald* 26-27 November 2005, at p. 7, discussing the rejection by Foreign Minister Downer of legal advice that Australia had grounds to commence legal action against Singapore in the ICJ over the case of Nguyen Tuong Van.

28 November 2005 - Discussion of formal request made of the Government to enter into an agreement with Singapore to refer the case of Nguyen Tuong Van to the ICJ:

- Steve Butcher et al "Hope for a miracle: Fight to save convicted man enters its final days" *The Age* 28 November 2005, p. 1
- Elizabeth Colman and Steve Lewis "Call for silence at moment of execution" *The Australian* 28 November, p. 1-2

29 November 2005 - Cynthia Banham and Craig Skehan "Downer rules out plea to Singapore on Nguyen case" *The Sydney Morning Herald* 29 November 2005, p. 9,

discussing response from the Foreign Minister to a request that the government enter a Special Agreement with Singapore to refer the case of Nguyen Tuong Van to the ICJ.

29 November 2005 - "Mornings with Felicity Biggins" 2NUR-FM (Newcastle), 29 November 2005 at 9.40am, discussing the remaining international legal options available to Nguyen Tuong Van pending his execution in Singapore.

30 November 2005 - Craig Skehan "Nguyen's fate close to hopeless, says defence" *The Sydney Morning Herald* 30 November 2005 p. 5, discussing the remaining legal options open to Nguyen Tuong Van to halt his pending execution.

3 December 2005 - Craig Skehan and Connie Levett "Too little, too late to save Nguyen" *The Sydney Morning Herald* 3 December 2005 p. 33 [views of the international legal strategy adopted by the government towards Singapore in the van Nguyen case].

16 December 2005 - ABC Radio 'PM' Friday, 16 December 2005 at 6.29pm discussing the decision of the US Administration to accept a Congressional Resolution condemning torture and the implications for the US campaign against terrorism.

22 December 2005 - ABC Radio 'The World Today', 22 December 2005 at 12.46pm discussing potential international legal action against Japan regarding its conduct of 'scientific whaling' in the Southern Ocean.

Other media appearances:

3 March 2005 – Associate Professor Mary Crock on the 7.30 Report, 'Government Rejects Family's Citizenship Request' (<http://www.abc.net.au/7.30/content/2005/s1315613.htm>)

13 April 2005 – Dr Mary Crock at the Senate Legal and Constitutional Committee (for Law Council of Australia) on the Migration Litigation Reform Bill 2005, Canberra.

17 May 2005 – Dr Jane McAdam's interview on ABC Radio National *The Law Report* (with Anita Barraud), about the need for complementary protection in Australian refugee law, and comparative practices abroad.

25 November 2005 – Dr Mary Crock's interview on ABC Radio Virginia Trioli at 9.10 am on the removal of long term permanent residents.

30 November 2005 – Dr Mary Crock's 2SER interview at 6.30pm with Tristan Burt on the removal of long term permanent residents.

4.5 Internet

Sydney Centre for International and Global Law web address:

<http://www.law.usyd.edu.au/scigl/>

The Centre's web site is an effective tool for the promotion of Centre activities and matters of International interest.

5. Staff Publications

For 2004 and 2005:

Ross Anderson

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Fleur Johns

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Rosemary Lyster

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Brett Williams

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