



SYDNEY CENTRE FOR INTERNATIONAL LAW

FACULTY OF LAW, UNIVERSITY OF SYDNEY



Dear Friends of the Sydney Centre

The Sydney Centre is pleased to bring you its latest newsletter detailing our activities in the second half of 2008. Highlights included the election of Centre Associate and former Dean of Law, Professor Ron McCallum AO, to the international Committee under the new Convention on the Rights of Persons with Disabilities; the conclusion by Emeritus Professor Ivan Shearer of eight years on the United Nations Human Rights Committee; a public lecture by the Foreign Minister of Sri Lanka; the award of Rhodes Scholarships to Oxford University to two Centre Affiliates and Jessup Moot team members, Natasha Simonsen and Nikolas Kirby; and public speeches by Centre Director Ben Saul in debating the federal Attorney-General on Australia's human rights record and in addressing the Clarke Inquiry into the treatment of Dr Mohamed Haneef under anti-terrorism laws.

Centre members continued to prolifically publish their research and to receive new grant funding; and a large number of submissions were made to parliamentary committee inquiries, often leading to appearances at oral hearings before the committees and influencing the recommendations of committees in their final reports. The Centre produced a special issue of the *Australian International Law Journal*, focusing on Climate Change and International Law, guest edited by Centre Associate Dr Tim Stephens and Affiliate Dr Jane McAdam and coordinated by student editor Emma Dunlop. Tim Stephens also created a new International Environmental Law Research Program in the Centre.

The Centre hosted its usual program of free public Seminars, on topics including refugee status determination, David Hicks, climate change and emissions trading, Asia-Pacific human rights mechanisms, torture in the war on terror, the US Supreme Court case of *Boumediene v Bush*, the World Trade Organisation, cluster munitions, UN human rights treaty bodies, slavery, human rights in Sri Lanka, the making of international law, the UN Declaration on the Rights of Indigenous Peoples, the International Criminal Court, nuclear disarmament, excavation of mass graves and international criminal tribunals, the global financial crisis and human rights, and international investment law. We look forward to moving into new Centre premises in the Faculty's new law building in 2009.

Newsletter #3 Semester 2, 2008

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L to R: Dr Yubaraj Sangroula (Kathmandu School of Law), Centre Director Ben Saul, Tara Gurung (AusAID Nepal), Professor David Kinley (Centre Program Director)

Election to the UN Disabilities Committee

In November 2008, Professor Ron McCallum AO, former Dean of Law, was elected to the international monitoring Committee under the new United Nations Convention on the Rights of Persons with Disabilities, following his nomination by the Australian Government in September. Professor McCallum is one of 12 experts on the monitoring committee, to be located at the United Nations headquarters in New York, and meeting for the first time in February 2009. 'Professor McCallum's election is a great honour for Australia,' said Australian Human Rights Commissioner Graeme Innes. 'It will further enhance the respect Australia has recently attracted on international human rights issues.' Speaking after the result, Professor McCallum said, 'I am truly humbled by this experience.' Professor McCallum is the only Australian currently serving on a UN treaty body, following the recent retirement of Professor Ivan Shearer after eight years on the UN Human Rights Committee. Professor McCallum was the first totally blind person to be appointed as a full professor at a university in Australia or New Zealand and the first blind Dean of a Law School in those countries.



Ron McCallum (second from left) in New York after his election to the UN Disabilities Committee

Indigenous Legal Studies Conference, Sydney Law School, 10-11 July 2008

The Australasian Indigenous Legal Studies Conference brought together academics from 23 universities across Australia and New Zealand to discuss how Indigenous issues can be incorporated into the law curricula. The objective was to develop ways for developing holistically law students' understanding of Indigenous dispossession and colonisation; Indigenous legal systems, land practices and customs; legal recognition of Indigenous rights (such as native title), and legal remedies for past wrongs (such as the stolen generations and stolen Indigenous wages).

The conference was hosted by Sydney Law School and convened by Dr Thalia Anthony, an associate of the Centre. Presentations examined the role of Indigenous issues on the major core subjects in a law degree, as well as a selection of elective courses such as Anti-Discrimination Law, Environmental Law and Alternative Dispute Resolution.

The academics who showcased how their teaching had accommodated Indigenous legal studies were leaders in their field, including Dr Ben Saul on Indigenous issues in International Law, Ms Irene Baghoomians on Indigenous studies in Foundations of Law, and Professor Mark Findlay on Indigenous people and Criminal Law. There were also presentations on clinical legal programs for students interested in Indigenous advocacy in native title, criminal law and public policy.

A special edition of *Legal Education Review* will publish papers from the conference in 2009, with a view to assisting the development of law curricula that considers the unique role of Indigenous people in the Australian and New Zealand legal systems. There are also plans for an ongoing network and website for academics interested in this project. These initiatives build on the foundational work by Professor Garth Nettheim and others to organise an ongoing network of academics who teach and research Indigenous legal rights. For further information, please contact Thalia Anthony: T.Anthony@usyd.edu.au.



Ron McCallum (right) in New York with former UK Home Secretary David Blunkett

News in Brief

Lucas Bastin was awarded the Justice Hely Scholarship to Oxford University (for one year) and the Victoria Boulton Travelling Scholarship to Oxford University (for three years).

Kate Miles was a Legal Research Fellow of the Centre for International Sustainable Development Law, Montreal, Canada.

Katherine Fallah was a Visiting Researcher at the Fondation Maison des Sciences de l'Homme, Paris (2 November to 1 December 2008).

Ben Saul visited the law faculties at the universities of Pretoria, Witwatersrand, Botswana and Namibia in December 2008, to discuss possibilities for research collaboration.

Zelie Wood has been assisting Dr Anne Gallagher in drafting the legal commentary to the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking.

Jessup Mooters **Lisa-Claire Hutchinson** and **Alexandra Meagher**, and journal student editor **Jeff Gordon**, interned at the International Criminal Tribunal for the former Yugoslavia, while **Christine Ernst** interned at the Australian Mission to the United Nations in New York.



Mary Crock in Phnom Penh, Cambodia



New Centre Associate in 2009

The Centre is pleased to welcome a new Associate in January 2009, Associate Professor Chester Brown. His research interests are in public international law, international dispute settlement, international arbitration, international investment law, and private international law. He previously served as Assistant Legal Adviser at the British Foreign and Commonwealth Office from 2007–09. During his time at the FCO, Dr Brown advised on a range of international law issues, including international investment, State and diplomatic immunities, international arbitration, and the work of the International Law Commission. He participated in a number of treaty negotiations and represented the UK at various multilateral fora, including the Sixth Committee of the UN General Assembly, the Council of Europe's Committee of Legal Advisers on Public International Law, the European Union's Comité Juridique, the OECD Investment Committee, and the Conference of the States Parties to the UN Convention Against Corruption. He was involved in various pieces of international, foreign and domestic litigation. Prior to this, he was a Senior Associate in the International Law and International Arbitration Group of Clifford Chance LLP, London, where he worked from 2004–07. In this capacity, he had experience of acting in and advising on commercial and investment treaty claims governed by the UNCITRAL, ICSID, ICC, LCIA, and AAA/ICDR Arbitration Rules. He also previously served as Part-time Lecturer in International Law at Queen Mary College, University of London, and as a College Supervisor in International Law at Trinity Hall and at Wolfson College at the University of Cambridge. Dr Brown is the author of *A Common Law of International Adjudication* (OUP, 2007) and is a graduate of the Universities of Melbourne, Oxford, and Cambridge.

Statelessness in Thailand and Cambodia

In February 2008 Centre Associate Professor Mary Crock was invited to travel to Thailand and Cambodia by VOICE (Overseas Vietnamese Initiative for Conscience and Empowerment). VOICE is a privately funded non-government organisation that has gained some prominence as advocate for the Vietnamese Diaspora in South East Asia. Its most notable achievements include work undertaken to arrange for the resettlement of more than 2,500 stateless ethnic Vietnamese who remained in the Philippines after the conclusion of the Comprehensive Plan of Action (CPA), the multilateral agreement that was reached after the end of hostilities in Vietnam to resolve the situations of the many thousands of refugees and displaced persons from that country.

There was a threefold purpose to Mary's trip. The first was to examine the situation of 66 ethnic Vietnamese (35 cases, 66 people) who have remained as stateless persons in Thailand since the end of the CPA. The second was to examine the situation of 47 ethnic Vietnamese (27 cases) recognised as Convention refugees in Cambodia who have not been referred for resettlement. Finally, Mary joined the Executive Director of Voice, Lisa ND Nguyen and a young film maker, Tuan Nguyen in exploring the logistics of establishing a presence for VOICE as an international NGO in Cambodia. The organisation is interested in working with stateless Vietnamese women and children who are at risk of trafficking and/or sexual exploitation. Although at particular risk of exploitation in Cambodia because of their irregular status, there are currently no NGOs in that country working specifically with these women and children.

By the end of 2008, resettlement outcomes had been secured for the refugees in Cambodia and good progress had been made in finding durable solutions for the stateless Vietnamese in Thailand. In July 2008, the VOICE team established an office in Siem Reap and the second of two medical missions was organised to treat children in disadvantaged Vietnamese settlements in the area. In 2009 it is hoped to secure funding for a project aimed at registering babies born to stateless Vietnamese mothers. The objective is to secure citizenship status for the children so as to reduce their vulnerability in Cambodia. For further details go to: www.vietnamvoice.org/Cambodia.html.



Sydney Jessup Mooters Angela Ha (left) and Annelise Young (right) getting tips on the 'Responsibility to Protect' from Gareth Evans (centre)



International Courts and Environmental Protection

Cambridge University Press, Cambridge, 2009
 Tim Stephens

International environmental law has come of age, yet the global environment continues to deteriorate. The challenge of the twenty-first century is to reverse this process by ensuring that governments comply fully with their obligations, and progressively assume stricter duties to preserve the environment. This book is the first comprehensive examination of international environmental litigation. Analysing the spectrum of adjudicative bodies that are engaged in the resolution of environmental disputes, it offers a reappraisal of their relevance in contemporary contexts. The book critiques the contribution that arbitral awards and judicial decisions have made to the development of environmental law, and considers the looming challenges for international litigation. With its unique combination of scholarly analysis and practical discussion, this work is especially relevant to an era in which environmental matters are increasingly being brought before international jurisdictions, and will be of great interest to students and scholars engaged with this vital field.

Asia-Pacific Master of Human Rights Program

Ben Saul was part of the successful bid for the largest European Commission grant ever for the University of Sydney. The 40-month grant, valued at euro 1.5 million (approximately A\$2.5 million), is to develop a networked Asia-Pacific Master in Human Rights and Democratisation, to be delivered by the Faculty of Arts. The grant involves four partner universities in Asia: Kathmandu School of Law, University of Colombo, Gadjah Mada University in Indonesia, and Mahidol University in Thailand.

Civilising Globalisation

David Kinley questions to what extent the two phenomena of the global economy and human rights are interrelated and interdependent in his forthcoming book, *Civilising Globalisation: Human Rights and the Global Economy* (Cambridge University Press, 2009). 'How does commercial enterprise both underpin and undermine human rights objectives? Does trade help or hinder human rights? How can economic aid better protect the human rights of the poor? These are big questions that require big answers,' Professor Kinley said. The book aims to demonstrate how and why we can and must meet our global human rights responsibilities, while at the same time maintaining and promoting global economic growth. In turn, Professor Kinley identifies where the responsibilities lie as between states, international organisations, corporations and human rights advocates, for its achievement. 'Great expectations are made of both economic globalisation and universal human rights,' he

said. 'Both have the power and aspiration to improve and enrich us as individuals and as communities. And yet, their methods, practices and goals differ - sometimes greatly - and their respective champions have become more strident in their advocacy and more critical and distrustful of each other. 'This is a serious problem. For we appear, increasingly, to rely simultaneously on the economy to provide the means to cure our global ills - from rogue states and weak governance to food crises, poverty reduction and environmental degradation - and on international human rights standards to be the moral compass to guide the way.' The book addresses these fundamental issues by analysing how human rights intersect with the three principal components of the global economy -trade, aid and commerce. 'In its title and content *Civilising Globalisation* adopts the twin perspectives that while the global economy is an essential civilising instrument, it nonetheless has within it tendencies and practices that themselves require civilising, according to human rights standards,' he said. The book chastens both extremes of the debate and constructs an argument for seeking out and promoting the ways in which the global economy advances the ends of human rights, while at the same time taming the undesirable excesses of *capitalisme sauvage* and containing the detrimental effects of market failures. The book is due for release in April 2009.

Refugee and Child Rights in Pakistan

Natasha Simonsen (below) spent the past year in Pakistan working for the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF). Pakistan hosts the largest refugee population of any country in the world and at its peak there were more than three million Afghans in Pakistan. Natasha was based in the Islamabad office of the UNHCR, and her work involved conducting refugee interviews to assess whether applicants met the conditions of the 1951 Refugee Convention, and writing applications for recognised refugees to be resettled to third countries. She visited a number of refugee camps and inspected a repatriation centre on the outskirts of Peshawar where returning refugees are processed on their way to Afghanistan. In her time at UNICEF, Natasha's portfolio was juvenile justice and she inspected prisons across the country to check the conditions for women and children and make recommendations for reform. Natasha is working for the Department of Public Prosecutions in Sydney until she commences her Bachelor of Civil Law on a Rhodes Scholarship at Oxford University in September 2009.



Human Rights in Nepal



Safeguarding Human Rights in the Criminal Justice System in Nepal

Sydney Centre for International Law
and Kathmandu School of Law
*Funded by AusAID's Public Sector
Linkages Program (\$170,000)*



With the Attorney-General of Nepal (centre)



Centre Director Ben Saul and Program Director David Kinley visited post-insurgency Nepal to commence this new research project on safeguarding human rights in the criminal justice system, involving an audit of human rights education in Nepal and the creation of a customised training program for Nepali police and prosecutors. The first meeting of the Steering Committee was held in Kathmandu, comprising representatives of the key stakeholders involved in the criminal justice process, including police, prosecutors, judges, the forensic laboratory, the Attorney-General's Department, legal aid, the European Union, law schools and key NGOs. Training will be delivered in 2009 in Kathmandu and rural areas, and aims to improve the operation of criminal justice in Nepal and strengthen the capacity of Kathmandu School of Law in human rights.



New Research Programme in International Environmental Law

Overview of Research

Research within the International Environmental Law programme spans a range of areas of public international law concerning environmental and natural resource issues. The programme's purpose is to enhance our understanding of international environmental governance and the role of international norms in this process. It brings together researchers with an interest and specialisation not only in a number of areas of international environmental law but also in global environmental politics. Associates of the programme are particularly active in the following research areas:

- structures and processes of regional and global environmental governance;
- the resolution of disputes over the environment and natural resources;
- ethical and philosophical issues concerning international norms for environmental management and protection;
- the law of global climate change;
- marine environmental protection; and
- the protection of the Antarctic environment.

Current research projects underway within this programme are set out below.

Teaching and Research Supervision

Associates of this programme are involved in the teaching of a wide range of subjects addressing issues of international environmental law in both the undergraduate and the postgraduate programmes. Associates of this programme are also active in research supervision in international environmental law.

Those interested in pursuing postgraduate research with associates of this programme, particularly research with a multi-disciplinary orientation, are encouraged to seek further information through the Faculty's Postgraduate Research office and/or to contact any individual listed below who is working in the area of interest.

Current Research and Writing

Research and writing projects currently underway under the direction of Faculty members associated with this programme include the following (listed in alphabetical order):

- Australia's Extended Continental Shelf: What Implications for Antarctica? (Dr Alan D Hemmings and Dr Tim Stephens)
- Climate Change and Australia: Warming to the Global Challenge (Dr Jane McAdam, Dr Ben Saul and Dr Tim Stephens)
- Developing a Legal Framework for Indonesia's Participation in an Internationally Sanctioned Scheme for Reducing Emissions from Deforestation (and Degradation) (Dr Simon Butt, Professor Elisabeth Peden, Associate Professor Rosemary Lyster, Ms Kate Miles and Dr Tim Stephens)

- International Law Documents on Antarctica (Professor Gillian Triggs, Dr Ben Saul and Dr Tim Stephens)
- International Law of the Sea (Professor Donald R Rothwell and Dr Tim Stephens)
- Intersections Between Global Climate Change Law and Policy (Associate Professor Rosemary Lyster and Dr Tim Stephens)
- Power and Rule in the Mekong Basin: The Dynamics of Hard and Soft Law in International Watercourse Governance (Professor Phil Hirsch, Dr Fleur Johns, Dr Ben Saul and Dr Tim Stephens)
- Responding to the Threat of Ocean Acidification: An Acid Test for International Law (Dr Tim Stephens)

Programme Publications

In addition to the publications listed in the Publications page, Associates in this programme are responsible for editing the *Australian International Law Journal* and the *Asia Pacific Journal of Environmental Law*. Associates in this programme are also annual contributors to the case notes section of the *Australian Yearbook of International Law*.

Seminars

Associates of this programme and Visitors are active contributors to the Seminar programme of the Sydney Centre for International and Global Law.

Public Policy Submissions

Associates of this programme frequently make oral and written submissions to inquiries by parliamentary committees, departmental reviews and law reform bodies on various aspects of international environmental law and related public policy issues.

People

Sydney Centre for International Law Associates contributing to this programme are (in alphabetical order): Emeritus Professor Ben Boer, Associate Professor Chester Brown, Dr Charlotte Epstein, Dr Fleur Johns, Professor David Kinley, Associate Professor Rosemary Lyster, Ms Kate Miles, Dr Ben Saul, Emeritus Professor Ivan Shearer, Ms Susan Shearing, Dr Tim Stephens and Professor Gillian Triggs.

The Programme Director is Dr Tim Stephens. Sydney Centre for International Law Affiliates contributing to this programme are: Dr Jane McAdam, Dr Melissa Perry QC, Ms Alison Pert and Dr Christopher Ward.

Feedback and Contacts

Comments about the programme are welcome, as are expressions of interest in research collaboration. Please contact Dr Tim Stephens at t.stephens@usyd.edu.au or law.scil@usyd.edu.au

Grant Funding

Vivienne Bath

'International Conference on Human Rights in Asia-Pacific: Towards Institution-Building', Faculty Conference Seeding Grant (\$10,000) (with Ben Saul & Luke Nottage)

Belinda Bennett

'Legal and Ethical Preparedness for Pandemic Influenza', Australian Research Council Discovery Grant

Simon Butt

'Legal Drafting in Decentralised Indonesia', Law Faculty Early Career Research/R&D Grant (\$24,000)

'The Accommodation of Constitutional and International Human Rights Norms in the Making of Laws by Indonesian Parliaments, and the Extent of the Authority of Regional Parliaments to Pass Revenue Raising Laws', Australia-Indonesia Governance Research Partnership (\$50,000) (in collaboration with the Centre for Study of Law and Policy, Indonesia)

'Developing a Legal Framework for Indonesia's Participation in an Internationally Sanctioned Scheme for Reducing Emissions from Deforestation (and Degradation)', ARC Bridging Support Grant (\$50,000) (with Rosemary Lyster, Tim Stephens and Elisabeth Peden)

Jennifer Hill

'The Subversion of Contemporary Performance-Based Pay: A Comparative Australian-US Study', Australian Research Council Discovery Grant

Fleur Johns

'Power, Rule and Consensus in the Mekong River Basin: The Dynamics of "Hard" and "Soft" Law in Transboundary Water Governance', University of Sydney Bridging Support Grant (\$20,000) (Chief Investigator, with Rosemary Lyster, Ben Saul, Tim Stephens and Phil Hirsch)

'Enhancing the Undergraduate Law Student Experience through a Peer Mentoring Programme (pilot)', University of Sydney Teaching Improvement and Equipment Scheme Grant (with Fiona Burns and Susan Shearing)

David Kinley

'Crisis and its Consequences: The Human Rights Impact of Global Finance', USyd International Visiting Research Fellowship to fund a visit by Dr Andrew Lang from the Law Department, London School of Economics (\$14,500)

Faculty Visiting Scholar to fund a visit by Dr David Bilchitz from the South African Institute for Advanced Constitutional, Public, Human Rights and International Law (\$4,900)

Rosemary Lyster

'Developing a Legal Framework for Indonesia's Participation in an Internationally Sanctioned Scheme for Reducing Emissions from Deforestation (and Degradation)', ARC Bridging Support Grant (\$50,000) (Chief Investigator, with Tim Stephens, Elisabeth Peden and Simon Butt)

Jane McAdam

'Weathering Uncertainty: Climate Change "Refugees" and International Law', Australian Research Council Discovery Grant

'Immigration Restriction and the Racial State, circa 1880 to the Present', Australian Research Council Discovery Grant

Luke Nottage

'International Conference on Human Rights in Asia-Pacific: Towards Institution-Building', Faculty Conference Seeding Grant (\$10,000) (with Ben Saul & Vivienne Bath)

Faculty Special Visiting Fellow Scheme, Professor Yasuhei Taniguchi (\$6,000) (with Ben Saul)

Ben Saul

'Power, Rule and Consensus in the Mekong River Basin: The Dynamics of "Hard" and "Soft" Law in Transboundary Water Governance', University of Sydney Bridging Support Grant (\$20,000) (with Fleur Johns, Rosemary Lyster, Tim Stephens and Phil Hirsch)

'International Conference on Human Rights in Asia-Pacific: Towards Institution-Building', Faculty Conference Seeding Grant (\$10,000) (with Luke Nottage & Vivienne Bath)

Faculty Special Visiting Fellow Scheme, Professor Yasuhei Taniguchi (\$6,000) (with Luke Nottage)

European Commission, Funding to establish an interdisciplinary, multi-institution Master of Human Rights degree in the Asia-Pacific involving five universities (\$2.5 million) (coordinated by the Faculty of Arts)

Tim Stephens

'Responding to the Threat of Ocean Acidification: An Acid Test for International Law', Faculty LSSF Grant (\$5,000)

'Developing a Legal Framework for Indonesia's Participation in an Internationally Sanctioned Scheme for Reducing Emissions from Deforestation (and Degradation)', ARC Bridging Support Grant (\$50,000) (with Rosemary Lyster, Elisabeth Peden and Simon Butt)

'Power, Rule and Consensus in the Mekong River Basin: The Dynamics of "Hard" and "Soft" Law in Transboundary Water Governance', University of Sydney Bridging Support Grant (\$20,000) (with Fleur Johns, Rosemary Lyster, Ben Saul and Phil Hirsch)



Australian International Law Journal



The Australian International Law Journal is a peer-reviewed scholarly journal produced by the International Law Association (ILA) (Australian Branch) in association with the Sydney Centre for International Law. As one of very few international law journals published by a national branch of the International Law Association (ILA), the Journal has a distinctive role as a publication with a shared commitment to the objectives of the ILA: 'the study, clarification and development of international law, both public and private, and the furtherance of international understanding and respect for international law'. Like the ILA, the Journal serves as an important focal point for legal practitioners, academics, government and NGO lawyers, judges and experts from related fields with a common interest in international law. As of 2008, back issues of the Journal are available in electronic format through the subscription database Heinonline.

Subscribing to the Journal

If you are interested in subscribing to the Journal, please visit the website at: www.ila.org.au/publications_journal.htm

An individual subscription costs \$45 for one year (plus \$4 postage & handling within Australia or \$7 outside Australia).

An institutional subscription costs \$60 for one year (plus \$4 postage & handling, or \$7 outside Australia).

Call for Contributions

The Journal welcomes articles, case notes and book reviews on public or private international law issues at any time and instructions for authors are on the website. Contributions on private international law (conflict of laws) are particularly encouraged.



GUEST EDITORIAL

Jane McAdam and Tim Stephens

INTERNATIONAL LAW ASSOCIATION (AUSTRALIAN BRANCH): ANNUAL GENERAL MEETING

President's Report:

Christopher Ward

Guest Address:

Donald Rothwell

AUSTRALIAN GOVERNMENT PRACTICE

Public Lecture by Shadow Foreign Minister at the Sydney Centre for International Law (2007)

Robert McClelland MP

Public Address by the Australian Foreign Minister at the Annual Diplomatic Corps Christmas Party (2007)

Stephen Smith MP

SYMPOSIUM ARTICLES

There's No Place Like Home: Human Displacement and Climate Change

Ilona Millar

Financing Adaptation in Pacific Island Countries: Prospects for the Post-2012 Climate Change Regime

Will McGoldrick

Preserving a Balanced Ocean: Regulating Climate Change Mitigation Activities in Marine Areas beyond National Jurisdiction

Robin Warner

Is the Crisis of Climate Change a Crisis for International Law?

Shirley Scott

GENERAL ARTICLES

International Obligations to Protect World Heritage Sites from the Adverse Impacts of Climate Change

Anna Huggins

International Legal Issues Relating to the Facilitation of Sub-Seabed CO₂ Sequestration Projects in Australia

Yvette Carr

Human Rights and Climate Change

Hon John Von Doussa QC, Allison Corkery & Renee Chartres (Human Rights and Equal Opportunity Commission)

INTERNATIONAL LAW ASSOCIATION (AUSTRALIAN BRANCH) ESSAY PRIZE

The Consistency of Offshore Carbon Capture and Storage with Australia's Obligations Under Public International Law

Karen Gould

Jurisdiction and Choice of Law Rules for Defamation Actions in Australia Following the *Gutnick* Case and the Uniform Defamation Legislation

Belinda Robilliard

State Responsibility and Self-Defence in International Law Post 9/11

Sonja Cenic

Kathmandu School of Law campus

CASE NOTES

Indonesian Constitutional Court Case No 2-3/PUU-V/2007 Concerning the Death Penalty: Australian Citizens and "Asian Values"

Natalie Zerial

Lodhi v R [2007] NSWCCA 360

Nicholas Broadbent

Application of the Convention on the Prevention of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro): Confusion or Clarity?

Priya Pillai

Application of the Convention on the Prevention of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro): Catching the Conscience of the Judges

Jernej Letnar Cernic

R (on the Application of Al-Jedda) v Secretary of State for Defence [2007] UKHL 58

Lisa-Claire Hutchinson

Hicks v Ruddock (2007) 156 FCR 574

Martin Hill

BOOK REVIEWS

Tim Bonyhady and Peter Christoff (eds), *Climate Law in Australia* (2007)

Reviewed by Tim Stephens

Ann Kent, *Beyond Compliance: China, International Organizations, and Global Security* (2007)

Reviewed by Vivienne Bath

Michelle Foster, *International Refugee Law and Socio-Economic Rights: Refuge from Deprivation* (2007)

Reviewed by Pene Matthew

Katharine Gelber and Adrienne Stone (eds), *Hate Speech and Freedom of Speech in Australia* (2007)

Reviewed by Daniel Meagher

Catherine Brolmann, *The Institutional Veil in Public International Law: International Organisations and the Law of Treaties* (2007)

Reviewed by Gillian Triggs

Lorne Kriwoken, Julia Jabour and Alan Hemmings (eds), *Looking South: Australia's Antarctic Agenda* (2007)

Reviewed by Gillian Triggs

Nadir Hosen, *Shari'a & Constitutional Reform in Indonesia* (2007)

Reviewed by Simon Butt



The Centre hosted an active program of public events in the second half of 2008, with details of each seminar provided below.

Asylum Denied and Refugee Roulette: Achieving Administrative Justice in Refugee Status Determinations

Professor Phil Schrag, Georgetown University and
Professor Mary Crock, Sydney Law School

Monday 28 July

About the Seminar: This talk had two dimensions. On one level, Prof. Schrag told the story of a single victim of political persecution and torture, David Kenney, and of Kenney's arduous attempts to win asylum in America. At the same time, Prof. Schrag showed how Kenney's individual story fitted into the larger picture of asylum adjudication in America—a system that as a whole is lenient (compared with the asylum systems of many Western countries) but which, at a finer level of detail, has outcomes that depend largely on the prior work histories, ideologies and backgrounds of the hundreds of adjudicators who decide individual cases. The disparities in grant rates among bureaucrats deciding essentially identical cases makes the American system one in which justice is all too random. Professor Schrag illustrated his talk with photographs of Kenney's saga and coloured graphs demonstrating the arbitrariness of American justice for asylum seekers. Sasha Lowes of the NSW Legal Aid Commission provided comment.



Philip G Schrag is a Professor of law at Georgetown University and director of its asylum clinic, which has won asylum for more than 100 refugees. He has written extensively on asylum, consumer protection, nuclear arms control, clinical legal education, student financial aid, legal ethics, District of Columbia statehood, and other public policy subjects. In 1996, he

helped to lead an effort to stop Congress from barring asylum for anyone who applied for it more than 30 days after entering the United States; that story of public interest lobbying is told in his book *A Well-founded Fear: the Congressional Battle to save Asylum in America* (Routledge 2000). More recently, his book *Asylum Denied: A Refugee's Struggle for Safety in America* (with David Ngaruri Kenney) (University of California Press, 2008) is the gripping narrative of his co-author. It relates Kenney's persecution and torture in Africa, his escape to America, and his Kafkaesque encounters with the U.S. immigration system. In 2009, NYU Press will publish Professor Schrag's 14th book, *Refugee Roulette* (with Jaya Ramji-Nogales and Andrew I. Schoenholtz). Professor Schrag is a graduate of Harvard College and Yale Law School. Before beginning his teaching career in 1971, he served as Assistant Counsel of the NAACP Legal Defense and Educational Fund and as the first Consumer Advocate of the City of New York. He interrupted his academic work from 1977 to 1981 when he served in the Carter administration as the Deputy



General Counsel of the U.S. Arms Control and Disarmament Agency. At the 2008 Annual Meeting of the Association of American Law Schools, he was awarded the Deborah L. Rhode award, given to one law professor each year for "outstanding contribution to furthering pro bono and public service opportunities in law schools through scholarship, leadership and service." In June, Lexis/Nexis presented him with its 2008 Daniel Levy Memorial Award for Outstanding Achievement in Immigration Law.

David Hicks in the Australian Courts

The Hon Justice Tamberlin, Federal Court of Australia

Tuesday 29 July

About the seminar: The Seminar focused on the Court decision in *Hicks v Ruddock* (2007) 156 FCR 574 and looked at the way in which the proceedings arose, the relief sought, and the pleadings. The issues raised concerned an attack on the Minister's decision not to return Hicks to Australia and also considered the availability of habeas corpus. The Court considered the concepts of "custody or control" and the "unlawfulness" of the detention at Guantanamo. The seminar referred to the Act of State doctrine and the concept of "justiciability" in relation to the issues raised. There was a reference to the "gag order" imposed on the plea bargain in the United States. Reference was made to the Australian control order, and legislation restricting his personal profit making from the proceeds of selling any story relating to his experiences. There was a brief reference to some recent developments in the United States, including the Supreme Court decisions in *Boumediene* and the decision of Robertson J permitting the *Hamdan* case to proceed which was delivered on 18 July 2008. The Seminar also briefly referred to the duty of a State to protect its citizens and the enforceability of any such duty and considered whether Australia should consider a provision such as the *US Hostage Act* which provides for the Executive to take measures to protect its citizens.

Brian Tamberlin is a Federal Court Judge who has served over fourteen years on that court at both an appellate and trial level. He graduated BA, LLB (Hons 1) from Sydney University Law School in 1962 and from Harvard Law School with an LLM in 1963. He has worked as In-House Counsel with two multinationals, Unilever and IBM in 1961 and 1963-64. Between 1965 and 1967 he practised as a solicitor with a leading Sydney Law Firm and from 1967 to 1994 as a Barrister. He took Silk in 1981. He has served on the NSW Bar Association. Between 1965 and 1972 he taught Australian Constitutional Law at Sydney University Law School. In 1990 he delivered a paper on Crown Immunity and International Arbitration at the Berlin Congress of the Union Internationale des Avocats. Since appointment to the Federal Court in 1994 he has continued to engage in teaching overseas in Vietnam, Thailand and the United States and has studied the activities of the World Trade Organisation and the World Intellectual Property Organisation in Geneva, Switzerland. For seven years his Honour was the Convenor of the Federal Court Admiralty Panel in Sydney.



Climate Change and Emissions Trading in Australia

Martijn Wilder, Partner, Baker & McKenzie

Tuesday 5 August

About the seminar: Martijn Wilder has practiced in the climate change area for over ten years managing to service an international client base of governments, multi-laterals, banks and companies out of Sydney. On the eve of the introduction of an emissions trading scheme in Australia, Martijn talked about some of the key experiences and transactions he has worked on as a lawyer over this time and what one could expect as Australia introduces its own emissions trading regime.



Martijn Wilder heads Baker & McKenzie's Global Climate Change and Emissions Trading Practice and is regarded as one of the leading legal advisors in the world having worked in the area for over 10 years. Representing an international client base, Martijn has advised numerous governments and international agencies on the development and design of climate change and emissions trading

laws including the EU, Australia and NZ, Malaysia, a number of Southern African governments, UNEP and UNDP. He also works with an international client base on international carbon transactions on a daily basis. Of particular note he is external counsel to multilateral banks such as the World Bank and the Asian Development Bank in respect of their climate change activities and acts for many of the leading carbon funds.

Martijn has always worked with market leading clients on market leading deals and is currently working on a number of avoided deforestation projects in PNG, Indonesia, Brazil and on the post-2012 carbon frameworks. Martijn is Chair of the NSW Climate Change Council, Chair of the NSW GGAS DSA Transition Taskforce, on the NSW GGAS Transition Taskforce, on the advisory board of the Voluntary Carbon Scheme Agriculture, Forestry and other Land Use (AFOLU) Standard on the Governing Board of the UK Government's Renewable Energy and Energy Efficiency Partnership (REEEP), Chair of TRAFFIC (Oceania) and a Governor of WWF. He is on a founder of, and on the Advisory Board of the Renewable Energy and International Law Project (REILP). Martijn is on the Board of the Australian Branch of the International Law Association (having previously been its Vice President and Secretary), has been a visiting Fellow in International Environmental Law at UNSW and a Visiting Professor to Hofstra University Law Summer School. He was formerly President of the Australia-Southern Africa Business Council. Martijn has honours degrees in Economics (Sydney) and Law (ANU) and was a Cambridge Commonwealth Trust Scholar where he obtained an LLM. He has published widely in the international law and climate change area.

National Human Rights Institutions in the Asia-Pacific Region

Kieren Fitzpatrick, Asia-Pacific Forum of National Human Rights Institutions

Tuesday 12 August

About the seminar: The Asia Pacific is the only region in the world lacking an inter-governmental human rights system. In the absence of any inter-governmental mechanism, the Asia Pacific Forum of National Human Rights Institutions (the APF) is playing a significant role in coordinating regional cooperation on human rights issues. Established in 1996 with a founding membership of 4 national human rights institutions the APF has expanded rapidly and is currently comprised of 17 constitutionally or legislatively established national human rights institutions. In the absence of a regional human rights court the APF has also established a Judicial Advisory Council comprising of eminent judicial officers nominated by its member institutions. This session focused on the role of the APF internationally, regionally and nationally.

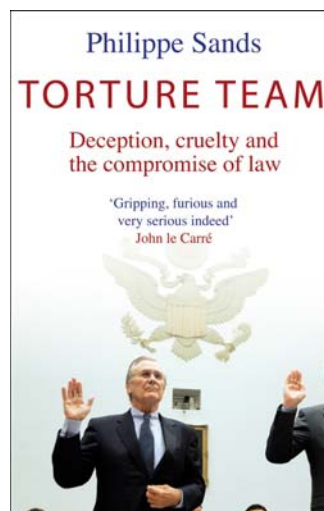
Kieren Fitzpatrick is the foundation Director of the Asia Pacific Forum of National Human Rights Institutions. Over the last 17 years he has been involved in the development of international and national human rights law and mechanisms.

Torture Team: Cruelty, Deception, and the Compromising of Law

Professor Philippe Sands QC, University College London

Monday 18 August

About the seminar: Professor Philippe Sands QC has constructed an urgent, powerful and brilliantly written story of how US government lawyers sought to legally justify torture in a series of memos and have exposed themselves to the risk of international criminal investigation. He showed how its malign influence extended to Abu Ghraib and the British at Basra. In this forensic investigation of deception at the highest levels, Sands questioned the role of lawyers, the supposed guardians of legality.



Philippe Sands QC is Professor of Law at University College London and a barrister at Matrix Chambers. He has been involved in leading cases before English and international courts.

***Boumediene v Bush* (2008): Has the US Supreme Court Had the Last Word on Guantanamo?**

Dr James Renwick, Barrister, Selbourne Chambers and Fulbright Scholar and Professor Geoffrey Garrett, CEO, United States Studies Centre, Sydney University

Tuesday 26 August

About the seminar: Perhaps the most controversial legal policy issue of the post 9/11 era has been the decision of the United States to detain and then attempt to conduct military commissions at its Naval base at Guantanamo Bay, Cuba. Although Guantanamo was chosen to deny inmates any avenues of legal redress, a series of historic majority decisions of the US Supreme Court has clarified World War II precedents on commissions and detention without trial in a way which has diminished Presidential power and expressed strong disapproval of the Guantanamo concept. So far at least the Supreme Court has not stopped military commissions: there has been one conviction following a plea bargain – namely David Hicks – and one contested trial has begun. But there are more challenges being made. The most recent decision of the Supreme Court in *Boumediene* is a timely opportunity to reflect upon whether the US Supreme Court has had the last word on Guantanamo, and why it is that the United States has persisted with the military commission concept in the face of strong legal opposition at home and abroad. These questions, which raise a complex mixture of law and legal policy as well as strategy and pure politics, were discussed by the two speakers.



Dr James Renwick is a NSW Barrister who has pioneered the teaching of national security in Australia. He briefly represented Australia at Guantanamo Bay in 2004. He has appeared in many recent High Court cases concerning detention without trial. A former Fulbright Scholar, he was awarded the first SJD by an Australian University, from Sydney University in 1993.

Dr Geoffrey Garrett is founding CEO of the United States Studies Centre. He was previously President of the Pacific Council on International Policy, where he remains a Senior Fellow, and Professor of International Relations, Business Administration, Communication and Law at the University of Southern California. Among the most widely cited political scientist of his generation, Garrett is an expert on the causes and consequences of globalization, American politics and foreign policy, and the impact of China's rise on the US and the rest of the world. He is author of *Partisan Politics in the Global Economy* and editor of *The Global Diffusion of Markets and Democracy*, both published by Cambridge University Press. Garrett has been quoted and interviewed by leading media sources



around the world and his essays and opinion pieces have appeared in newspapers and magazines in Australia, the US, Asia, Europe and Latin America. Garrett served as founding Dean and Vice Provost of the UCLA International Institute and has held academic appointments at Oxford, Stanford and Yale universities and the Wharton School of the University of Pennsylvania. He is a member of the New York-based Council on Foreign Relations. A dual citizen of Australia and the US, Garrett was born and raised in Canberra and holds a BA (Hons) from the Australian National University. He earned his MA and PhD at Duke University in North Carolina, where he was a Fulbright Scholar.

The 2008 breakdown in the WTO Doha Round of Trade Negotiations

Dr Brett Williams, Director of the Public International Economic Law Program, Sydney Centre

Tuesday 2 September

About the seminar: In July 2008, the WTO held a meeting of Ministers to attempt to complete the modalities stage of the Doha Round of trade negotiations which commenced in December 2001. In particular, the Members were aiming for draft agreements on Non Agricultural Market Access and also on Agricultural trade. Dr Williams explained what happened at the Ministerial meeting by presenting a general description of the draft texts that were on the table before the Ministerial meeting and of the issues that were under discussion. He also made some general observations on what the parties have done wrong over the course of the negotiations, and assessed what might happen next.

Dr Brett G Williams is a Senior Lecturer in the Faculty of Law at the University of Sydney, where he teaches courses on Law of the World Trade Organization and also teaches Competition Law and Public International Law. His publications include the co-authored book *China and the World Trading System*, a book chapter on 'Non-Violation Complaints in the WTO system', and 'The Influence and Lack of Influence of Principles in the Negotiation for China's Accession to the World Trade Organization' (in *GWILR*). In 2006, he coached the moot team which won the ELSA moot court competition in WTO law.



The Prohibition of Cluster Munitions: After the Dublin Treaty

Dr Brian Rappert, University of Exeter

Tuesday 9 September

About the seminar: On 30 May 2008, over 100 states adopted the Convention on Cluster Munitions (CCM). The treaty was the outcome of the "Oslo Process" which began at a conference in Norway in February 2007. This presentation examines the

prohibition agreed in the CCM in terms of the precedents it sets for the regulation of armed conflict. Focus here is given to the definition set for 'cluster munitions'. This is both central to the scope of the treaty as well as its future implementation. In making no exceptions for what counts as an appropriate type of 'cluster munition', this weapon now joins a relatively small group of others subject to a wide ranging prohibition by major formal international treaties.



Brian Rappert is an Associate Professor of Science, Technology and Public Affairs in the Department of Sociology and Philosophy at the University of Exeter. His long term interest has been the examination of how choices can and are made about the adoption and regulation of security-related technologies; this particularly in conditions of uncertainty and disagreement. His

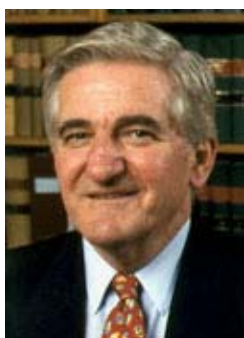
book *Controlling the Weapons of War: Politics, Persuasion, and the Prohibition of Inhumanity* (Routledge, 2006) is an attempt to ask how humanitarian limits are set war. *Biotechnology, Security and the Search for Limits: An Inquiry into Research and Methods* (Palgrave, 2007) considers the prospects and problems with introducing security-inspired controls to prevent the destructive use of biotechnology research.

The Responsibilities of States under Human Rights Optional Protocols: Are the Views of Rights Bodies Binding?

Emeritus Professor Ivan Shearer, Member, United Nations Human Rights Committee

Tuesday 16 September

About the seminar: The lecture focused on the experience of the Human Rights Committee, of which the presenter is a member. What is true of that body is applicable to the others. Neither the constitutive instrument (the ICCPR) nor the Optional Protocol itself expresses any legal status to be given to the Views of the Committee. However, the Committee has always regarded its Views as binding on the parties to the communication, and especially on the government of the relevant State where the Committee has issued interim orders of protection (e.g. calling for a delay in the execution of the death penalty pending its consideration of the case.) The Committee takes this position on the two-fold legal basis of the general duty of States to carry out their obligations in good faith and on the specific treaty obligation under the Covenant (article 3) to provide a remedy to those whose rights under the Covenant have been infringed. The Committee is currently preparing a General Comment which will expand on these reasons.



Professor Ivan Shearer is Emeritus Professor of Law at the University of Sydney and was Challis Professor of International Law from 1993 to 2003. From 1975 to 1991 he was a professor of law at the University of New South Wales. He was elected a member of the (UN) Human Rights

Committee on the nomination of Australia in 2000 and was re-elected to a second 4 year term in 2004. He is currently a Vice-Chair of the Committee and also serves as the Committee member charged with responsibility for the Follow-Up of Views.

Slavery in the High Court of Australia

Reg Graycar, Barrister, St James Hall Chambers

Thursday 25 September 2008

About the seminar: In 2008, the High Court heard an appeal from the Victorian Court of Appeal that required it to consider the meaning of 'slavery' in the Commonwealth Criminal Code in the context of a prosecution of a Melbourne brothel owner. The Human Rights and Equal Opportunity Commission (now the Australian Human Rights Commission) intervened and argued that the Court should



approach the concept of slavery (the subject of 1926 and 1956 treaties that have been ratified by Australia) by reference to contemporary international law understandings. In its August judgment, the Court held (6:1 - Kirby J dissenting) that there were sufficient indicia of slavery for the conviction to be upheld. In doing so, the Court relied on the jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY). A significant part of HREOC's submission was directed at persuading the Court that in determining the meaning of domestic statutory references to crimes against humanity, the jurisprudence of international tribunals such as the ICTY was indicative of customary international law.

The Making of General International Law

Professor Campbell McLachlan QC, Victoria University of Wellington & Hague Academy Lecturer

Thursday 25 September

About the seminar: We are living in an era of resurgent imperialism and of unprecedented economic globalisation. On the 60th Anniversary of the United Nations International Law Commission, it is timely to ask, then, what do we still mean by General International Law, and why do we need it? Drawing upon his recent work on responses to the fragmentation of international law (for the ILC) and on fragmentation of judicial decision-making (for his 2008 Hague Lectures), Campbell McLachlan QC argued that the very pluralism and complexity of the modern world gave General International Law a new function of wide-ranging importance in the international community.

Campbell McLachlan QC (LL B (Hons) (Well), Ph D (Lon.), Dip (c I) (Hag Acad Int'l Law) is Professor of Law at Victoria University of Wellington. He is President of the Australian and New



Zealand Society of International Law. His latest book (with Weiniger and Shore) *International Investment Arbitration: Substantive Principles* (OUP, 2007) is the first modern treatise on investment treaty law as applied by arbitral tribunals, and won the J F Northey Book Prize in 2008. He is a Specialist Editor of the 14th edition of *Dicey, Morris & Collins on the Conflict of Laws*, responsible for the arbitration section. In July 2008, he became the first New Zealand-based academic to deliver a Special Course at The Hague Academy of International Law. His Lectures, on 'Lis Pendens in International Litigation,' will be published in 2009. He is a Barrister (NZ, call 1984, Silk 2007), with chambers in New Zealand (Bankside Chambers, Auckland) and London (Essex Court Chambers). He took Silk in 2007, only the second academic lawyer in New Zealand to be recognised in this way. He is appointed as an arbitrator for the International Centre for the Settlement of Investment Disputes in Washington; and is a member of the ICC Court of Arbitration in Paris.

The Crisis of Human Rights in Sri Lanka

Professor Ivan Shearer, Shiva Pasupati, Mr HLD Mahindapala & Dr Brian Seneviratne

Friday 10 October

Co-hosted with the Sydney Democracy Forum

About the seminar: With the resumption of hostilities in Sri Lanka, there have been increasing allegations of frequent human rights violations by both government forces and the Tamil Tigers (LTTE). Violations of human rights and humanitarian law against civilians have escalated, including indiscriminate killings, forced displacement, use of human shields, abductions and disappearances, forced recruitment of children, arbitrary arrests and detentions, increasing restrictions on political rights and expression, and impunity for security forces. Human rights monitors, lawyers and journalists in Sri Lanka have come under increasing pressure, including threats of violence or legal proceedings. The speakers in this seminar discussed the human rights problems in Sri Lanka and considered how a culture of respect for law and human rights could be resurrected.



Climate Change: Aspects of the International and Constitutional Framework for Reform

Dr Melissa Perry QC, Selbourne Chambers

Tuesday 14 October

About the seminar: The United Nations Framework Convention on Climate Change and the Kyoto Protocol to that convention envisage that parties will take steps to reduce greenhouse gas emissions in accordance with their obligations through a variety of measures at the domestic, as well as the international, level. The establishment of a national emissions trading scheme is only one such means. This seminar focused upon aspects of the international and constitutional framework within which Australia may address and respond to climate change by other means, consistently with its role under international arrangements as a developed country to lead the way for developing nations. In particular, the seminar considered: (a) the nature and extent of relevant legislative powers available to the Commonwealth, with particular emphasis upon the external affairs power (both from the perspective of legislating to implement Australia's obligations domestically and legislating with respect to offshore areas, matters and things external to Australia); (b) legislative mechanisms that might be employed to overcome some of the challenges that the federal system of government in Australia poses to a nationally consistent, effective and timely response in accordance with Australia's international obligations; and (c) the function that the law can perform, among others, as a catalyst for changing values, expectations, and behaviour (including the way in which decisions are made).

Melissa Perry has a national practice primarily in the federal sphere specialising in public international law, constitutional law, administrative law, native title and, more recently, environmental law. She has practiced at the bar since 1992, moving to New South Wales from South Australia in late 2004. She graduated in law with first class honours from the University of Adelaide. Her doctorate from the University of Cambridge was in public international law and was awarded the Yorke Prize. She frequently presents papers at local



and national seminars and conferences on a diversity of topics within her areas of expertise, and her publications include a major textbook on Australian Native Title Law co-authored with Stephen Lloyd of the Sydney bar. She has also held part-time visiting fellowships with the University of Adelaide, the Australian National University and the Lauterpacht Centre for International Law at the University of Cambridge. She has pursued an interest in law reform through her membership of the Administrative Review Council which has responsibility for oversight of federal administrative law, as well as (among other things) through her involvement in the preparation of submissions to government on particular constitutional issues for various law bodies. In addition, she is Secretary of the Australian Association of Constitutional Law and a foundation fellow of the Australian Academy of Law

established in 2007. She is also a member of various committees including the Administrative Law Committee and the Resources, Energy and Environmental Law Committee of the Law Council of Australia, and the New South Wales Branch Committee of the Australian Mining and Petroleum Law Association.

Restoration of Law and Order in the North and East Provinces of Sri Lanka: The Humanitarian Aspect

The Honourable Rohitha Bogollagama MP,
Minister of Foreign Affairs, Sri Lanka

Wednesday 15 October

The Honourable Rohitha Bogollagama MP was appointed Minister of Foreign Affairs of Sri Lanka in January 2007. He was the Minister of Enterprise Development and Investment Promotion from 2005, until January 2007. He also held positions of both Minister of Advanced Technology and National Enterprise Development and Minister of Industries previously. Prior to this, he was enrolled as an Attorney-at-Law of the Supreme Court of Sri Lanka in 1976. He entered Parliament in 2000 and during this period, has served in many Parliamentary Consultative Committees and in 2005, he served as the Chairman of the Committee on Public Enterprises (COPE) in Parliament, an Oversight Committee of the legislature responsible for accountability of Public Enterprises to Parliament. Minister Bogollagama represented the Sri Lankan Government at the two rounds of peace talks held in Geneva with the Liberation Tigers of Tamil Eelam (LTTE) in 2006. He also functioned as the Spokesman of the Government delegation.



The United Nations Declaration on the Rights of Indigenous Peoples

Megan Davis, Director, Indigenous Law Centre, UNSW

Tuesday 21 October

About the seminar: After more than 20 years of negotiations between States and indigenous peoples, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples by an overwhelming majority in September 2007. The Declaration stipulates the individual and collective rights of the world's 370 million native peoples, calls for the maintenance and strengthening

of cultural identities and emphasises the right to development in accordance with their needs and aspirations. Efforts to draft a specific instrument concerning the protection of indigenous peoples on a global scale moved slowly due to concerns expressed by States in relation to some of the core provisions of the draft declaration, for example the right to self-determination and control over natural resources existing on traditional lands. The Declaration is a comprehensive statement addressing issues such as collective rights, cultural rights and identity as well as rights to education, health, employment and language. Megan Davis reflected on her involvement in the drafting of the Declaration and on its successes and failures.

Megan Davis is the Director of the Indigenous Law Centre and a Senior Lecturer in the Faculty of Law, UNSW. Megan's scholarship involves critical analysis of Indigenous public law issues in particular constitutional reform and democratic theory and governance. Megan's research also includes Indigenous peoples' rights in international law, in particular UN treaty body jurisprudence and the UN Declaration on the Rights of Indigenous Peoples and she is also an Australian member of the International Law Association's Indigenous Rights Committee. Megan has held a UN Indigenous Fellowship, UNOHCHR, Geneva and has participated for a decade in UN expert seminars and working groups as an Indigenous lawyer.



Challenges Facing the International Criminal Court

Mark Ierace SC, Senior NSW Public Defender and former ICTY counsel and **Associate Professor Steven Freeland,** University of Western Sydney

Tuesday 28 October

About the seminar: 2008 marked the 10th anniversary of the Rome Statute of the International Criminal Court. Despite the undoubted progress throughout all levels of the Court in clarifying various aspects of the Statute, the Court still faces many challenges, of a structural, political, legal and/or financial nature. These challenges represent obstacles that must be overcome over time if the Court is to more effectively fulfil the broad mandate that it has been given under the terms of the Rome Statute.

Prior to the commencement of the first trial in the ICC (*Prosecutor v Dyilo*), the Trial Chamber imposed a complete stay of proceedings, citing as its reasons that the Office of the Prosecutor ("the OTP") had engaged in "a wholesale and serious abuse" of the Rome Statute's provisions as to disclosure. Mark Ierace SC discussed what could be gleaned from this case and the OTP's investigations generally in preparing cases for trial and what lessons should be learned from the Trial Chamber's decision, and Appeals Chamber's response



Steven Freeland is Associate Professor in International Law at the University of Western Sydney, a Visiting Professor in International Law at the University of Copenhagen and a Visiting Professional within the Appeals Chamber at the International Criminal Court. He has also been

a Special Advisor to the Danish Foreign Ministry in matters related to the International Criminal Court.

Mark Ierace SC was a Senior Trial Attorney for the Office of the Prosecutor in the UN International Criminal Tribunal for the former Yugoslavia (2000-2004). In that capacity, he led the prosecution team against the Bosnian Serb General (General Galic) who from 1992 perpetrated the Siege of Sarajevo for two years. Mark Ierace SC was admitted to the Bar in 1981. He is currently the Senior Public Defender of NSW.

Prospects for Global Nuclear Disarmament

Martine Letts, Deputy Director,
Lowy Institute for International Policy

Tuesday 4 November

About the seminar: Prime Minister Kevin Rudd's June 2008 announcement for the establishment of an International Commission on nuclear non-proliferation and disarmament was initially greeted with some scepticism. It seemed to come out of the blue with little consultation with key players and with little apparent thought as to how it might be resourced. At a time when the existing proliferation architecture seems to be crumbling and prospects for nuclear disarmament are more elusive than ever has Australia bitten off more than it can chew? And yet the time is ripe for a new initiative. The global nuclear order is undergoing some significant changes. Questions about nuclear disarmament, nuclear proliferation and growing demand for nuclear energy are all on the table while profound shifts are unfolding in the distribution of power and influence among major states. Both US Presidential candidates acknowledged that nuclear disarmament is a serious policy question for them. There is also more at stake now than simply rescuing the Nuclear Non-proliferation Treaty: there are significant other players who need to be coopted to realise a vision free of nuclear weapons. The speaker argued that global pessimism about the growing nuclear dangers may in fact help get us closer to crafting a global consensus towards the realisation of the vision of a world free of nuclear weapons.



Martine Letts, Deputy Director of the Lowy Institute for International Policy, will discuss the prospects for nuclear disarmament and the contribution the International Commission might play in getting us closer to zero. Prior to coming to the Lowy Institute Martine was Secretary-General (CEO) of the Australian Red Cross. A former Ambassador to Argentina, Uruguay and

Paraguay, and adviser to former Foreign Minister to Gareth Evans, she also spent almost a decade in Geneva and Vienna as an arms control and disarmament diplomat.

Excavating Mass Graves: The Evidentiary Importance of Human Bodies in International Criminal Tribunals

Professor Richard Wright, Emeritus Professor of Anthropology, Sydney University & former Chief Archaeologist, International Criminal Tribunal for the Former Yugoslavia

Tuesday 11 November

About the seminar: The subject of this talk was the judicial context of bodies from mass graves. Prof Wright discussed topics that exemplify the power that flows from being able to display bodies to courts. By contrast, and where there are no bodies to show, a lazy prosecution case can be weakened by the unnecessary lack of material evidence. Particularly vulnerable are cases that depend on the statements of eye-witnesses. The speaker discussed efforts by revisionists to protect their positions. These efforts include denying that there are any bodies, that the number is less than expected, and that the bodies are attributable to unrelated events. These discussions were illustrated with critical evidentiary photos.

Richard Wright has specialised in applying archaeological methods to the discovery and excavation of mass graves and execution sites in Ukraine and Bosnia-Herzegovina since 1990. From 1990 to 1991 he worked on mass graves in the former Soviet Union (Ukraine). A major assignment was from 1997 to 2000, when for those four years he was Chief Archaeologist for the International Criminal Tribunal for the Former Yugoslavia. In that role he led an international team of archaeologists and human biologists whose job was to locate clandestine mass graves and examine the evidence contained in them. He has given expert testimony at two trials in The Hague.

The Global Financial Crisis and Human Rights: Opportunity or Catastrophe?

Professor David Kinley, Chair in Human Rights Law,
University of Sydney

Tuesday, 18 November

About the seminar: For the poor, finance is always about much more than economics. It is a matter of basic human rights. As the dust begins to settle on the global financial crisis it is certain that all economies will suffer, but it is the poorest states that will suffer the most, simply because they have less to lose. On top of the sharp price increases in staple foods and fuel, least developed countries are especially vulnerable to reductions in foreign direct investment, export trade, remittances, and economic aid. Thoughts are now starting to move beyond the immediate crisis to questions of how to repair the system for the long-term, including under a Bretton Woods II. In these deliberations, considerations of how best to protect human rights – especially of the poor – must be central. The speaker argued why and how this can be done, with particular emphasis on the responsibilities of states, the international financial institutions and business.



David Kinley holds the inaugural chair in human rights at the University of Sydney. He has previously held positions at Cambridge University, The Australian National University, the University of New South Wales, Washington College of Law, American University,

and most recently was the founding Director of the Castan Centre for Human Rights Law at Monash University (2000-2005). He was a Senior Fulbright Scholar in 2004, based in Washington DC, and Herbert Smith Visiting Fellow at the Faculty of Law, University of Cambridge during the first half of 2008. He has written and edited eight books and more than 60 articles, book chapters, reports and papers.

Trade Commitments in Services: The Interplay between WTO/GATS and Investment Treaties

Rolf Adlung, Senior Economist, Trade in Services Division, World Trade Organisation

Wednesday 19 November

About the seminar: This presentation was based on an article by Rolf Adlung (co-authored with Molinuevo) in (2008) *Journal of International Economic Law*, entitled "Bilateralism in Services trade: Is there Fire behind the (BIT) smoke?". It considered the reality that Members currently face several operating systems governing trade in services, including in the WTO (under the GATS) and bilateral investment or trade agreements. The speaker considered some of the interactions between the GATS and bilateral agreements and generally considered the impact of the drift towards liberalizing trade in services under bilateral treaties.

Rolf Adlung is a Senior Economist, in the Trade in Services Division of the World Trade Organization secretariat. He is a leading specialist in the General Agreement on Trade in Services, has published widely in that field and taught in many WTO technical assistance missions on the GATS. His publications include: 'Public Services and the GATS' in 2006 9(2) *Journal of International Economic Law*; 'Negotiations on Safeguards and subsidies in Services: A Never Ending Story?' in (2007) 10(2) *Journal of International Economic Law*; and 'The Contribution of Services Liberalization to Poverty Reduction: What role for the GATS' (2007) 8(4) *Journal of World Investment & Trade*.

WTO Dispute Settlement: A Practitioner's Perspective

Amanda Gorely, WTO Trade Law Branch, Department of Foreign Affairs and Trade

Thursday 4 December

About the seminar: Drawing on some recent examples, Amanda discussed some of the substantive and procedural challenges that could come into play when Australia participates in WTO dispute settlement. This would include the practical implications of WTO timeframes, coordinating a whole of government approach, presentation of complex information, open versus closed hearings and the use of previous WTO 'jurisprudence'.



Amanda Gorely has headed the WTO Trade Law Branch in the Department of Foreign Affairs and Trade since 2005. In this role, she has responsibility for representing Australia in WTO disputes and providing legal advice on Australia's WTO obligations. She joined DFAT as a

legal specialist in 1993 and has had postings to Geneva and Stockholm.

Protesters outside the Public Lecture by the Sri Lankan Foreign Minister



Thalia Anthony

Michelle Sanson, David Worswick and Thalia Anthony, *Connecting with Law* (OUP, Melbourne, 2009)

Thalia Anthony, 'The Feudal Thread in the Indian and Australian Colonial Mode of Production: A Comparative Approach' (2007-2008) 39-40(1) *Journal of the Oriental Society of Australia* 50

Thalia Anthony, 'Late-Modern Developments in Sentencing Principles for Indigenous Offenders: Beyond David Garland's Framework', in C Cunneen and M Salter (eds), *Proceedings of the 2nd Australian & New Zealand Critical Criminology Conference* (Crime & Justice Research Network, Sydney, 2008)

Lucas Bastin

Lucas Bastin and Justice Brian Tamberlin, 'David Hicks in Australian Courts: Past and Future Legal Issues' (2008) 82 *Australian Law Journal* 774

Lucas Bastin and Justice Brian Tamberlin, 'In-house Counsel and Privilege: The Client's Man of Business' (2008) 31 *Australian Bar Review* 188

Lucas Bastin and Justice Brian Tamberlin, 'Commercial Litigation: Metadata and the Discovery of Electronic Evidence' (2008) 36 *Australian Business Law Review* 1

Belinda Bennett

Belinda Bennett, Terry Carney and Isabel Karpin (eds), *The Brave New World of Health* (Sydney: Federation Press, 2008)

Angela Ballantyne, Belinda Bennett, Isabel Karpin and Wendy Rogers (Guest eds) (2008) 1(2) *International Journal of Feminist Approaches to Bioethics* (Special Issue: Research Ethics: Women, Sex and Gender in Biomedical Research)

Belinda Bennett, Isabel Karpin, Angela Ballantyne, and Wendy Rogers, 'Gender Inequities in Health Research: An Australian Perspective' in M Freeman (ed), *Law and Bioethics* (Oxford University Press, 2008), 409-31

Belinda Bennett, 'Globalising Rights? Constructing Health Rights in a Shrinking World' in B Bennett, T Carney and I Karpin (eds), *The Brave New World of Health* (Sydney: Federation Press, 2008), 8-20

Belinda Bennett and Isabel Karpin, 'Regulatory Options for Gender Equity in Health Research' (2008) 1(2) *International Journal of Feminist Approaches to Bioethics* 80-99

Isabel Karpin and Belinda Bennett, 'Freedom to Choose? Embryo Selection, Reproductive Decision-making and the Role of the State' (2008) 88 *Precedent* 4-8

Belinda Bennett, 'Book Review: Rights, Regulation and the Technological Revolution by Roger Brownsword' (2008) 35(4) *Journal of Law and Society* 559-64

Edwin Bikundo

Edwin Bikundo, 'Book Review: Law, War and Crime: War Crimes Trials and the Reinvention of International Law by Gerry Simpson' (2008) 9(1) *Melbourne Journal of International Law* 156

Jennifer Hill

Jennifer Hill, 'Evolving 'Rules of the Game' in Corporate Governance Reform' (2008) 1(1) *International Journal of Corporate Governance* 28-48

Jennifer Hill, 'Regulatory show and tell: Lessons from International Statutory Regimes' (2008) 33(3) *The Delaware Journal of Corporate Law* 819-843

Jennifer Hill, 'The Shifting Balance of Power Between Shareholders and the Board: News Corp's Exodus to Delaware and Other Antipodean Tales' (Working Paper) (2008) *Social Science Research Network*, at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1086477

Fleur Johns

Fleur Johns, 'The Body and the State: Habeas Corpus and American Jurisprudence (Book Review)', (2008) 17(3) *Social and Legal Studies* 416-418

Fleur Johns, 'Performing Party Autonomy' (2008) 71(3) *Law & Contemporary Problems* 243-271

David Kinley

David Kinley and Justine Nolan, 'Human Rights, Corporations and the Global Economy' in G Palazzo and A Scherer (eds), *Handbook on Corporate Citizenship* (Edward Elgar, Cheltenham, 2008)

Eric Knight

Martijn Wilder, Monique Miller and Eric Knight, 'Legal Issues and Contractual Solutions' in C Streck, R O'Sullivan, S Janson and R Tarasofsky (eds) *Climate Change and Forests, Emerging Policy and Market Solutions* (Brookings Institute Press and Chatham House, 2008)

Richard Doornborsch and Eric Knight 'What Role for Public Finance in International Climate Change Mitigation' (2008) 3 *OECD Roundtable for Sustainable Development, SG/SDIRT*

Rosemary Lyster

Rosemary Lyster, 'The Australian Carbon Pollution Reduction Scheme: What Role for Complementary Measures?' (2008) 31(3) *University of NSW Law Journal* 880

Rosemary Lyster, 'Domestic and International Carbon Offsets under the Carbon Pollution Reduction Scheme: What Prospects?' (2008) *University of Tasmania Law Review*

Rosemary Lyster, 'The Precautionary Principle: A Thrill Ride on the Roller Coaster of Energy and Climate Law' (2008) *Review of European Community and International Environmental Law*

Rosemary Lyster, 'Electricity Privatisation in the New South Wales: What Are the Climate Change and Broader Sustainability Implications?' (2008) *Environmental and Planning Law Journal* 229

Kate Miles

Kate Miles, 'Targeting Financiers: Can Voluntary Codes of Conduct for the Investment and Financing Sectors Achieve Environmental and Sustainability Objectives?' in K Deketelaere et al (eds) *Critical Issues in Environmental Taxation—Volume V* (Oxford University Press, 2008), 947

Luke Nottage and Kate Miles, 'Why and How Investment Arbitration Should be in the Australia-Japan FTA' (2008) 20 *Japan Commercial Arbitration Association Newsletter* 1

Roger Magnusson

Roger Magnusson, 'Conceptualising Policy Options for Obesity Prevention – Response to "Counteracting Obesity: Developing a Policy Framework to Guide Action"' (2008) 53 *International Journal of Public Health* 317-319

Roger Magnusson, 'Obesity: Should There be a Law Against It? Introduction to a Symposium' (2008) 5(9) *Australia and New Zealand Health Policy* 2008, at www.anzhealthpolicy.com/content/5/1/9

Roger Magnusson, 'What's Law Got to Do with It? Part 1: A Framework for Obesity Prevention' (2008) 5(10) *Australia and New Zealand Health Policy* at: www.anzhealthpolicy.com/content/5/1/10

Roger Magnusson, 'What's Law Got to Do with It? Part 2: Legal Strategies for Healthier Nutrition and Obesity Prevention' (2008) 5(11) *Australia and New Zealand Health Policy*, at www.anzhealthpolicy.com/content/5/1/11

Roger Magnusson and Ruth Colagiuri, 'The Law and Chronic Disease Prevention: Possibilities and Politics' (2008) 188 *Medical Journal of Australia* 104-105

Roger Magnusson, 'Developing a Global Framework to Address Non-communicable Diseases' (2008) 53 *Diabetes Voice* 9-12 [translated into French, Spanish, Russian]

Roger Magnusson (Paper Coordinator), *Australia and New Zealand Health Policy* on-line symposium: *Obesity: Should there be a Law Against it?* (2008), at www.anzhealthpolicy.com/articles/theme-series.asp?series=1743-8462-Aso

Jane McAdam

Jane McAdam (Guest Editor) (2008) 27(3) *Refugee Survey Quarterly* (on Article 14 of the Universal Declaration of Human Rights)

Jane McAdam and Tim Stephens (Guest Editors) (2007) 14 *Australian International Law Journal* (Special Issue on Climate Change)

Jane McAdam (ed), *Forced Migration, Human Rights and Security* (Hart Publishing, Oxford, 2008)

Jane McAdam, 'The Refugee Convention as a Rights Blueprint for People in Need of International Protection' in J McAdam (ed), *Forced Migration, Human Rights and Security* (Hart Publishing, Oxford, 2008), 263–82.

Jane McAdam and Kate Purcell, 'Refugee Protection in the Howard Years' (2007) 27 *Australian Year Book of International Law* 87

Maryanne Loughry and Jane McAdam, 'Climate-Induced Displacement and the Challenges for Protection: A Case Study from the Pacific', (2008) 31 *Forced Migration Review* 51– 52

Jane McAdam, 'Visas' and 'Overstayers', *The New Oxford Companion to Law* (Oxford University Press, Oxford, 2008), 857–58; 1225 –26

Amicus Brief: US Supreme Court, *Negusie v Mukasey*, Brief for Scholars of International Refugee Law as *Amici Curiae* in Support of Petitioner (2008)

Luke Nottage

Luke Nottage, Leon Wolff and Kent Anderson (eds) *Corporate Governance in the 21st Century: Japan's Gradual Transformation* (Edward Elgar, Cheltenham, 2008) approx 288 pp

Luke Nottage, Leon Wolff and Kent Anderson, 'Introduction: Japan's Gradual Transformation in Corporate Governance' in L Nottage, L Wolff, K Anderson (eds) *Corporate Governance in the 21st Century: Japan's Gradual Transformation* (Edward Elgar, Cheltenham) 1-20

Luke Nottage and Souichirou Kozuka, 'Re-regulating Unsecured Consumer Credit in Japan: Over-indebted Borrowers, the Supreme Court, and New Legislation' in Christian Twigg-Flessner et al (eds) *Yearbook of Consumer Law 2009* (Ashgate, Aldershot, 2009)

Luke Nottage, 'The Cultural (Re)Turn in Japanese Law Studies', 39(3) *Victoria University of Wellington*

Luke Nottage, 'Perspectives and Approaches: A Framework for Comparing Japanese Corporate Governance' in L Nottage et al (eds) *Corporate Governance in the 21st Century: Japan's Gradual Transformation* (Edward Elgar, Cheltenham, 2008) 21-52

Luke Nottage, 'Chinese Dumplings and Dodgy Foods in Japan: Implications for the Australia-Japan FTA' 19(4) *Australian Product Liability Reporter* 50-6

Luke Nottage, 'Australia's Consumer Policy Framework - Inquiry Report: Few Surprises' 19(3) *Australian Product Liability Reporter* 33-6

Luke Nottage, 'Reforming International Commercial Arbitration (ICA) Law: The U.N., New Zealand – Why Not Australia?' 7 *Australian ADR Reporter (Chartered Institute of Arbitrators – Australian Branch)* 15-19

Luke Nottage (Contributing Editor) *CCH Japan Business Law Guide*, CCH, Singapore, Tokyo, 2007

Ben Saul

Ben Saul, 'The International Protection of Journalists in Armed Conflict and Other Violent Situations' (2008) 14 *Australian Journal of Human Rights* 99-140

Ben Saul, 'Book Review: Law in Times of Crisis: Emergency Powers in Theory and Practice by Oren Gross & Fionnuala Ní Aoláin' (2008) *Irish Yearbook of International Law*

Ben Saul, 'Protecting Refugees in the Global "War on Terror"' (2008) *Indian Juridical Review*

Ben Saul, 'Foreword' in Peter Rainey and Ben Saul (eds), *Youth Writes: An Anthology of Young Australians' Writing* (Ligare, Sydney, 2008)

Ben Saul, 'Lecturing the Lecturers', *Sydney PEN Magazine*, November 2008, 6-7

Tim Stephens

Tim Stephens, 'Fishing-Led Development in the South Pacific: Charting a Pacific Way to a Sustainable Future' (2008) 39(3) *Ocean Development and International Law* 257-286

Tim Stephens, 'The Japanese Whaling Case: Implications for Australia and Beyond' (2008) 11(3&4) *Asia Pacific Journal of Environmental Law* 137-146

Emma Dunlop, Jane McAdam and Tim Stephens, 'The International Law of Climate Change' (2007) 14 *Australian International Law Journal* 9-12

Tim Stephens, 'Review of Tim Bonyhady and Peter Christoff (eds), *Climate Law in Australia*' (2007) 15 *Australian International Law Journal* 285-289

Lucas Bastin, Naomi Hart, Justin Hogan-Doran, Claire McEvelly, Tim Stephens, Zelie Wood and Houda Younan, 'Australian Cases before Australian Courts and Tribunals Involving Questions of Public International Law 2006' (2008) 27 *Australian Year Book of International Law* 295-330

Tim Stephens and Brett Williams, 'Australian Cases before International Courts and Tribunals Involving Questions of Public International Law 2006' (2008) 27 *Australian Year Book of International Law* 331-340

The new Law Building on main campus



The view of Sydney city from the new Law Building

Gillian Triggs

Victor Prescott and Gillian Triggs, *International Frontiers and Boundaries: Law, Politics, and Geography* (Martinus Nijhoff Publishers, Leiden, 2008)

Anne Twomey

Anne Twomey, 'Reforming Australia's Federal System' (2008) 36(1) *Federal Law Review* 57-81

Anne Twomey, 'Review of High Court Constitutional Cases 2007' (2008) 31(1) *UNSW Law Journal* 215

Anne Twomey, 'Executive Accountability to the Senate and the NSW Legislative Council' (2008) 23(1) *Australasian Parliamentary Review* 255-73

Anne Twomey, 'Constitutional Alteration and the High Court: The Jurisprudence of Justice Callinan' (2008) 27(1) *University of Queensland Law Journal* 47-69

Anne Twomey, 'Regionalism – A Cure for Federal Ills?' (2008) 31(2) *UNSW Law Journal* 467-492

Anne Twomey, 'Responsible Government and the Divisibility of the Crown' (Winter 2008) *Public Law* 742-67

Anne Twomey, 'Constitutional Conventions, Commissions and Other Constitutional Reform Mechanisms' (2008) 19 *Public Law Review* 308

Anne Twomey, 'Australia's Commonwealth Government Ends Blame Game' (June-July 2008) *Federations* 23

Anne Twomey, 'Federalism – the good, the bad and the opportunities', in J Healey (ed), *Australia's System of Government*, (The Spinney Press, NSW, 2008)

Anne Twomey, 'The Reform of Political Donations, Expenditure and Funding', Report for the NSW Department of Premier and Cabinet, November 2008

Brett Williams

Tim Stephens and Brett Williams, 'Australian Cases before International Courts and Tribunals Involving Questions of Public International Law 2006' (2008) 27 *Australian Year Book of International Law* 331-340

Submissions

The Centre continues to participate actively in public policy processes, including law reform inquiries, departmental reviews, and parliamentary committee inquiries, and Centre members often appear in oral hearings before federal parliamentary committees. **The full text of submissions is available on the Centre's website at www.law.usyd.edu.au/scil/publications.html.**

Joint Submissions

David Kinley, Ben Saul, Irene Baghoomians and Jacqueline Mowbray, Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade, Inquiry into Human Rights Mechanisms and the Asia-Pacific, 20 November 2008

Advice for David Hicks on Prospects for an Individual Communication to the United Nations Human Rights Committee, November 2008

Ben Saul, Alicia Lyons and Danielle Mawer, Submission to the Senate Legal and Constitutional Affairs Committee, Inquiry into the Independent Reviewer of Terrorism Laws Bill 2008 (Cth), 19 September 2008

Sydney PEN (Ben Saul and Virginia Lloyd), Submission to the Senate Education, Employment and Workplace Relations Committee, Inquiry into Academic Freedom in Australian Universities, 21 July 2008

Ben Saul, Naomi Hart and Jane McAdam, Submission to the Senate Foreign Affairs, Defence and Trade Committee, Inquiry into the Economic and Security Challenges Facing Papua New Guinea and the Island States of the Southwest Pacific, 17 July 2008

Ben Saul, Submission to the Senate Education, Employment and Workplace Relations Committee, Inquiry into Academic Freedom in Australian Universities, 15 July 2008

Refugee Advice and Casework Service (Katie Wrigley and Ben Saul), Submission to the Joint Standing Committee on Migration, Inquiry into Immigration Detention in Australia, 15 July 2008

Ben Saul and Naomi Hart, Submission to the Attorney-General's Consultation on Australia's Draft Report under the Optional Protocol on the Involvement of Children in Armed Conflict, 14 July 2008

Ben Saul and Clare Gardoll, Submission to the Attorney-General's Consultation on the Optional Protocol to the Convention against Torture, 14 July 2008

Opinion for the National Ethnic Disability Alliance (via PILCH referral) on Australian migration legislation and Disability Discrimination under the 2007 Disabilities Convention (6,500 words) (submitted in confidence by NEDA to the Minister for Immigration and Commonwealth Attorney-General); Appendix to NEDA, Report on Refugees and Migrants with Disability and the United Nations Convention on the Rights of Persons with Disabilities, July 2008 (leading to a review recommendation by the Parliamentary Joint Standing Committee on Treaties in 2008)

Mary Crock

Mary Crock, Submission to the Joint Standing Committee on Migration, Inquiry into Immigration Detention in Australia, 12 July 2008

Ben Saul

Ben Saul, Submission to the Senate Senate Education, Employment and Workplace Relations Committee, Inquiry into Academic Freedom, 15 July 2008

The new Law Building on main campus



Thalia Anthony

Thalia Anthony, 'The Northern Territory Intervention and Stolen Wages', Law and Society Conference, University of Sydney, 12 December 2008

Thalia Anthony, 'Teaching Indigenous Issues in Tort Law', Conference on the Future of Indigenous Studies in Australian and New Zealand Law Schools (Convenor), Sydney Law School, 10 July 2008

Thalia Anthony, 'Developments in Sentencing Principles for Indigenous Offenders: Comparisons and Complexities', Critical Criminology Conference, UNSW, 20 June 2008

Vivienne Bath

Vivienne Bath, 'China legal updates', Australia China Business Council and CAPLUS, 2008

Vivienne Bath, 'Globalisation of Chinese Law', British Institute for Comparative and International Law, 2008

Vivienne Bath, 'Perspectives on Law and Human Rights in China – the Legal System', Amnesty International NSW, 2008

Lucas Bastin

Lucas Bastin, 'Applying for Ministerial Intervention under Sections 417 and 351 of the Migration Act 1951 (Cth)', New South Wales Young Lawyers, Human Rights Committee Ministerial Legal Clinic, Sydney, July 2008

Belinda Bennett

Belinda Bennett, 'Legal Rights During Pandemics', Threats to Health: Public Health and the Law, Chinese University of Hong Kong, 20 October 2008

Belinda Bennett and Isabel Karpin, 'Regulatory Options for Including Women in Health Research', Feminist Approaches to Bioethics Congress – Voice, Power and Responsibility in Health Care, Rijeka, Croatia, 3-5 September 2008

Isabel Karpin, Belinda Bennett and Jo Sutton, 'Preimplantation Genetic Diagnosis and the Challenge of Regulatory Harmonisation', 9th World Congress of Bioethics – The Challenge of Cross-Cultural Bioethics in the 21st Century, Rijeka, Croatia, 3-8 September 2008

Ben Boer

Ben Boer, 'New Approaches to Effective Implementation of International Conventions on Protected Areas', IUCN World Conservation Congress, Barcelona, October 2008

Ben Boer, 'Protected Areas, Sustainable Livelihoods and Environmental Law', IUCN Academy of Environmental Law Annual Colloquium, 'Poverty Alleviation and Environmental Law', Mexico City, November 2008

Ben Boer, 'Research and Teaching in Environmental Law in Developing Countries', 1^{re} Congreso Internacional, 'Derceho Ambiental: Desafios en el Nuevo Milenio', Bogotá, Colombia, November 2008

Ben Boer, 'Legal Frameworks for Protected Areas: International and national', Australian Protected Areas Congress, Sunshine Coast, November 2008

Katherine Fallah

Katherine Fallah, 'Citizen Soldiers and Alien Outlaws: National Membership and the Transformation of Military Violence', Fourth Global Conference on Pluralism, Inclusion and Citizenship, Salzburg, 31 October - 2 November 2008



Katherine Fallah, 'Accountability of Private Military Contractors, AusAID Training Programme for Senior Delegates of the Iraqi Ministry of Human Rights', Sydney, 16 July 2008

Jennifer Hill

Jennifer Hill, 'The US Shareholder Empowerment Debate and the Lessons of News Corp's Move from Australia to Delaware', National Taiwan University College of Law, Taiwan, 15 December 2008



Jennifer Hill, 'Contemporary Issues Concerning Schemes of Arrangement in Australia' Conference on Corporate Restructuring: Theory and Practice, Tsinghua Law School, Beijing, China, 25 October 2008

Jennifer Hill, 'Hartnell Colloquium 2008, Business and Consumer Regulation: A New Regime?', Centre for Commercial Law, Australian National University, August 2008

Jennifer Hill, 'Commercial and Enterprise Laws', National Taiwan University College of Law, Taipei, Taiwan, August 2008

Jennifer Hill, 'News Corp's Exodus to Delaware: Lessons for US and Australian Corporate Lawyers', Seminar, Ross Parsons Centre of Commercial, Corporate and Taxation Law, Sydney Law School, 28 July 2008

Fleur Johns

Fleur Johns, 'Beyond Bunker and Vaccine' (Plenary Address), Australian and New Zealand Society of International Law Annual Conference, Canberra, Australia, 26 June 2008

Fleur Johns, Discussant - Plenary Address by Professor Ratna Kapur: 'Human Rights in the 21st Century: Take a Walk on the Dark Side', Australian and New Zealand Law & Society Association Annual Conference, Sydney, Australia, 12 December 2008

David Kinley

David Kinley, Response to Lord Bingham: 'Human Rights, Equality and Fundamental Freedoms: What Difference does a Human Rights Act Make?', Australian Human Rights Commission, Sydney, December 2008

David Kinley, 'The Global Financial Crisis and the Human Rights of the Poor', Sydney Centre for International Law, November 2008

David Kinley, 'Civilising Globalisation', Corporate Social Responsibility, Business Responsibilities for Human Rights, and International Law, Copenhagen Business School, Denmark, November 2008

David Kinley, 'The Global Financial Crisis and Human Rights', Business and Fundamental Rights, South African Institute for Advanced Constitutional, Public, Human Rights and International Law Conference, Johannesburg, October 2008

David Kinley, 'The Limitations and Possibilities of International Law, Politics and Economic Aid', NSW Young Lawyers Seminar on Human Rights in Burma, September 2008

David Kinley, 'Corporate Social Responsibility and Human Rights – New Perspectives in light of the UN Proposal', Henrich Heine University, Dusseldorf, September 2008

Eric Knight

Eric Knight, 'The Financial Implications of Climate Change' (Guest lecture), Crawford School of Economics, Australian National University, December 2008

Eric Knight and Gordon Clark, 'Institutional Investors, the Political Economy of Corporate Disclosure, and the Market for CSR: Implications from the UK Companies Act (2006)', Financial Markets and Environmental Governance Workshop, Oxford University, May 2008

Rosemary Lyster

Rosemary Lyster, 'Avoided Deforestation in Developing Countries: Implications for Australia', National Environmental Lawyers Association The Law of Climate Change Conference, Perth, March 2008

Rosemary Lyster, 'Approaches to Recognising Carbon Offsets Arising from Avoided Deforestation in Developing Countries', ACCEL Intersections between Global Climate Change, Law and Policy Conference, August 2008

Rosemary Lyster, 'Approaches to Recognising Carbon Offsets Arising from Avoided Deforestation in Developing Countries', Climate Law in Developing Countries Post 2012: North and South Perspectives, IUCN Academy of Environmental Law, Ottawa, Canada, September 2008

Rosemary Lyster, 'Approaches to Recognising Carbon Offsets Arising from Reducing Deforestation and Degradation (RED(D)) in Developing Countries', Climate Change and Developing Countries: International Legal and Market-based Instruments, IDLO, Sydney, October 2008

Roger Magnusson

Roger Magnusson, 'Here Comes the Law of Obesity: Possibilities and Priorities', Food Law & Policy Symposium, Deakin University, 17 January 2009

Roger Magnusson, 'Catalysts for Change: Legal Pathways to Healthy, Active, Local Environments', American Public Health Association, 136th Annual Meeting, 28 October 2008

Roger Magnusson, 'Catalysts for Change: Legal Pathways to Healthy, Active, Local Environments', Prevention Institute, Oakland, California, 4 November 2008

Roger Magnusson, 'Catalysts for Change: Legal Pathways to Healthy, Active, Local Environments', Public Health Law & Policy Oakland, California, 5 November 2008

Roger Magnusson, 'Obesity: Should there be a Law About It? Ten Priorities for Law in Obesity Prevention', Population Health Congress, Brisbane, 9 July 2008

Jane McAdam

Jane McAdam, 'International Law Perspectives', Roundtable on Climate Change, Human Displacement and Human Rights, UNHCR and Displacement Solutions, Canberra, 10 December 2008

Jane McAdam, 'Climate-Induced Displacement and International Law', International Conference on Environment, Forced Migration and Social Vulnerability, Bonn, 9–11 October 2008

Jane McAdam, 'Environmental Migration', Research Workshop on Global Migration Governance, Department of Politics and International Relations, University of Oxford, 3–4 October 2008

Jane McAdam, 'Human Rights at the Frontier: The New Immigration Act in International Perspective', Conference co-hosted by the Legal Research Foundation and the Faculty of Law, Auckland University, Auckland, 11 September 2008

Jane McAdam, 'The Standard of Proof in Complementary Protection Cases: Comparative Approaches in North America and Europe', Research Workshop on Critical Issues in International Refugee Law, York University, Toronto, 1–2 May 2008

Jane McAdam, 'Complementary Protection and Australia' (Keynote Speaker), Australian Human Rights Commission, 3 November 2008

Jane McAdam, 'Climate-Induced Displacement', University of Colorado Law School, 22 October 2008

Jane McAdam, 'Climate-Induced Displacement and International Law' (Keynote Address), Sea-Level Rise: A People's Assembly, Green Cross Australia, 29 August 2008

Kate Miles

Kate Miles, 'A Political Juncture for International Investment Law: Breaking from the Past or Reproducing Economic Imperialism?', The Politics of International Economic Law: The Next Four Years, American Society of International Law, International Economic Law Interest Group, Biennial Conference, Washington, November 2008

Kate Miles, 'Foreign Investment Law and the UNFCCC/Kyoto Protocol: Barriers to Addressing Climate Change', Climate Change and its Challenges for the International Legal System, Annual Conference, British Institute of International and Comparative Law, London, October 2008

Kate Miles, 'The Role of the Private Sector in Climate Change Mitigation and Adaptation', Climate Change and Developing Countries: International Legal and Financial Instruments, Asia-Pacific Regional Seminar, International Development Law Organization, Sydney, October 2008 (invited speaker)

Kate Miles, 'Investing in Adaptation: Financing Climate Change Adaptation Measures in Developing States', Climate Law in Developing Countries Post 2012: North and South Perspectives, IUCN Academy of Environmental Law, Ottawa, Canada, September 2008

Kate Miles, 'Acclimatising International Investment Law: The Interaction between Investment Rules and Climate Change Mitigation Measures', Intersections between Global Climate Change Law and Policy, Australian Centre for Climate and Environmental Law Conference, Sydney, August 2008

Kate Miles (left) with new Centre member Steve Lee in Geneva



Kate Miles, 'International Investment Law and Climate Change: Issues in the Transition to a Low Carbon World', New Horizons of International Economic Law, The Inaugural Conference of the Society of International Economic Law, Geneva, Switzerland, July 2008

Luke Nottage

Luke Nottage, 'The Private/Public Interface in Regulating Consumer Product Safety – and Credit Services', Obligations IV Conference, Singapore, 23 July 2008, and Victoria University of Wellington, 15 September 2008

Luke Nottage, 'Back to the Future in Investor-State Arbitrations', Seminar, Chuo Law School, Tokyo, 1 October 2008

Luke Nottage, Private Law Association Conference, Nagoya, 13 October 2008

Luke Nottage, 'Comparative Law' (Guest lecture), Asia-Pacific University, Beppu, 16 October 2008

Luke Nottage, 'Comparative Consumer Law' (Guest lecture), Doshisha Law School, Kyoto, 24 October 2008

Luke Nottage, EU Corporate Governance Symposium, Doshisha, 4 November 2008

Luke Nottage, 'The Present and Future of International Commercial Arbitration & Investor-State Arbitration in the Asia-Pacific', Seminar, JCCA, Osaka, 18 November 2008 (in Japanese based on part of <http://ssrn.com/abstract=1151167>, now being translated for the *JCA Jyanaru* law journal)

Luke Nottage, 'Lessons from Product Safety Regulation for Reforming Unsecured Consumer Credit Markets in Japan, the US and Beyond: Empirically-Informed Normativism', Seminar, University of Tokyo Soft Law COE, Tokyo, 4 December 2008

Luke Nottage, 'IT in Australian Legal Education', IT Network and Law Association Conference

Ben Saul

Ben Saul, 'Criminology and Terrorism', Institute of Criminology, Sydney Law School, 14 November 2008

Ben Saul, 'Australia's Human Rights Record under the Rudd Government', Debate with Federal Attorney-General Robert McClelland MP, NSW Young Lawyers, Sydney, 29 October 2008

Ben Saul, Invited Speaker, Public Forum of the Clarke Inquiry into the case of Dr Mohamed Haneef, Darling Harbour, Sydney, 22 September 2008

Ben Saul, 'Between the Crime and the War Falls the Terror: Defining Terrorism in International Law', Staff Seminar Series, ANU College of Law, 18 September 2008

Ben Saul, 'Indigenous Peoples in International Law Teaching', Indigenous Legal Studies Conference, Sydney Law School, 10 July 2008

Tim Stephens

Tim Stephens, 'International Courts and Climate Change', Australian Centre for Climate and Environmental Law Annual Conference, Sydney Law School, 8 August 2008

Tim Stephens, 'Japanese Whaling in the Antarctic', Night Talks, Australian Museum, Sydney, 24 July 2008



Ben Saul (right) debated federal Attorney General Robert McClelland MP (second from right)

Tim Stephens, 'The Japanese Whaling Case in Context', Workshop on the *HSI v Kyodo Senpaku Case*, Sydney Law School, 10 June 2008

Tim Stephens, 'The International Law of Climate Change', Public Forum, Sydney University Law Society, University of Sydney, 16 May 2008

Tim Stephens, 'International Courts and Climate Change', Intersections Between Global Climate Change Law and Policy Conference, Australian Centre for Climate and Environmental Law, Sydney Law School, 8 August 2008.

Tim Stephens, 'Japanese Whaling in the Antarctic', Australian Museum, Night Talks, Sydney, 24 July 2008

Tim Stephens, 'The Japanese Whaling Case in Context', Workshop on the *HSI v Kyodo Senpaku Case*, Australian Centre for Climate and Environmental Law and Sydney Centre for International Law, Sydney Law School, 10 June 2008

Tim Stephens, 'The International Law of Climate Change', Sydney University Law Society, Public Forum, University of Sydney, 16 May 2008

Jacqui Mowbray and Tim Stephens, 'Human Rights Education', Human Rights Training Program for Officials from Iraq's Ministry of Human Rights, 14 March 2008

Gillian Triggs

Gillian Triggs, 'The Interface between Climate Change and WTO Law', Intersections Between Global Climate Change, Law and Policy, ACCEL Annual Conference

Gillian Triggs, 'Climate Change and the World Trade Organisation: A Clash of Civilisations', Seminar, The Australian Institute of International Affairs New South Wales Branch

Gillian Triggs, 'President Elect Obama and International Law', Annual General Meeting, International Law Association (Australian Branch)

Anne Twomey

Anne Twomey, 'Federalism in Australia: Gazing in the Crystal Ball of Constitutional Reform', International Conference on the Future of Federalism, University of Queensland, Brisbane, 10-12 July 2008

Anne Twomey, Speech to the Australian Republican Movement, Melbourne, 2 August 2008

Anne Twomey, 'Commonwealth coercion and cooperation', Samuel Griffith Society Conference, Sydney, 24 August 2008

Anne Twomey, 'New Institutions for Federalism', ANZSOG Annual Conference 2008, 'Making Federalism Work', Melbourne, 11-12 September 2008

Anne Twomey, 'The Future of Federalism – Following the Money', 2nd Conference of Australian Members of Parliament, Parliament House, Sydney, 6 November 2008

Anne Twomey, 'The Republic and the Amendment of State Constitutions', Australian Association of Constitutional Law and the Constitutional Centre of Western Australia, 'Planning for a Republic – The Legal Mechanic's Perspective', Perth, 29 November 2008

Anne Twomey, Continuing Legal Education Seminar, 'The Dismissal of the Lang Government and the Power to Dismiss a NSW Government Today', Middletons, Sydney, 8 December 2008

Anne Twomey, 'Reform, Referenda and Recognition', Local Government Constitutional Summit, Melbourne, 10 December 2008

Brett Williams

Brett Williams, 'Obtaining Market Access for Australian Service Suppliers: Effective Use of the General Agreement on Trade in Services', Commercial Practice in a Global Economy Conference, Commercial Law Association and the Parsons Centre, 1 August 2008

Media

Eric Knight

The Australian, 'Fortune in Not so Fresh Wind', 19 December 2008 (Australia's new carbon trading scheme)

Roger Magnusson

Roger Magnusson, 'Book Review: A Good Death: An Argument for Voluntary Euthanasia by Rodney Syme', *Weekend Australian*, 21-22 June 2008

Jane McAdam

Inside Story, 3 December 2008 (complementary protection)

SBS Radio, 3 November 2008 (complementary protection)

ABC Radio National, Life Matters, 25 September 2008 (immigration detention reforms)

ABC Triple J, Hack, 29 July 2008 (changes to mandatory detention)

Jacqueline Mowbray

ABC Radio Newcastle, 17 September 2008 (Australia's citizenship laws and their application to those with Australian connections living overseas)

ABC Radio, Statewide Drive, 17 September 2008 (Australia's citizenship laws and their application to those with Australian connections living overseas)

Luke Nottage

East Asia Forum: Economics, Politics and Public Policy in East Asia and the Pacific, June-July 2008 (regular contributor on Australia-Japan affairs)

Ben Saul

ABC Radio National, 28 October 2008 (West African slavery case)

ABC Radio National (Rear Vision), 26 October 2008 (PATRIOT Act & terrorism)

Sydney Morning Herald, 10 October 2008 (academic freedom inquiry)

The Wire, 10 October 2008 (Mamdouh Habib compensation claim)

UTS Radio, 9 October 2008 (academic freedom inquiry)

ABC Radio National (World Today), 9 October 2008 (academic freedom inquiry)

ABC Radio National, 22 September 2008 (Clarke Inquiry into Dr Haneef)

Sydney Morning Herald, 19 September 2008 (East Timor war criminals)

Today Tonight – Channel 7 TV, 18 September 2008 (East Timor war criminals)

Ben Saul, 'Why academic freedom must be preserved', *The Age*, 18 August 2008

IANS (India), 1 August 2008 (human rights work in Nepal)

Ben Saul and Andrea Durbach, 'We must stay in the racism debate', Sydney Morning Herald, 24 July 2008

Australian Financial Review, 25 July 2008 (ASIO passports case)

Zimbabwe Guardian, 23 July 2008 (Air Zimbabwe's Australian flights)

The Age, 23 July 2008 (Air Zimbabwe's Australian flights)

Triple J Radio, 22 July 2008 (arrest of Serbian leader Karadzic and war crimes)

Tim Stephens

National Geographic TV Australia, 5 July 2008 (international legal protections for humpback whales and Japanese special permit whaling in the Southern Ocean)

Anne Twomey

Anne Twomey, 'There's wriggle room for an early poll', *Sydney Morning Herald*, 12 September 2008

ABC Sydney, 12 September 2008 (NSW elections)

ABC Illawarra, 12 September 2008 (NSW elections)

ABC Radio National, 7 November 2008 (political donations)

702 ABC Sydney, Mornings with Deborah Cameron, 7 November 2008 (political donations)

ABC Television, Stateline, 7 November 2008 (political donations)

Trade Law Events

The Centre's Public International Economic Law Program hosted a regular series of trade-related seminars, led by Program Director Brett Williams. In addition to the seminars mentioned previously (by Rolf Adlung, Brett Williams and Amanda Gorley), the following seminars were also held in Semester 2:

What Happened to the Doha Round: The Breakdown of the July 2008 Ministerial Meeting to Finalize Modalities for the Doha Round of WTO Trade Negotiations

Brett Williams, Director of the Public International Economic Law Program, Sydney Centre, **14 August**

Bhagwati's General Theory of Distortions and Welfare as the Backbone of the WTO

This month we consider the economic theory which suggests that the WTO should apply different rules to different policy instruments (eg subsidy v tariff) and should leave freedom to apply import barriers in some circumstances, with illustrations drawn from various areas of the law of GATT and GATS.

Brett Williams, Director of the Public International Economic Law Program, Sydney Centre, **11 September**

Specific Provisions for Developing Countries in the NAMA Negotiations of the Doha Development Agenda

Jean-Pierre Lapalme, Counsellor, Market Access Division, World Trade Organisation, **13 November**

Centre Members in 2008

Centre Management Committee

Ross Anderson, Senior Lecturer and expert in private international law and international criminal law.

Professor Mary Crock, Professor of Public Law and expert in international law and human rights law, especially migration, citizenship and refugee law.

Professor David Kinley, Professor of Human Rights Law and expert in human rights and corporate responsibility, the World Trade Organisation, World Bank and International Monetary Fund.

Dr Fleur Johns, Senior Lecturer and member of the New York bar with research interests in public international law, including the history and theory thereof.

Dr Jacqueline Mowbray, Lecturer and human rights expert.

Associate Professor Luke Nottage, expert in comparative and transnational contract law, product liability, international arbitration and corporate governance especially in relation to Japan.

Dr Ben Saul, Senior Lecturer and barrister, specialises in public international law, especially terrorism, use of force, humanitarian law, human rights, refugees and the United Nations.

Dr Tim Stephens, is a Lecturer and expert in international dispute resolution, international courts and tribunals, international environmental law and the law of the sea.

Professor Gillian Triggs, Dean of Law, former Director of the British Institute of International and Comparative Law, barrister, and expert in all areas of public international law.

Dr Brett Williams, Senior Lecturer and expert in international trade law and international regulations of trade especially the law of the World Trade Organisation.

Centre Associates

Nicole Abadee is a Sydney barrister who has appeared in a number of leading High Court cases concerning International Law, both public and private. She teaches and writes in the field of international law and the use of armed force.

Dr Thalia Anthony is a Lecturer with interests in indigenous people and the law (including indigenous rights in international law), criminology, comparative tort law, native title and legal history.

Vivienne Bath is a Senior Lecturer and an expert in the Law of International Business Transactions and in Chinese Law.

Irene Baghoomians is a Lecturer and expert in international human rights law having experience in litigation of civil rights and human rights cases.

Associate Professor Belinda Bennett is expert in health law and globalisation, especially as it relates to biomedicine.

Professor Ben Boer, Professor of Environmental Law and expert in international environmental law, including sustainable development law, Asian Pacific environmental law and natural and cultural heritage law.

Professor Lee Burns is a Professor in Taxation Law and specialises in international and comparative tax law, and is a consultant to the International Monetary Fund and various donor agencies on taxation reform in developing countries.

Dr Simon Butt is a Senior Lecturer and expert in Indonesian law, with research interests in comparative law.

Graeme Coss, a Senior Lecturer in the Faculty of Law has research interests in, inter alia, international human rights law and international criminal law.

Katherine Fallah lectures in international law and specialises in international humanitarian and criminal law. She is writing a doctoral thesis on the accountability of mercenaries and private military contractors under international law.

Professor Mark Findlay, Professor of Criminal Law and expert in comparative criminal justice, globalisation and crime and international criminal law.

Professor Jennifer Hill is Professor of Corporate Law with research interests in international and comparative corporate governance, including in the United States and Europe.

Justin Hogan-Doran is a Barrister in private practice in Sydney. He lectures in public and private international law and coached the winning Jessup Mooting team in 2007. Justin is an Army Reserve Officer, attached to the ADF Military Law Centre.

Associate Professor Rosemary Lyster, expert in Asian Pacific environmental, international environmental law and international energy law, especially in relation to climate change.

Associate Professor Roger Magnusson is an expert in health law and in public health law with an interest in global health governance and in legal response to epidemics.

Professor Ron McCallum AO is Professor of Industrial Law and an expert in labour and employment law. He was recently appointed as the inaugural Rapporteur to the United Nations Convention on the Rights of Persons with Disabilities.

Dr Shae McCrystal is a Senior Lecturer with interests in labour and employment law, including international labour law.

Kate Miles, Lecturer and expert in international environmental law and international trade and investment law.

Rebecca Millar is a Senior Lecturer with research interests in GST, comparative VAT, and the income tax concession for research and development. She is also involved in taxation reform in developing countries for a number of donor agencies.

John Pace lectures in international human rights law and has served as a senior United Nations human rights official in Geneva, Iraq and Lebanon, among others.

Allison Pert lectures in public international law and has a special interest in the use of armed force and Australia's compliance with its treaty commitments.

Dr David Rolph is a Lecturer with research interests in private international law, especially multi-state torts.

Emeritus Professor Ivan Shearer AM, former Challis Professor of International Law and expert in all areas of international law, especially international human rights law, the law of the sea, international humanitarian law and the use of armed force.

Andrew Tuch, Lecturer, has research interests in international financial services regulation, and globalisation and the provision of legal services.

Associate Professor Anne Twomey has interests in public international law and comparative constitutional law, especially issues concerning federal systems of governance.

Dr Irene Watson is a Post-Doctoral Research Fellow and an expert in legal issues relating to Aboriginal Peoples.

Associate Professor Alex Ziegert, expert in legal theory, notably the analysis of global law as a legal system.

Centre Affiliates

Robert Dubler SC is a senior Sydney barrister who completed his PhD in international law from the University of Sydney, with research interests in international criminal law.

Jolyon Ford, Lecturer at the Australian National University and former Lecturer at Sydney Law School, with interests in public international law, constitutional law, and post-conflict studies.

Rebecca Graham is a criminal lawyer at NSW Legal Aid and a former Legal Officer at the International Criminal Tribunal for the former Yugoslavia, where she worked for a number of years on the Milosevic trial. She is a graduate of Sydney Law School.

Eric Knight is a doctoral student at the University of Oxford on a Rhodes Scholarship, and previously an Associate at Baker & McKenzie in the Environmental Markets team. His interests include public international law, environmental law, and finance.

Dr Peter Kwon, partner at DLA Piper, Hong Kong and specialist in cross-border securitisation, derivatives, capital markets, and structured finance law and research interests in legal culture, cross-border negotiations, and the interaction between the two.

Dr Jane McAdam is a Senior Lecturer in the Faculty of Law at the University of New South Wales. She holds a doctorate from the University of Oxford and has published widely in the areas of international human rights law and refugee law.

Dr Hitoshi Nasu is a Lecturer at the ANU College of Law and an Associate Director of The Australian Network for Japanese Law (ANJEL). His thesis on the 'Precautionary Approach to International Security Law: A Study of Article 40 of the UN Charter' was completed in 2006.

Chris Sidoti is a human rights lawyer, activist and teacher, independent chair of the UK Government's Northern Ireland Bill of Rights Forum and chair of the NSW Casino Control Authority. He was director of the International Service for Human Rights in Geneva from 2003-07, Australian Human Rights Commissioner (1995-2000), an Australian Law Reform Commissioner (1992-95) and Foundation Director of the Australian Human Rights Commission (1987-1992).

Dr Martyn Taylor is a Senior Associate at Mallesons Stephen Jaques, practising in competition & trade law, telecommunications law and international economic law. He has interests in international competition policy, international finance, and trade regulation.

Sarah Williams formerly worked in international law at the British Foreign and Commonwealth Office and is now researching the establishment by the United Nations Security Council and Lebanon of a criminal tribunal to prosecute political violence in Lebanon.

Jessup Affiliates

Alexandra Meagher is a member of the 2008 National Jessup International Law Champion team. She will complete her LLB at the Fondation Nationale des Sciences Politiques (Sciences Po) in Paris, studying public international law in 2009.

Laura Johnston is in the final year of her law degree at Sydney and was a member of the 2008 Australian champion Jessup Moot team. Her research interests include international humanitarian law and the law governing the use of force.

Joel Gilbourn is studying for a law degree at Sydney and was a member of the 2008 Australian champion Jessup Moot team.

Lisa-Claire Hutchinson was a member of the 2008 Australian champion Jessup Moot team.

Suzannah Morris was a member of the 2008 Australian champion Jessup Moot team.

Lucas Bastin is an Associate to Justice Tamberlin in the Federal Court of Australia and a member of the world championship Sydney University team at the 2007 Phillip C Jessup International Law Moot Court Competition in Washington DC.

Odette Murray is a recent graduate of Sydney Law School, and a member of the 2007 world championship Jessup Moot team. She also participated in the Red Cross International Humanitarian Law moot, the World Trade Organisation Moot, and the Manfred Lachs Space Law Moot.

Fiona Roughley was a member of the 2007 world championship Jessup Moot team. She has research interests in international criminal law and private international law.

Natasha Simonsen was a member of the 2007 world championship Jessup Moot team. She is currently writing a thesis on expropriation under international law.

Zelie Wood was a member of the 2007 world championship Jessup Moot team. She is currently studying European and Public International Law at Universiteit Utrecht in the Netherlands.

Centre Interns: Semester 2, 2008

Danielle Mawer and Alicia Lyons

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