SYDNEY CENTRE
FOR INTERNATIONAL LAW
FACULTY OF LAW, UNIVERSITY OF SYDNEY

Dear Friends of the Sydney Centre

There was little of what is known in the Japanese Diet as ox-walking in the second half of 2009, the Year of the Ox. Rather, SCIL members practically bounded through the latter six months of the year. A successful international conference, two international workshops, eight public seminars, and several other events were staged during the second half of 2009, many the outcome of fruitful collaborations with scholars from other institutions as detailed below.

Between August and November, SCIL's public seminars covered a wide range of topics including WTO law (in a series convened by Brett Williams), comparative constitutional law, the status of Guantanamo Bay under the Obama administration, and human rights practice by UN and UNHCR field workers. In August, SCIL member Luke Nottage and others hosted the 19th Symposium of the Australasian Forum for International Arbitration. In October, SCIL welcomed the ANU's Professor Hilary Charlesworth to discuss grant-writing strategy for international legal scholars with members and friends of the Centre.

In November, a successful conference – *Human Rights in Asia-Pacific: Towards Institution-Building* – was jointly convened by SCIL, the Australian Network for Japanese Law, the Centre for Asian and Pacific Law in the University of Sydney, and UNSW's Australian Human Rights Centre. Also in November, SCIL was delighted to welcome Professor Martti Koskenniemi, Academy Professor, University of Helsinki to deliver the 2009 Julius Stone Address *Ius Gentium and Forms of Modern Power: The Legacy of 16th Century Spanish Scholasticism*. Professor Koskenniemi's talk, as well as many of the seminars above, may be heard via podcast or video-link through the Sydney Law School web site.

In December, our own David Kinley co-convened, with the ANU's Professor Morten Pedersen, a cross-disciplinary workshop on *Principled Engagement: Promoting Human Rights by Engaging Abusive Regimes,* as part of an ongoing project supported by the United Nations University. In the same month, SCIL members collaborated with colleagues from the International and Comparative Criminal Justice Network to convene a workshop on *Reimagining International Criminal Justice*, as part of a three year, inter-disciplinary research project.

Far from confining their scholarly input to academic arenas such as these, SCIL members made numerous submissions to parliamentary committees and public consultations during the second semester of 2009. The subject matter of these ranged from migration law to national security law, and from amendments to native title legislation to legislative proposals to achieve marriage equality. Inquiries into a number of treaty ratifications were also informed by SCIL member input.

As always, this productivity was achieved thanks in no small part to the work of SCIL interns – in second semester 2009, Matthew Kalyk and Callista Harris made a wonderful contribution to the Centre. Also crucial was the work of our Administrator, Sadhana Abayasekara, whom we farewelled reluctantly at the end of 2009. Sadhie has since been succeeded, we're pleased to say, by Amber Colhoun, who came started as SCIL Administrator in February 2010. (There will be more on Amber in our next newsletter.)

The pages that follow detail these endeavours and more. We hope reading these pages will whet your appetite to read some of the great books that SCIL members have published over the past year. For now, though, let us invite you to peruse our second newsletter from 2009 and, as always, to share with us any thoughts you may have on the work of the Sydney Centre in 2010 and beyond.

Fleur Johns & Ben Saul
Co-Directors, Sydney Centre for International Law

Newsletter #5
Semester 2, 2009

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THE UNIVERSITY OF SYDNEY

July 2009: Ben Saul makes a submission to the Inquiry into ratification of the Convention on Cluster Munitions.

This submission strongly supported Australia's ratification of the Convention in light of the significant humanitarian threat posed by cluster munitions due to their imprecise targeting, the likelihood of unlawfully *indiscriminate* use, and the considerable costs involved in identifying and rendering harmless those many sub-munitions which fail to explode upon impact. The submission also considered the absence of an express prohibition on the use of cluster munitions under humanitarian law and the considerable costs, in purely military terms, involved in identifying and rendering harmless those many sub-munitions which fail to explode upon impact.

July 2009: Ben Saul advises the Standing Committee on Treaties on the Optional Protocol on UN personnel.

This submission strongly supported Australia's ratification of the Optional Protocol given the parent Convention's limited scope in protecting UN and associated personnel, and considered issues important to the Optional Protocol's implementation.

July 2009: Ben Saul and Thalia Anthony analyse the Native Title Amendment Bill 2009.

Ben Saul and Thalia Anthony co-authored an analysis of the Native Title Amendment Bill 2009. The analysis considered the effect of the Bill upon the rights or interests of Indigenous people as enshrined in international law, in relation to native title claims. While it acknowledges the significance of enacting native title legislation in Australia, it also notes that considerable further effort is required to ensure equitable outcomes for the land rights of indigenous people.

July 2009: Ben Saul advises the Senate Standing Committee on Finance and Public Administration on the National Security Legislation Monitor Bill 2009.

This submission advised the Senate Standing Committee on Finance and Public Administration on the best means of meeting the need for ongoing periodic review of the complex anti-terrorism laws which Australia has adopted since 2001. It suggested that a new independent monitor was not the best method of securing the most effective review of the laws and the identification of opportunities for the reform or amendment of the laws. Instead, it argued that the objectives of the bill would be better accomplished by tasking the Australian Law Reform Commission (ALRC) with ongoing periodic review of anti-terrorism laws. The submission also assessed whether the 2009 Bill addressed the limitations of the *Independent Reviewer of Terrorism Laws Bill 2008*, as identified in the Centre's previous submission to the Senate Standing Committee on Legal and Constitutional Affairs' inquiry into the 2008 Bill.

August 2009: Centre Affiliate, Melissa Perry QC, reappointed to the Administrative Review Council.

Attorney General, Robert McClelland, announced the reappointment of Centre Affiliate, Dr Melissa Perry QC, to the Administrative Review Council. Dr Perry was first appointed as a member of the Council in 2006. She has practiced at the Bar since 1992 and was appointed Queens Counsel in 2004. She has extensive experience in the High Court and Federal Court in administrative and constitutional litigation. Her doctorate was in public international law (boundary disputes) and she was awarded the Yorke Prize by Cambridge University.

September 2009: Luke Nottage brings together his submissions and major blog postings comparing Australia's initiatives this year in consumer law reform.

Luke Nottage published a working paper on Australia's current consumer law reform efforts, product safety, unfair terms, mandatory and voluntary warranties, and consumer credit. Luke also wrote about the need to rethink Consumer Alternative Dispute Resolution (ADR). Comparative updates are regularly available at his blog on Japanese law.

September 2009: Fleur Johns and Callista Harris make a submission to the Senate Legal and Constitutional Committee Inquiry into the Marriage Equality Amendment Bill.

This submission welcomed the Marriage Equality Amendment Bill's attempt to provide for same-sex marriage. It considered the interpretation of the right to non-discrimination contained in the International Covenant on Civil and Political Rights (ICCPR). It argued that there is a body of expert opinion in favour of an interpretation of the ICCPR that guarantees against discrimination on the basis of sexual orientation that would extend to state parties' legislative definition of marriage.

September 2009: Luke Nottage co-authors an updated and expanded summary of ACICA's Arbitration Rules, used in the next Vis Moot.

This paper contained an updated overview of the 2005 Australian Centre for International Commercial Arbitration (ACICA) Rules, comparing developments in many major arbitral institutions worldwide. It was particularly timely because the ACICA Rules will be used by hundreds of mock arbitrators and advocates in the 17th Vis Moot, to be held in Vienna and Hong Kong around March 2010.

September 2009: Ben Saul makes a submission on the Migration Amendment (Complementary Protection) Bill 2009.

This submission welcomed the Migration Amendment (Complementary Protection) Bill 2009 as a supplement to Australia's long humanitarian tradition of protecting non-citizens from serious harm abroad and a demonstration of Australia's renewed global leadership on human rights. However, several amendments to the Bill were recommended in order to bring Australia into conformity with its human rights obligations, delete certain arbitrary distinctions, enhance safeguards, and clarify the legal status of persons deemed a security risk but who cannot be returned to torture.

September 2009: Mary Crock and Daniel Ghezelbash advise the Senate Legal and Constitutional Legislation Committee on the Migration Amendment (Complementary Protection) Bill 2009.

This submission supported the introduction of a legislative protection scheme to complement that operating for persons recognised as refugees. However, several amendments to the proposed Bill were recommended, in order to bring it in line with existing refugee status determination processes and with existing international jurisprudence in the area, as well as to simplify the law so as to minimise litigation.

October 2009: Ben Saul makes a submission to the Discussion Paper on proposed amendments to the National Security Legislation.

This submission strongly endorsed the establishment of an independent reviewer which, by increasing high level, ongoing scrutiny of terrorism laws, has the potential to improve the legislation's

operation (thus countering terrorism more effectively) and to enhance public confidence in the laws. It made a number of recommendations relating to urging violence offences, the definition of a terrorist act, terrorist organisation listing provisions and offences, and the investigation regime for terrorist offences, and the *National Security Information (Criminal and Civil Proceedings) Act 2004*.

October 2009: Irene Baghoomians, Fleur Johns and Matthew Kalyk advise the Attorney General's Department on the proposed amendments to the National Security Legislation.

This submission considered the proposed legislative reforms to Australia's counter-terrorism and national security legislation as set forth in a July 2009 Discussion Paper. It argued that the proposed legislative provisions did not appear to be fully consistent with Australia's obligations under international law, chiefly under the ICCPR. In light of this, and in order to more tightly draw provisions to avoid unintended consequences, the submission made recommendations concerning the following areas of the Discussion Paper: treason and urging violence offences; definition of a terrorist act and the terrorism hoax offence; terrorist organisation listing provisions; procedure and conditions applicable to pre-charge detention of persons arrested for terrorist and non-terrorist offences; and warrantless entry and search provisions.

News in Brief

Charlotte Epstein's book *The Power of Words in International Relations: Birth of an Anti-Whaling Discourse* (MIT press, Cambridge, MA) narrowly missed out on the 2009 International Studies Association Sprout Award for the best book in global environmental politics, coming runner up from a field of over 75 books.

Charlotte Epstein was elected to the chair of the International Political Sociology section of the International Studies Association (ISA) and was invited to join the advisory board of *International Studies Perspective*, one of the flagship journals of the ISA.

Fleur Johns was re-elected to the Coordinating Committee of the European Society of International Law Interest Group on International Legal Theory. She was appointed External Academic Advisor for jurisprudence at the City University of Hong Kong, and rejoined the Management Committee of the Refugee Advice and Casework Service (NSW). Fleur was also awarded a Brown Fellowship from the University of Sydney.

Brett Williams and Annett Schmiedel were blessed with an early Christmas present, Felix Harry Williams born 5.28pm on 22 December 2009 weighing 2.935kg and measuring 51cm.

Sabbatical Reports

Three of the Centre members recently undertook sabbatical.

Vivienne Bath

Vivienne had two main purposes for sabbatical, taken in second semester 2008. First to complete writing "The Law of International Business Transactions in Australasia" with Robin Burnett. The book covers the sale of goods, carriage of goods, finance and operating in foreign markets. A timely completion was complicated by the energetic approach of the new federal government in acceding to a wide range of international treaties. It was, however, finished in time, and was published by Federation Press in March 2009. Secondly she aimed to, and did, spend 6 weeks in China based at the Shanghai and Beijing offices of an international law firm with a strong China practice, conducting research on current Chinese law and practice and updating her transactional experience (which is vital for the postgraduate "Doing Business in China" as well as for "International Business Law").

Tim Stephens

From July 2009 to February 2010, Dr Tim Stephens undertook a sabbatical in Sydney and in the United Kingdom. During his sabbatical Tim substantially completed writing the *International Law of the Sea*, a textbook coauthored with Professor Don Rothwell of the ANU, which is to be published by Hart Publishing later this year. *International Law of the Sea* provides concise and complete coverage of the law of the sea in an era in which there is growing interest in the governance of the ocean spaces that cover over two-thirds of the planet's surface. It offers a fresh explanation of the foundational principles of the law of the sea, a critical overview of the 1982 United Nations Convention on the Law of the Sea, and an analysis of subsequent developments. Such developments include significant challenges for the law of the sea in the twenty-first century such as climate change (which is recasting maritime boundaries) and maritime security (which is leading to new and exorbitant claims to maritime jurisdiction).The book is one of only a handful of omnibus monographs on the international law of the sea and will be the first textbook by Australian authors since D. P. O'Connell (I. A. Shearer, editor) *The International Law of the Sea (1982-1984)*. During his sabbatical Tim also travelled to the University of Sheffield in the United Kingdom to present at an International Law Association Committee on the Law of Sustainable Development Conference on the topic of 'Sustainability Discourses in International Courts: What Place for Global Justice?'. A version of this paper was also presented at a workshop held by the ANU College of Law, Centre for International and Public Law in Canberra in August.

Ben Saul

Ben Saul spent semester two on sabbatical in Oxford, working on a new book about terrorism and the international law of armed conflict, and completing a second book of international law documents on terrorism. Work in progress was presented at the Lauterpacht Centre for International Law at Cambridge, the British Institute for International and Comparative Law in London, and the Oxford Public International Law Discussion Group. At Oxford he was also able to see old colleagues and friends, and catch up with recent Sydney law graduates now studying at Oxford. The tail end of summer provided an opportunity to finesse his punting skills on the River Cherwell, while the onset of winter brought snow (and the paralysis of British civilisation). Ben reports that sabbatical was a fabulous opportunity to undertake new research without the usual office distractions, and to recharge academic batteries before returning to teach in 2010.

Centre Events

The Centre hosted an active program of public events in the second half of 2009, with details of each seminar provided below.

Forum for International Arbitration 2009

Professor Yasuhei Taniguchi, Emeritus Professor, Kyoto University; Of Counsel, Matsuo and Kosugi; and Former Chair of the WTO Appellate Body

Thursday 30 July, 2:30 – 5:00pm

About the Seminar: The WTO has two visible functions: settling trade disputes between member states and promoting further liberalisation of international trade. The latter, commonly referred to as DDR, has faced many challenges recently amidst rising protectionism. But the former has continued operating and seems to act as a centripetal force preventing the whole WTO system from falling apart. Yet this dispute settlement side to the WTO is far from perfect, and faces its own problems. Although many have praised the "judicialisation" of WTO dispute settlement, it is unlike any of the world's judicial systems. It also differs significantly from dispute resolution through international arbitration. Professor Taniguchi elaborated as to how and why this is so by drawing on his experiences on the WTO Appellate Body and as an expert in arbitration and civil dispute resolution. Through such comparisons he explored the source of the WTO's legitimacy in the international community.

Professor Yasuhei Taniguchi is one of the world's most eminent experts in comparative civil procedure and cross-border dispute resolution. He served on the Appellate Body of the World Trade Organization from 2000 until 2007. He has also been active in international arbitration, especially in the ICC and throughout the Asia-Pacific, and is currently president of the Japan Association of Arbitrators. Professor Taniguchi was also former president of the Japanese Association of Civil Procedure, and former Vice-President of the International Association of Procedural Law. He recently retired from Senshu University Law School, and before that taught principally at Kyoto University for 39 years. He has also presented many courses world-wide as a Visiting Professor, including at the University of Michigan, University of California at Berkeley, Duke University, Stanford University, Georgetown University, Harvard University, New York University, the University of Melbourne, Murdoch University, the University of Hong Kong and the University of Paris XII. Cornell Law School, which awarded him a JSD in 1964, recently hosted a WTO conference and special law journal issue commemorating his achievements. Sydney Law School was privileged to host Professor Taniguchi as a 2009 Distinguished Visitor, and an ANJeL (Australian Network for Japanese Law) Visiting Academic, over July-August.

Global Health Beyond the Millennium Development Goals

Professor Larry Gostin, Georgetown University and Director, O'Neill Institute for National and Global Health Law

Professor Daniel Tarantola, Health and Human Rights Initiative, University of NSW and Co-founder, Médecins Sans Frontières

Professor Roger Magnusson, Health Law & Governance, University of Sydney Law School

Professor Gillian Triggs, Dean, University of Sydney Law School

Thursday 6 August, 6.00 – 8.00 pm

Co-hosted by the Centre for Health Governance, Law & Ethics.

About the seminar: The Millennium Development Goals, consisting of eight goals which UN agencies and their partners are committed to achieving by 2015, represent the most significant health development program within the UN system. However, with 2015 rapidly approaching, the question becomes: what happens with respect to global health beyond the MDGs? What kinds of structures and strategies are best suited to advancing global health in the medium term? What kinds of global architecture could best co-ordinate and support the many stakeholders working in this field? And what is the role of international law, relative to non-legal strategies for encouraging international cooperation? This seminar, chaired by Professor Gillian Triggs, explored these themes. In his keynote address, Professor Gostin argued that global health should occupy a higher priority for rich countries both for reasons of enlightened self-interest, and because the vast disparities in life expectancies between rich and poor countries are unethical. Professor Daniel Tarantola, in his address, reviewed the extent to which a human rights-centred approach has featured in global health and development initiatives over time.

Professor Larry Gostin is the Director of the O'Neill Institute for National and Global Health Law at Georgetown University's Law Center.

Professor Daniel Tarantola, former adviser to the World Health Organisation and co-founder of Médecins Sans Frontières, is from the University of New South Wales' Health and Human Rights Initiative.

Roger Magnusson is a Professor in the Faculty of Law, University of Sydney. He has Arts/Law degrees from the Australian National University (1988), and a PhD in law (1994) and a Graduate Diploma in Managing Development (2007) from the University of Melbourne. His research interests are in health law, policy and bioethics, health development and in public health law and governance.

Gillian Triggs is a Public International lawyer and a Barrister with Seven Wentworth Chambers, NSW. She is currently the Dean of the Faculty of Law, University of Sydney, having been the Director of the British Institute of International and Comparative Law in London from 2005 - 2007. She was a Professor in Law at the University of Melbourne since 1996, having graduated in law in 1968 and gaining a PhD in 1982.

Vodcast online at: http://sydney.edu.au/law/video/2009.shtml

L-R Daniel Tarantola, Larry Gostin, Gillian Triggs, Roger Magusson.

"Are the WTO Negotiations Leading Nowhere?"Arguments for a Critical Mass Approach

Andrew Stoler, Executive Director, Institute for International Trade and Former Deputy Director-General of the World Trade Organisation

Wednesday 12 August, 6.00-7.30pm

About the Seminar: The current WTO multilateral round of trade negotiations, the Doha Round, are running at least six years' behind the originally agreed timetable. As usual, the main stumbling block seems to be the inability of participants to reach consensus on how to reform and liberalise agriculture. This presentation explored the prospects for achieving trade liberalisation through WTO negotiations. Andrew Stoler considered whether it is time to reconsider the accepted rules, particularly, the concept of a single undertaking under which everything should be agreed to as one package, and that all members must sign on to the same package of agreements.

Andrew Stoler is the Executive Director of the Institute for International Trade and holds the title of adjunct Professor of International Trade at the University of Adelaide. Currently, he serves on the International Academic Advisory Committee of the United States Study Centre (University of Sydney), the Advisory Board of the European Centre for International Political Economy and Stanford University's GATT Digital Library Advisory Board. He is also a Senior Advisor to the Shanghai and Shenzhen WTO Affairs Centres. Previously he served on the Australian Foreign Minister's Aid Advisory Council and the Board of Directors of the Australian Services Roundtable. Over the course of a long career in international trade, he has served as Deputy Director-General of the Geneva-based World Trade Organization (1999-2002) and as a senior official of the Office of the United States Trade Representative, Executive Office of the President (Washington, DC). He holds an MBA in International Business from George Washington University and a BSFS in International Economic Affairs from Georgetown University.

Vodcast online at: http://sydney.edu.au/law/video/2009.shtml

Symposium: WTO Litigation: Issues and Reforms

Professor Yasuhei Taniguchi, former Member (2001-2008) and Chairperson of the WTO Appellate Body, Geneva

Bruce Gosper, Deputy Secretary, Department of Foreign Affairs and Trade

Andrew Stoler, Director, Institute for International Trade, University of Adelaide and Former Deputy Director General of the WTO

Mark Jennings, Office of International law, Attorney General's Department

Patricia Holmes, Director, WTO Disputes Section, Department of Foreign Affairs and Trade

Clare Fearnley, International Trade Law Advisor, New Zealand Ministry of Foreign Affairs and Trade

Jo Feldman and Jessica Giovanelli, Office of International law, Attorney General's Department

Dr Brett Williams, Senior Lecturer, University of Sydney Law School and Director, Research Programme in Public International Economic Law, SCIL

Friday 14 August 2009

About the Seminar: Litigation in the World Trade Organization has effects of paramount importance to both Australia and its trade relations. Since the introduction of the WTO dispute settlement system in 1995 there have been 400 complaints leading to 120 reports of both panels and the WTO Appellate Body, ultimately resulting in the WTO's authorization of retaliation in 16 instances. Understanding this process of litigation is critical to understanding the rights that Australia can exercise on behalf of its exporters.

To further scholarship and understanding in relation to this emerging system of law, SCIL held a symposium on WTO Dispute Settlement. The symposium considered various issues arising in WTO dispute settlement including treaty interpretation, burden of proof, standard of review, and retaliation procedures; and also the WTO negotiations reviewing the WTO Understanding on Dispute Settlement. The keynote speaker was Professor Yasuhei who delivered a presentation on "The WTO dispute Settlement as seen by a Proceduralist".

Professor Taniguchi, former Member (2001-2008) and Chairperson of the WTO Appellate Body, Geneva, is visiting Sydney Law School in July and August 2009.

Brett Williams is a Senior Lecturer and expert in international trade law and international regulations of trade especially the law of the World Trade Organisation. He is Director of the Research Programme in Public International Economic Law at SCIL.

Professor Taniguchi sepaking a the symposium.

WTO / Public International Economic Law Seminar Series

Dr Brett Williams, Faculty of Law, University of Sydney

Friday 11 September, 1.00 - 2.15pm

About the Seminar: This seminar reviewed and discussed the cases under Article XX of the WTO. It reviewed the conclusions of the two unadopted Tuna Dolphin cases and then in turn focused upon the *US - Gasoline* case and the *US- Shrimp/Turtle* case.

Legal and Political Perspectives on Foreign Investment and China

Vivienne Bath, Sydney University Law School,

Dr James Reilly, Department of Government and International Relations, University of Sydney,

Dr Geoffrey Garrett, CEO of the United States Studies Centre and Professor of Political Science, University of Sydney.

Tuesday 22 September

About the Seminar: the seminar covered aspects of Chinese government policies and legislation relating to investment, both inbound and outbound. It brought together members of various Faculties albeit with a range of different related research interests. The seminar was well-attended and provoked a wide-ranging and interesting discussion from members of the public and the University.

Does the World Trade Organization Appellate Body understand the difference between an Import Quota and an Import Tariff: Reflections on the Chile Price Band cases

Dr Brett Williams, Faculty of Law, University of Sydney

Thursday 8 October, 1.00-2:00pm

About the Seminar: exploring some of the elementary economics relating to the difference between an import tariff and an import quota, Dr Williams explained how this analysis can be applied to a particular World Trade Organization dispute. Speaking primarily as to the legality of a mechanism adopted by Chile to smooth out fluctuations in world prices, Dr Williams argues that consideration of the economic differences between import tariffs and import quotas and of the economic function of Article 4.2 would have led to a different outcome in the case.

He then went on to discuss how that economic understanding is reflected in GATT rules and how that understanding could have been applied to the assessment of WTO consistency of Chile's price band method of smoothing out fluctuations in import prices.

Dr Brett Williams is a Senior Lecturer in the Faculty of Law at the University of Sydney, specialising in the Law of the World Trade Organization. He has also taught WTO law for the University of North Carolina, for William and Mary College, Virginia, at the Adelaide University Centre for International Economics, for the Ausaid Australia-China WTO Training Project, teaching officials from the PRC Ministry of Foreign Trade and Economic Cooperation and Ministry of Agriculture and has taught on the economics of the WTO system for the International Development. He also teaches in the fields of Competition Law and Public International Law.

SCIL Monthly Discussion Group on Public International Economic Law / WTO Law

The Proposed Korea USA Free Trade Agreement

Associate Professor Steve Lee, Faculty of Law, University of Sydney

9 October 2009, 1.00 - 2.15pm

About the Seminar: Associate Professor Lee discussed a range of issues raised in the (proposed) US – Korea Free Trade Agreement and examined whether the FTA would achieve a new balance in trade concessions between the two countries. The seminar drew upon Associate Professor Lee's article in the Journal of World Trade, "The Beginning of Economic Integration between East Asia and north America? Forming the Third largest Free Trade Area between the United States and the Republic of Korea."

SCIL Seminar: Pushing and Shoving - Human Rights in the Field from Kenya to Kandahar

Simon Russell, Senior Protection Officer, UNHCR

Thursday 15 October 4.00-5.30pm

About the Seminar: This seminar began with a brief overview of what protection of human rights in a humanitarian situation actually means, drawing on experience in Afghanistan, Iraq and East Africa. The speaker asked why the situation in Afghanistan has not improved, how the humanitarian reforms are working out at field level, how the difficulties of working in remote places like Iraq can be overcome and how an inexperienced and untrained lawyer winds up managing an IDP camp near Kandahar.

Simon Russell was recently deployed as a senior human rights/ protection officer to peacekeeping missions in Sudan and Afghanistan and the UN refugee agency in Uganda, Iraq, Lebanon and Kenya and has worked for several NGOs, including the Norwegian Refugee Council and Amnesty International. He is also a part-time judge of the Asylum & Immigration Tribunal in London.

Guantanamo Redux: The Obama Effect and its Significance for David Hicks and Australia

Kate Eastman, Barrister

Professor Geoffrey Garrett, University of Sydney

Katie Wood, Amnesty International Australia

Tuesday 20 October, 6.00 - 7:30pm

About the Seminar: In this seminar, a panel of experts reflected upon steps recently taken in the US Congress to amend the Military Commissions Act 2006 and otherwise prepare for the January 2010 deadline imposed by the Obama administration for closure of Guantanamo Bay.In the course of discusssion the following questions were addresssed. What exactlywas likely to change as

a result of this process? What parts of the Bush administration's legacy on counter-terrorism were likely to remain intact? What ramifications has the Obama administration's policy redirection had so far for Australia? What impact might the Obama administration yet have in influencing the course of global policy-making on counter-terrorism and the treatment of detainees? More specifically, what could be the effect of US legislative change on the life and legal status of David Hicks, an Australian citizen who continues to live under conditions imposed as a consequence of his conviction under the Military Commissions Act?

L to R: Kate Eastman, Dr Geoffrey Garrett and Katie Wood

Kate Eastman has practised as a barrister in Sydney since 1998. She has previously worked in private practice and was a senior legal officer at the then named Human Rights and Equal Opportunity Commission. Kate has been a part-time law lecturer at the University of Technology Sydney, Monash University and the University of Sydney. She has lectured in international human rights law, civil liberties law and human rights advocacy. Kate has been actively involved in a number of human rights and international law organisations. She was a co-founder and president of Australian Lawyers for Human Rights. In mid 2006, she was asked by Major Mori to become involved in David Hicks case. She was involved in the Federal Court proceeding brought by Mr Hicks against the Commonwealth in late 2006.

Dr Geoffrey Garrett is founding CEO of the United States Studies Centre and Professor of Political Science at the University of Sydney. He was previously President of the Pacific Council on International Policy in Los Angeles and before that Dean of the UCLA International Institute. Garrett is a frequent commentator on all aspects of US politics, economics and foreign policy in Australian media, including The Australian, Australian Financial Review, Sydney Morning Herald, Sky TV and ABC radio and television programs. Among the most influential political scientists of his generation, Garrett is author of *Partisan Politics in the Global Economy*, editor of *The Global Diffusion of Markets and Democracy*, both published by Cambridge University Press, and over fifty articles in the world's leading social science journals. Garrett 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 as well as the Los Angeles-based Pacific Council on International Policy. 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.

Katie Wood is the Governance Coordinator at Amnesty International Australia and was formerly the Campaign Coordinator for Counter Terror with Justice Campaign. Internationally, this campaign focuses on the undermining of human rights and the rule of law in governments' responses to the so called 'war on terror'. The campaign also seeks to restore the absolute prohibition against torture as well as seeking to ensure accountability for those who violated human rights standards. Prior to this, Katie worked as a solicitor for several years predominantly in the area of commercial litigation. Katie holds a BA, LLB and a Masters of International Law.

Vodcast online at: http://sydney.edu.au/law/video/2009.shtml

Navigating the Strange World of Grant-Writing Workshop (Or: How One Learns to Stop Worrying and Love the ARC)

Wednesday 28 October, 2.30-5.00pm

Sydney Law School

About the workshop: This masterclass/workshop was convened by the Sydney Centre of International Law for members of the Faculty of Law and was designed for those considering applying for funding from the Australian Research Council in the forthcoming round or future application rounds. Guest speaker, Professor Hilary Charlesworth reflected upon her experience as an ARC grant application assessor and an ARC grant recipient, offering suggestions as to how one might give one's research project the best possible chance of attracting ARC funding. Particular attention was given to the challenges faced by legal scholars in applying for ARC funding, especially those whose research interests have a strong international dimension. Participants in the workshop presented a research project for which they were proposing to seek funding.

Hilary Charlesworth is Professor and Director of the Centre for International Governance and Justice in the Regulatory Institutions Network at the Australian National University. She also holds an appointment as Professor of International Law and Human Rights in the College of Law, ANU. In 2005 she was awarded a Federation Fellowship by the Australian Research Council for a project on building democracy and justice after conflict. She has held visiting appointments at United States and European universities. Professor Charlesworth is a former member of the ARC College of Experts, where she served on the Humanities and Creative Arts Panel (by which most law applications are considered).

Julius Stone Address Ius Gentium and Forms of Modern Power: The Legacy of 16th Century Spanish Scholasticism

Professor Martii Koskenniemi, Academy Professor, University of Helsinki

Thursday 12 November, 6:00 – 7:30 pm

About the Presentation: In this Address, part of the Law School's Distinguished Speakers Program, Professor Koskenniemi explored the relationship between international law and state power, focusing on the historical legacy of 16th Century Spanish Scholasticism. In the history of international law, Francisco Suarez (1548-1617) is known as the first writer working with a distinctly "modern" view of the subject by dividing it into legal rules common to all or most nations and rules applicable in the relations between nations, that is to say, rules on diplomacy, trade and warfare. From that distinction, we have taken the latter as public international law proper, relegating the former into a non-normative pursuit of comparative studies. But this is to fail to see the power and point of the doctrine of *jus gentium* as propounded not only by Suarez but by a whole tradition of legal thought that grew among Spanish theologians and jurists in the 16th and 17th centuries as they were seeking to respond not only to the religious split in Christendom and the "discovery" of the New World but to social, economic and political transformations they witnessed around themselves. As part of this, they developed the law of nations - *ius gentium* - into a kind of universal sociology or philosophical anthropology that far from being limited to marginal aspects of foreign policy became foundational for the most important institutions of political modernity, namely those of State sovereignty, private property, and warfare.

Martti Koskenniemi is an international lawyer and a former Finnish diplomat. He is currently Professor of International Law at the University of Helsinki and Director of the Erik Castrén Institute of International Law and Human Rights. He is well known for his critical approach to international law.

Book Launch: Dr Tim Stephens - International Courts and Environmental Protection

Dr Tim Stephens, Senior Lecturer, Faculty of Law, University of Sydney

Wednesday 18 November, 5:30-7.00 pm

About the Book: 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 who are engaged within this vital field.

Dr Tim Stephens is an international lawyer and human geographer. He has been published widely on issues of public international law, national and international environmental law and the law of the sea. He is Co-Editor in Chief of the *Asia Pacific Journal of Environmental Law*. He is also a regular media commentator in Australia and internationally on issues of international law and environmental law.

Exploring the Horizontal Application of the South African Bill of Rights to Corporations: a Model for Australia and International Law?

Dr. David Bilchitz, Director of the South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC)

Monday 23 November, 4.00 -5.00 pm

About the Seminar: The South African Bill of Rights is relatively unique in containing a clause that renders the duties imposed by the Bill directly applicable to corporations. This seminar sought to explore this change and focused upon the relevant clause in some detail. It questioned whether the clause gives adequate legal expression to the duties of corporations for the realisation of fundamental rights. Bilchitz also discussed the need to raise certain concrete legal measures that are of importance in seeking to give content to, and realise, the more abstract duties contained in the Constitution. He explored whether or not the obligations of corporations based in South Africa for the realisation of fundamental rights apply beyond South Africa's borders.

Dr. David Bilchitz is Director of the South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC). He has a BA (Hons) LLB cum laude from Wits University. He graduated with an MPhil in Philosophy from St John's College, University of Cambridge in 2001 and with a PHD in political philosophy and law from the same university in 2004. His book P*overty and Fundamental Rights: the Justification and Enforcement of Socio-Economic Rights* was published by Oxford University Press at the end of February 2007. He has several other publications on the Law of Evidence, Socio-Economic Rights, Corporations and Human Rights, Animal Rights, Lesbian and Gay Rights and much else. David is also a committed activist working towards social reform with his involvement in feminist, gay rights, poverty and animal rights issues.

Vodcast online at: http://sydney.edu.au/law/video/2009.shtml

Reimagining International Criminal Justice Workshop

Monday 7 December - Tuesday 8 December 9.00am-6.00pm

About the Workshop: The University of Sydney and International and Comparative Criminal Justice Network (ICCJNet) launched Reimagining International Criminal Justice, a three year, collaborative inter-disciplinary research project intended to critically examine the shape, nature, impacts, and direction of the evolving processes of international criminal justice.

International criminal justice is in a time of transition. Fifteen years after the emergence of the modern system of international criminal justice through the creation of the International Criminal Tribunal for the former Yugoslavia, the 'idea' of international criminal justice has become normalized to an extent that few foresaw a decade and a half ago. Yet the system that has been 'normalized' represents a specific and contested vision of what shape international criminal justice can and should take, the nature of its operation and institutions, the impacts it has and interests it should serve - and the direction in which it should evolve. The two day workshop included a public debate entitled: '*Is it all Law and No Justice?*'. The team in the affirmative was led by Prof. Mark Findlay (of the Sydney University Law School and Institute of Criminology) and the team against by Mark Lerace (former ICTY Prosecutor). This, debate fostered a research dialogue between scholars, policymakers and practitioners in developing a critical research agenda.

Speakers and participants included: Prof. Mark Findlay (University of Sydney Law School), Mark Tedeschi QC (Crown Prosecutor NSW), Mark Ierace (former ICTY prosecutor), Prof. Gerry Simpson (Melbourne University Law School), Sonja Litz (AusAID), Dr Gordon Peake (AusAID/UNAMET), Andrew Hughes (AFP and former UN Police Adviser), Kevin Jon Heller (Melbourne University Law School), James Cockayne (International Peace Institute NY), Fergus Hanson (Lowy Institute)

Principled Engagement: Engaging Pariah States on Human Rights

Professor David Kinley, SCIL

Morton Pederson, Research Fellow, Centre for International Governance and Justice

10 and 11 December

About the Seminar: This joint project between United Nations University, Australian National University and Sydney University was co-directed by Professor Kinley and Pederson and involved a dozen leading scholars and practitioners from around the world. This conference intended to address an important gap in the academic literature on international statecraft, as well as to provide concrete lessons and recommendations for policy makers, it further developed a theoretical model of principled engagement and undertook a series of case studies to elucidate how statecraft works in practice.

Morten B. Pedersen joined the ANU's Centre for International Governance and Justice in late 2008 from the United Nations University, Peace and Governance Programme, Tokyo. He previously worked as senior analyst for the International Crisis Group in Burma/Myanmar and consultant on Burmese politics and development affairs with the UN, the World Bank and the Conflict Prevention and Peace Forum. He has a PhD in Politics and International Relations from ANU and a MA in Southeast Asian Studies from University of Hull, UK.

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

International Law Reading Group

The international law reading group met regularly throughout Second Semester, 2009, bringing together a range of SCIL members, postgraduate research students and friends in vibrant discussions of a range of texts. Readings discussed were the following:

- On 3 August, Emilios Christodoulidis, 'Strategies of Rupture'(2009) 20:1 *Law and Critique* (with Richard Bailey, PhD candidate, introducing);

- On 24 August, Melinda Cooper, 'Preempting Emergence: The Biological Turn in the War on Terror' in *Life As Surplus: Biotechnology and Capitalism in the Neoliberal Era* (University of Washington Press, 2008) (with Edwin Bikundo and Melinda Cooper - from the Department of Sociology and Social Policy in the Faculty of Arts, introducing);

- On 14 September, Upendra Baxi, 'Global Development and Impoverishment' in Peter Cane and Mark Tushnet (eds), *Oxford Handbook of Legal Studies* (2003) 455-484 (with Mostafa Haider, PhD candidate, introducing);

- On 16 November, Gunther Teubner, 'Constitutionalising Polycontextuality', Paper delivered at School of Law, Glasgow University, 25 September 2009 (with Kevin Walton introducing); and

- On 30 November, Joel Trachtman, 'International Law and Domestic Political Coalitions: The Causes of Compliance with International Law' (July 9, 2009). Available at SSRN: http://ssrn.com/abstract=1431956 (with Brett Williams introducing).

Human Rights in Asia Conference

On Friday 27 and Saturday 28 November The Australian Network for Japanese Law (ANJeL), Sydney Centre for International Law (SCIL), and The Centre for Asian and Pacific Law in the University of Sydney (CAPLUS), in partnership with the Australian Human Rights Centre (AHRC) hosted an international conference at the Sydney Law School.

The theme of the conference was Human Rights in Asia-Pacific: Towards Institution-Building. On 4 June 2008, Australian Prime Minister, Kevin Rudd, announced his vision for the establishment of an Asia-Pacific Community. Subsequently, the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade has undertaken an inquiry into international and regional human rights mechanisms and possible models for the Asia-Pacific region. Will such a regional institution include a function to monitor and protect human rights across the region? If so, will it succeed in effecting policy change in the face of the strong assertion of state sovereignty? These were all issues discussed throughout the conference. This conference brought together experts in this area to explore how current practices might be effectively harnessed to realise a truly effective and integrated regional community based on the norms and spirit of human rights protection.

The conference speakers includedProfessor Gillian Triggs (Dean, Sydney Law School), Professor Kent Anderson (ANU/ANJeL), The Hon Michael Kirby AC CMG, Professor Nisuke Ando (Human Rights Research Institute, Kyoto University) Dr Andrew Ladley (Victoria University of Wellington), Catherine Renshaw, Andrew Byrnes and Andrea Durbach (Australian Human Rights Centre), Professor Tom Zwart (UNSW) and Mimi Zhou (Netherlands School of Human Rights Research)

The event attracted a large crowd with 94 people attending and provided an enormous benefit not only for academics who are interested in this area, but also for the wider audience who have become aware of the potential for devleopment in this important area of institution-building. Draft conference papers were also shared by relevant governmental officials both during and after the event, which could well be reflected in Australia's foreign policy in the future.

This project was a prime example of fruitful collaboration and a product of good networking among Australia's key academic institutions at the Australian National University, the University of Sydney, and the University of New South Wales in the areas of international law, human rights law, and Asian law.

Fleur Johns opening the conference

Ivan Shearer speaking at the conference

Prof Thamilmaran speaking at the conference

Completion of Nepal Project

The objective of this Activity was to improve understanding and knowledge of, and respect for, Nepal's human rights law obligations amongst key actors in the criminal justice system in Nepal, by reviewing legal education in Nepal on human rights in the criminal justice system and training Nepalese police and prosecutors on human rights in the criminal justice system:

The project systematically reviewed existing education on human rights in the criminal justice system in Nepal resulting in the project's *Report on Human Rights Education on Criminal Justice in Nepal* (2009). Following advice from the Steering Committee and consultation with stakeholders, it was decided to present the Report in the form of recommendations of rather than formulating a prescriptive model curriculum, thus leaving it to individual institutions to implement recommendations as appropriate. It is likely, however, that the Report's recommendations will have a direct influence on KSL's own human rights programs, and on the ongoing development of human rights training within Nepalese Police, the latter reform process being a particularly significant component of the sustainability impacts of this project.

The project trained 122 law enforcement trainers in a two-day intensive workshop, followed by six training workshops (one inKathmandu and five in regional districts) the 122 participants was made up of 82 police, 27 prosecutors and 13 defence lawyers.

The project successfully developed and delivered comprehensive, customisable training materials including a 200-page trainers' manual and a 127-page workshop manual. Both manuals were produced in English, translated into Nepali, published in both languages, and made available freely online. The manuals

were based on best-practice principles of human rights education for adults, including participant-oriented learning which utilized the participants' own experiences of policing or prosecuting crime in Nepal's justice system and was further refined following extensive discussion by attendees of practical problems within a human rights framework.

The project also published an additional 2000 hard copies of the Workshop Manual and distributed them more widely to Nepali Police, prosecutors, defence and legal aid lawyers, and law students. Already the Manual has been used as a resource by other actors in the justice sector, including the UN Office of the High Commissioner for Human Rights and Advocacy Forum.

Participants evaluated the workshops very positively and there was a clear desire for more detailed and regular training in the future. Some participants expressed their willingness to deliver training, if resources became available. The training materials are also influencing ongoing training initiatives in Nepal, both within Nepal Police, universities and NGOs.

In their evaluation forms at the end of each workshop, across the six workshops, 98% of participants responded that the workshop was "very" or "quite" relevant to their work; 95% or participants felt that the training was "very" or "quite" "informative" and "useful" in their work; and 53% responded that the training would "significantly" impact on their work and 38% that it would "occasionally" impact.

The project achieved an effective and productive collaboration between staff (and students) of the Sydney Centre for International Law and KSL. By taking the lead in drafting the trainer and workshop manuals and the curriculum review, Sydney Centre personnel, in close consultation with KSL staff, helped to improve KSL staff's knowledge of and capacity in the application of international human rights law to the Nepali law enforcement context. At the same time, KSL staff were able to bring to bear their unique experience of and expertise in the Nepali criminal justice system and law enforcement institutions and procedures, and from which Sydney Centre staff benefited.

Surjat Basnet (Kathmandu School of Law) and the Centre's Irene Baghoomians.

Workshop participants in Nepalgunj, south western Nepal.

Workshop participants in Nepalgunj, south western Nepal.

View over Kathmandu.

The Early Work of the CRPD Committee

Professor Ron McCallum
Faculty of Law
University of Sydney

Introduction

On 3 May 2008, the United Nations Convention on the Rights of Persons with Disabilities (the CRPD) came into force. It is the United Nations' youngest convention which guarantees to persons with disabilities civil and political rights and also economic and social rights. The CRPD is based upon the social model of disability which asserts that the label of 'disability' is placed upon persons with physical and mental impairments by society through stereotyping and through the creation of inappropriate and unnecessary obstacles. The primary purpose of the CRPD is to ensure that such stereotypes disappear by promoting persons with disabilities and through guaranteeing to us the same rights which are bestowed upon able-bodied persons.

Like other United Nations conventions, article 34 of the CRPD establishes a treaty body which is called the United Nations Committee on the Rights of Persons with Disabilities (the CRPD Committee). Its functions are to monitor the operations of the CRPD through the examination of reports submitted by ratifying countries. Under the CRPD's Optional Protocol, the CRPD Committee also hears individual complaints brought by persons who allege that their CRPD rights have been infringed.

As a foundation member of the CRPD Committee, in this brief note I describe the early work of this treaty body.

The Election of the Inaugural CRPD Committee

On 3 November 2008, the 41 ratifying countries who are known as 'State Parties', elected from 23 candidates 12 members of the inaugural CRPD Committee. Eight of the 12 members are persons with disabilities. This treaty body is therefore the first where a majority of its members are persons with disabilities.

The Early Work of the CRPD Committee

The CRPD Committee has now held three sessions in Geneva in the Palais de Nations which originally housed the old League of Nations which fell apart at the beginning of World War II. The CRPD Committee is assisted in its work by officers of the Office of the High Commissioner for Human Rights (the OHCHR). For example, the OHCHR has provided the important documents in braille for we blind members of the CRPD Committee.

In its first session in February 2009, the CRPD Committee elected its officers with its first Chair being Mr Mohammed Al-Tarawneh from Jordan. As this was its initial session, the members were addressed by various United Nations agencies who introduced their work with special reference to persons with disabilities. The CRPD then began its work on its core documents. They are: first, the Rules of Procedure; secondly, the reporting guidelines for State Parties; and thirdly, its working methods. At the conclusion of this session, the CRPD Committee issued its first declaration titled *First Declaration by the Committee on the Rights of Persons with Disabilities: Looking Forward* which exhorts nations to further and protect the rights of persons with disabilities.

The second session took place in October 2009 and the CRPD completed its work on the reporting guidelines for State Parties which were published in November that year. Briefly put, these guidelines explain to State Parties who are required to report on the implementation of the CRPD and how to set forth their material to show how the rights of persons with disabilities have operated and have been advanced.

The CRPD Committee also held its first general day of discussion on article 12 of the CRPD which deals with equal recognition before the law and legal capacity. This article recognises that all persons with disabilities have full legal capacity; however, it appreciates that, on occasions, assistance must be given to enable some persons with disabilities to exercise this right. Ratifying countries are obliged to establish mechanisms to assist persons with disabilities in decision-making where appropriate, and also to ensure that such persons are able to exercise property and financial rights.

At this session, I was unanimously elected as the 2010 Chair of the CRPD Committee which was indeed a great honour.

The latest session of the CRPD, its third session, took place from 23 to 27 February 2010. The remaining core documents were completed, although there is still some tidying up of a machinery nature which will be completed in the weeks after the session.

The rules of procedure set forth the rules under which the CRPD Committee operates. The working methods are a living document which specify how the CRPD Committee will undertake the monitoring of reports on the CRPD by ratifying countries, as well as the manner in which it will examine individual complaints under the Optional Protocol.

The CRPD Committee established a working group to follow-up on its October 2009 day of discussion on article 12 of the CRPD and to commence the development of a general comment on this article. It was decided to devote the general day of discussion of its fourth session in October 2010 to article 9 and related articles of the CRPD dealing with access, including access to buildings, to transport and also to information. A working group was set up to prepare material on this forthcoming day of discussion.

Conclusion

The CRPD Committee is just over a year old, its progress has been good, and the cooperation and warm and open spirits of its foundation members are exemplary. Its core documents have been completed before the first reports from ratifying countries are due on 3 May 2010. At its fourth session which will be held in October 2010, it will commence the processes which will lead to it engaging in dialogue over the first reports of ratifying nations. For me, it has been a life changing process to be a member of the inaugural CRPD Committee.

Prof McCallum chairing the 5th session of the CRPD (assisted by Prof Mary Crock)

New Centre Members

The Centre was delighted to have four new members join theCentre in 2009

Dr Chester Brown

Chester is Associate Professor at the Faculty of Law, University of Sydney, where he is a Programme Coordinator for the Master of International Law. His research interests are 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, where he advised on a range of public international law issues, including international investment, State and diplomatic immunities, international arbitration, and the work of the International Law Commission. Prior to this, he was a Senior Associate in the International Law and International Arbitration Group of Clifford Chance LLP, London. Chester is a Barrister, and has a door tenancy at Essex Court Chambers, London. He is the author of *A Common Law of International Adjudication* (OUP, 2007), which has been awarded the American Society of International Law's Certificate of Merit for "High Technical Craftsmanship and Utility to Practising Lawyers and Scholars". He is a graduate of the Universities of Melbourne, Oxford, and Cambridge.

Professor Terry Carney

Terry is Professor of Law at the University of Sydney (1991-), specialising in welfare law. A former head of school (1992-1995) he is currently Director of Research in the Faculty and a past chair of the Research committee of the College of Humanities and Social Sciences. He is a Board member and Immediate Past President (President 2005-2007) and former General Secretary of the International Academy of Law and Mental Health, and a past chair both of the Australian government's National Advisory Council on Social Welfare and the Board of the Institute of Family Studies. The Australian reporter to the Max Planck Institute on Foreign and International Social Law (Munich), he serves on the Editorial Board of journals such as the International Journal of Law and Psychiatry, Current Issues in Criminal Justice, and the Elder Law Review, and on Kluwer's International Library of Ethics, Law and the New Medicine. In 2005 he was the recipient of the University of Sydney Vice Chancellor's Award for Excellence in Higher Degree Supervision. The author of nearly a dozen books/monographs and around a hundred academic papers, and has chaired various Government enquiries (including Victorian enquiries on Child Welfare Practice and Legislation (1982-84), on Health Law (1986-1987)). He was also a founding Director of the National Children and Youth Law Centre (1992-2003).

Dr Euan McDonald

Euan graduated in Law from the University of Edinburgh in 1999 before going on to gain a Masters degree from the same institution in 2000, where his studies focused throughout on public international law and legal theory. He went on to obtain a PhD in law from the European University Institute in Florence, Italy, in October 2006, with a thesis on critical approaches to international legal theory. From 2005-2006, he was a Visiting Fellow on the Programme for the Study of International Organizations at the Graduate Institute for International Studies in Geneva. He was a Research Officer at NYU's Institute for International Law and Justice, working on the Global Administrative Law project, from 2007-2009. He remains a consultant to the IILJ, and is a Fellow of the Institute for Research on Public Administration in Rome, Italy.

Dr Salim Farrar

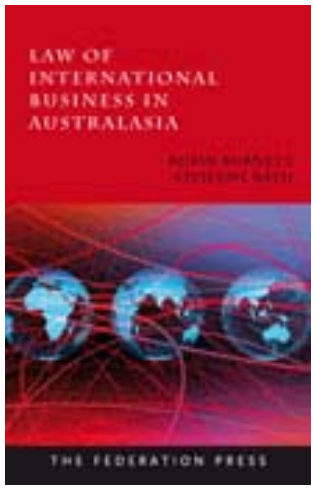
Salim first graduated in Law from King's College London in 1991 and was called to the English Bar in 1992. Following a two-year stint in Malaysia from 1994-1996, he returned to England to pursue a doctorate in comparative criminal justice at the University of Warwick and as a British Academy Scholar. Upon completion of his doctorate, he went on to teach at the Universities of Coventry, Warwick and Manchester before his most recent appointment as an Associate Professor at the International Islamic University Malaysia in 2004. His principal research and teaching interests are in Islamic Law, Criminal Justice and 'Human Rights', with a particular focus on Southeast Asia and the Middle East. He speaks English, Arabic, Bahasa Malaysia and French, and has just written a book on the reforms of the Malaysian criminal process.

New Books

Law of International Business in Australasia

(Federation Press, Sydney, 2009)

Robin Burnett and Vivienne Bath



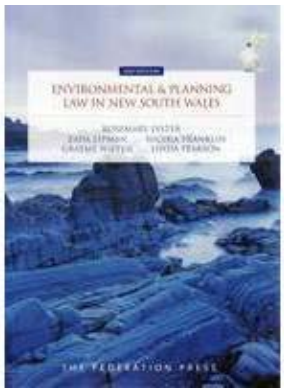
This book is a successor to Robin Burnett's *Law of International Business Transactions*. Incorporating and building on the comprehensive information and material contained in the earlier book, *Law of International Business in Australasia* provides an up-to-date analysis of the legal environment for international trade and covers:

- the changes made to payment and letters of credit by reason of the adoption of the UCP 600, which became effective in 2007, and other means of payment which are currently used;
- the provisions and possible adoption of the UNCITRAL Draft Convention on the Carriage of Goods Wholly or Partly by Sea;
- recent developments in the law relating to international sale of goods;
- the question of international arbitration and other means of dispute resolution; and
- the strategies and issues of international operations.

This book will assist practitioners and students in their understanding of the legal and practical aspects of international and overseas trade and operations.

Environmental and Planning Law in New South Wales (2nd edition)

(Federation Press, Sydney, 2009)



Rosemary Lyster, Zada Lipman, Nicola Franklin, Graeme Wiffen and Linda Pearson

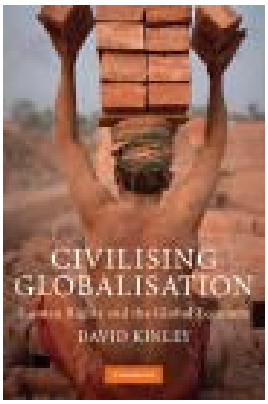
This is a comprehensive, up-to-date text on environmental, planning and development law in New South Wales. Leading academics provide original commentary and case analysis which take account of international as well as national developments.

This new edition traces developments in climate law and reflects the extensive legislative changes made by the *Environmental Planning and Assessment Amendment Act 2008* (NSW), the *Contaminated Land Management Amendment Act 2008* (NSW), and the *Water Act Amendment Act 2008* (Cth). The new edition also features:

- a restructure of the planning, development control and environmental assessment chapters;
- a restructure of the waste, contaminated land, chemicals and dangerous goods chapters;
- a new chapter, 'Managing Environment Conflict', which covers: merit appeals; judicial review; civil enforcement; issues in environmental litigation: standing, costs, access to information; overview of the Land and Environment Court; the Ombudsman; and ICAC.

Civilising Globalisation: Human Rights and the Global Economy
(Cambridge University Press, United Kingdom, 2009)

David Kinley



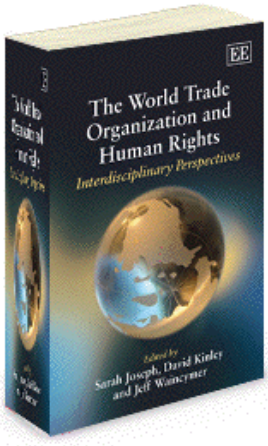
Economic globalisation and universal human rights both have the aspiration and power to improve and enrich individuals and communities. However, their respective institutions, methods, practices and goals differ, leading to both detrimental clashes and beneficial synergies. David Kinley analyses how human rights intersect with the trade, aid, and commercial dimensions of global economic relations, taking the view that, while the global economy is a vitally important civilising instrument, it itself requires civilising according to human rights standards.

Combining meticulous research with highly informed views and experiences, Kinley outlines the intellectual, policy and practical frameworks for ensuring that the global economy advances the ends of human rights, argues for better exploitation of the global economy's capacity to distribute as well as create wealth, and proposes mechanisms by which to minimise and manage the socially debilitating effects of market failures and financial meltdowns.

Blending the disciplines of economics, human rights, law and politics and drawing on a wide range of illuminating cases, Kinley demonstrates how, in the wake of a global financial crisis, human rights responsibilities can be met while simultaneously promoting global economic growth and explores the responsibilities of global economic actors to respect people's human rights, building a persuasive case for why and how these duties ought to be reconfigured and enforced.

The World Trade Organization and Human Rights: Interdisciplinary Perspectives
(Edward Elgar, United Kingdom, 2009)

Sarah Joseph, David Kinley and Jeff Waincymer (editors)

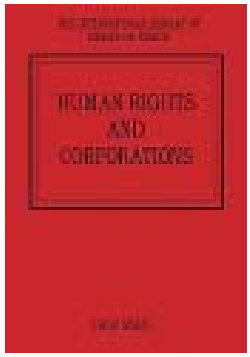


This collection of essays from leading academics examines the connection between the World Trade Organization (WTO) and human rights issues, a topic which has provoked significant debate, particularly in the decade since the collapsed WTO talks in Seattle in 1999.

The editors argue that a true appreciation of the salient issues requires consideration of disciplines beyond the law, such as economics, political science and philosophy. Building on previous trade/human rights projects by adding that interdisciplinary dimension, *World Trade Organization and Human Rights* brings together trade scholars and human rights scholars from legal and interdisciplinary perspectives. It will be an invaluable research tool for international scholars in human rights and trade, NGOs focusing on human rights and development, trade organisations and trade practitioners.

Human Rights and Corporations
(Ashgate, United Kingdom, 2009)

David Kinley



The erstwhile unlikely coupling of human rights and corporations is now a typical feature of corporate/community relations. High-profile corporate infringements of human rights, the rise and rise of corporate social responsibility (CSR) and on-going efforts to regulate corporate behaviour through legal regimes at both domestic and international levels have spawned a mountain of academic literature and commentary. This volume assembles the leading essays from this body of work. Together they frame the relationship between human rights and corporations by charting its history and salient features, tackling the conceptual perspectives of the relationship and detailing the practice, problems and potential of the relationship.

January – December 2009

Thalia Anthony

Garth Nettheim, Heather McRae, Thalia Anthony, Megan Davis and Sean Brennan, *Indigenous Legal Issues: Commentary and Materials* (4th Edition, 2009).

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

Thalia Anthony, 'Blackstone on Colonialism: Australian Judicial Interpretations' in Wilfred Prest (ed), *Blackstone and His Commentaries* (2009), 129.

Thalia Anthony, 'Quantum of Strategic Litigation: Quashing Public Participation' (2009) 14(2) *Australian Journal of Human Rights* 1.

Thalia Anthony, 'The Legal Void: Quarantining Indigenous Welfare in the Northern Territory and Cape York' (2009) 10 *Balayi: Journal of Culture, Law and Colonialism* 29.

Thalia Anthony, ' Manifestations of Moral Panics in the Sentencing of Palm Islander Lex Wotton' (2009) 20(3) *Current Issues in Criminal Justice* 466.

Thalia Anthony, 'Northern Territory Intervention: Re-emergence of Withheld Indigenous Money' (2009) 10 *Journal of Indigenous Policy*.

Thalia Anthony, 'The Disavowal of Context: Sentencing Lex Wotton' (2009) 8(1) *Indigenous Law Bulletin* 27.

Thalia Anthony and Duncan Chappell, 'Police Care for the Mentally Ill: The Restricted Vision of the High Court in Stuart v Kirkland-Veenstra' (2009) 21(2) *Current Issues in Criminal Justice* 325.

Thalia Anthony, Book Review: Harry Blagg, *Crime, Aboriginality and the Decolonisation of Justice* (2008), in (2009) 20(3) Current Issues in Criminal Justice 490.

Irene Baghoomians

Irene Baghoomians, Book Review: Frederick Schauer, *Thinking Like a Lawyer: A New Introduction to Legal Reasoning* (2009), in (2009) 31(3) Sydney Law Review 499.

Vivienne Bath

Robin Burnett and Vivienne Bath, *Law of International Business in Australasia* (2009).

Vivienne Bath, 'China and the WTO Transparency Requirements' in Chunlai Chen (ed), *China's Integration with the Global Economy: WTO Accession, Foreign Direct Investment and International Trade* (2009) 53.

Belinda Bennett

Belinda Bennett, 'Tissue Transplantation' in *Laws of Australia* (2009).

Belinda Bennett and Claire Deakin, 'Registration of Clinical Trials: Challenges for Global Regulation' (2009) 17(1) *Journal of Law and Medicine* 82.

Belinda Bennett, Guest Editorial: A New National Women's Health Policy: Legal, Ethical and Policy Initiatives to Support Women's Health (2009) in 4(2) *Journal of Law and Medicine* 9.

Belinda Bennett, 'Legal Rights During Pandemics: Federalism, Rights and Public Health Laws: A View from Australia' (2009) 33(2) *Public Health* 232.

Belinda Bennett et al, 'Health Governance: Law, Regulation and Policy' (2009) 123(3) *Public Health* 207.

Edwin Bikundo

Edwin Bikundo, 'Legality and Resolving Ambiguity' (Paper presented at Rights, Regulation and Responsibility: Australian and Singaporean Perspectives Law Research Symposium, University of Sydney and National University of Singapore, 2009).

Ben Boer

Ben Boer and Stefan Gruber, 'Human Rights and Heritage Conservation Law' in Janet Blake (ed), *Human Rights and Environment* (2009).

Janet Blake and Ben Boer, 'Human Rights, the Environment and the Tehran Declaration' (2009) 39(6) Environmental Policy and Law 302-307 and 327

Chester Brown

Chester Brown, 'Investment Arbitration as the "New Frontier"' (2009) 6(3) *The Arbitrator and Mediator* 59.

Lee Burns

Lee Burns, 'Attribution of Foreign Entity Income' in Chris Evans and Richard Krever (eds), *Australian Business Tax Reform in Retrospect and Prospect* (2009) 443.

Simon Butt

Simon Butt and Tim Lindsey, 'The People's Prosperity? Indonesian Constitutional Interpretation, Economic Reform and Globalisation' in John Gillespie and Randall Peerenboom (eds), *Regulation in Asia: Pushing Back on Globalisation* (2009) 270.

Simon Butt, 'Two at the top: the Constitutional Court and the Supreme Court' (2009) 3 *Van Zorge Report on Indonesia* 12.

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Charlotte Epstein, 2009, 'Using Discourse To Study Identity in International Politics: Can Jacques Lacan Help?', *European Journal of International Relations , paper presented at the International Studies Association*

Salim Farrar

Salim Farrar, 'Accommodating Islamic Banking and Finance in New South Wales', Rights, Regulation and Responsibility: Australian and Singaporean Perspectives Law Research Symposium, University of Sydney and National University of Singapore, University of Sydney, 30-31 July 2009

Mark Findlay

Mark Findlay, 'Influencing International Criminal Law: Possibilities for Regional Justice Traditions', Rights, Regulation and Responsibility: Australian and Singaporean Perspectives Law Research Symposium, University of Sydney and National University of Singapore, University of Sydney, 30-31 July 2009

Jennifer Hill

Jennifer Hill, 'Then and Now: Professor Berle and the Unpredictable Shareholder', Symposium: In Berle's Footsteps, Adolf A Berle, Jr Center on Corporations, Law and Society at the University of Seattle, University of Seattle, 7-8 November 2009

Jennifer Hill, 'Recent Developments in Directors' Duties in the Common Law World', Corporate Governance Models and the Liability of Directors and Managers, Faculty of Economics and Business Sciences, University of Sannion, Italy, Benevento, Italy, 28 September -2 October 2009

Jennifer Hill, 'New Trends in the Regulation of Executive Compensation', Supreme Court Annual Corporate Law Conference: Directors in Troubled Times, Supreme Court of NSW, Supreme Court of NSW, 11 August 2009

Jennifer Hill, 'The Art of Waiving: Selective Regulation in Comparative Corporate Governance', Rights, Regulation and Responsibility: Australian and Singaporean Perspectives Law Research Symposium, University of Sydney and National University of Singapore, University of Sydney, 30-31 July 2009

Jennifer Hill, Masulis, R & Thomas, R, 'A Comparison of US and

Australian Executive Remuneration Contracts', International Executive Remuneration Workshop, Sydney Law School and Vanderbilt Law School, Cambridge, England, 9 May 2009

Jennifer Hill, 'Subverting Shareholder Rights: Lessons from News Corp's Migration to Delaware', Seminar, University of Cambridge, University of Cambridge, England, 7 May 2009

David Kinley

David Kinley, 'Market Rights versus Human Rights', Rights, Regulation and Responsibility: Australian and Singaporean Perspectives, University of Sydney and National University of Singapore, University of Sydney, 30-31 July 2009

Roger Magnusson

Roger Magnusson, 'Policies for Populations, Not Just Individuals: 'Personal Responsibility' and Policy Leadership on Obesity Prevention and Public Health Nutrition', American Public Health Association, 137th Annual Meeting, Philadelphia, 10 November 2009

Roger Magnusson, Workshop presenter, 'Chronic Disease and Injury', workshop forming part of the Global Health Day conference, jointly convened by Sydney Medical School and the Centre for Health Governance, Law & Ethics, Sydney Law School, 28 August 2009

Roger Magnusson, 'Partnerships, Collective Action and the Global Response to Chronic, Non-communicable Disease', Global Health Beyond the Millennium Development Goals, conference co-hosted by the Centre for Health Governance, Law & Ethics, and the Sydney Centre for International Law, University of Sydney, 8 August 2009

Roger Magnusson, 'Global Health Governance – Asking Some Naïve Questions', response to Dr Tikki Pang, Director, Research Policy & Cooperation, World Health Organisation, delivering the S.T. Lee Lecture, Menzies Centre for Health Policy, University of Sydney, 16 July 2009

Roger Magnusson, 'The Law and Ethics of End of Life Decisions – and their Discontents', Australasian Association for Bioethics & Health Law (AABHL) Conference: Future Offers, Future Threats, Queenstown, New Zealand, 10 July 2009

Roger Magnusson, 'Re-thinking Global Health Challenges: Towards a 'Global Compact' for Reducing the Burden of Chronic Disease', 12th World Congress on Global Health, Istanbul, Turkey, 30 April 2009

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

Ron McCallum

Ron McCallum, 'Occupational Health and Safety', Seminar Series: Employment Relations & the Law 2009, Sydney Law School, University of Sydney, 13 May 2009

Ron McCallum, 'Employment Relations & Law - Collective Bargaining and the New Fair Employment Laws', LPD Seminar Series, Sydney Law School, University of Sydney, 29 April 2009

Shae McCrystal

Shae McCrystal, 'Changes to the Protected Industrial Action Regime under the Fair Work Act', 3rd Australian Workplace Relations Summit, Sydney, 10 June 2009

Shae McCrystal, 'The Fair Work Act and Industrial Action', The Emerging Framework: Change in Australian Labour Law: 17th Annual Workplace Research Centre Labour Law Conference, Workplace Research Centre, Sydney, 15 May 2009

Kate Miles

Kate Miles, 'Legal Elements of Financing Climate Investment', Copenhagen Climate Change Summit, United Nations, Copenhagen, 7-18 December 2009

Kate Miles, 'Climate Finance for Adaptation in Developing States: Mobilising the Private Sector', presented at 'Legal Aspects of Technology Transfer and Carbon Financing', United Nations Climate Change Conference, Copenhagen, Denmark, December 2009 (invited speaker)

Kate Miles, Experts Panel, Centre for International Sustainable Development Law, World Trade & Investment Law for a Low-Carbon Economy: Development & Regional Implications of Environmental Pricing Reform, Seventh World Trade Organisation Ministerial Conference, Geneva, December 2009 (invited speaker)

Kate Miles, Experts Panel, Centre for International Sustainable Development Law, Renewable Energy and Technology – Trade and Investment Law Implications, ICTSD Trade and Development Symposium, Geneva, December 2009 (invited speaker)

Kate Miles, 'Arbitrating Climate Change: Regulatory Regimes and Investor-State Disputes', presented at Climate Change in the Courts: Emerging Patterns, Closed Workshop, University of Edinburgh, United Kingdom, November 2009 (invited speaker).

Kate Miles & Susan Park, 'Sustainable Finance: Codes, International Organisations and Law', presented at Faculty of Law Seminar Series, University of Sydney, October 2009

Kate Miles, 'Imperialism, Eurocentrism and International Investment Law: Whereto from Here for Asia?', presented at International Law in a Multi-Polar and Multi-Civilizational World: Asian Perspectives, Challenges and Contributions, the Second Biennial General Conference of the Asian Society of International Law, Tokyo, Japan, August 2009

Rebecca Millar

Rebecca Millar, 'Australia's Cross-Border Rules: Taking the Bull by the Horns', 21st Annual GST and Indirect Tax Weekend Workshop, University of New South Wales, Noosa Heads, QLD, 16-18 April 2009

Rebecca Millar, 'Intentional and Unintentional Double Non-Taxation', Value Added Tax and Direct Taxation – Similarities and Differences: International Network for Tax Research Conference, Institute for Austrian and International Law, WU, Vienna and the Institute for VAT Research, Stockholm University, Vienna University of Economics and Business, 26-28 March 2009

Jacqueline Mowbray

Jacqueline Mowbray, 'Language in the International System: How Linguistic Diversity Presents a Challenge for Multilateralism' presented at Australian and New Zealand Society of International Law 17th Annual Conference, Wellington, 2-4 July 2009

Jacqueline Mowbray, 'Language and Global Governance' presented at Brown International Advanced Research Institute on Global Governance, Brown University, US, 7-20 June 2009

Jacqueline Mowbray, 'Language, law and democratic participation: International law and linguistic minorities' engagement in public life', Lunchtime Seminar Series, Faculty of Law, Sydney, 26 February 2009

Luke Nottage

Luke Nottage, 'Asia-Pacific Product Safety Regulation in an FTA Era', NZCIEL conference on "Trade Agreements: Where Do We Go from Here?", New Zealand Centre of International Economic Law, Wellington, 21-23 October 2009

Luke Nottage & Romesh Weeramantry, 'Investment Arbitration for Japan and Asia: Five Perspectives on Law and Practice', Asian Society of International Law conference, Asian Society of International Law, Tokyo, 1-2 August 2009

Luke Nottage, Stephen Green & Shinichi Nishikawa, 'Who Defends Japan? Government Lawyers and Judicial System Reform in Japan and Australia', Bridging the Gap between Japanese Language and Japanese Legal Studies, ANJEL: the Australian Network for Japanese Law, Sydney, 13-16 July 2009

Luke Nottage, 'Consumer Law and Policy in the Asia-Pacific: Product Safety, Consumer Credit, Unfair Contracts, and Consumer Access to Justice', Rights, Regulation and Responsibility: Australian and Singaporean Perspectives Law Research Symposium, University of Sydney and National University of Singapore, University of Sydney, 30-31 July 2009

Luke Nottage, 'Investment Arbitration for Japan and Asia: Five Perspectives on Law and Practice', Australia-New Zealand Society of International Law conference, Australia-New Zealand Society of International Law conference, Wellington, 1-4 July 2009

Tim Stephens & Luke Nottage, 'Bloggers unite: law-related blogs and other new IT for outreach, research and teaching', Lunchtime Seminar Series, Sydney Law School, University of Sydney, 5 March 2009

Luke Nottage & Souichirou Kosuka, 'Reforming unsecured consumer credit markets in Japan and worldwide: Empirically informed normativism', International Association of Consumer Law / NALSAR conference, International Association of Consumer Law and NALSAR University of Law, Hyderabad, 25-27 February 2009

David Rolph

David Rolph, 'Judicial Perceptions of the Media', Law School Lunchtime Seminar Series, Sydney Law School, University of Sydney, 5 November 2009

David Rolph, 'Contemporary Challenges of Media Law in Australia and Singapore', Rights, Regulation and Responsibility: Australian and Singaporean Perspectives Law Research Symposium, University of Sydney and National University of Singapore, University of Sydney, 30-31 July 2009

Ben Saul

Ben Saul, 'Regionalising Human Rights Protection in the Asia-Pacific: Is It Worth the Trouble?', Rights, Regulation and Responsibility: Australian and Singaporean Perspectives Law Research Symposium, University of Sydney and National University of Singapore, University of Sydney, 30-31 July 2009

Ben Saul, 'Strengthening Human Rights Among Police and Prosecutors in Post-conflict Nepal: Implementing a Foreign Aid Project and Combining Training, Research, Consultancy, and Public Sector Linkage', Lunchtime Seminar Series, Sydney Law School, University of Sydney, 23 April 2009

Tim Stephens

Tim Stephens, 'Ocean Acidification: A Litmus Test for International Law', ACCEL Public Lecture, University of Sydney, 30 September 2009

Tim Stephens, 'Sustainability Discourses in International Courts: What Place for Global Justice?', Global Justice and Sustainable Development Conference, International Law Association Committee on the International Law on Sustainable Development & University of Sheffield School of Law, Sheffield, United Kingdom, 26-27 August 2009

Tim Stephens, 'Sustainability Discourses in International Courts', Environmental Discourses in International and Domestic Law, Connecting International and Public Law, Workshop, ANU College of Law, Australian National University, Canberra, 15-16 August 2009

Tim Stephens, 'Australian Foreign Policy on Global Environmental Issues', Guest Lecture, Department of Government and International Relations, University of Sydney, 28 May 2009

Tim Stephens, 'Ocean Acidification: An Acid Test for International Law', Seminar, ANU College of Law Centre for International and Public Law, Australian National University, Canberra, 3 April 2009

Tim Stephens & Luke Nottage, 'Bloggers unite: law-related blogs and other new IT for outreach, research and teaching', Lunchtime Seminar Series, Sydney Law School, University of Sydney, 5 March 2009

Gillian Triggs

Gillian Triggs, 'Historical Perspectives of Antarctic Claimant and Non-Claimant Nations', Antarctic Treaty Summit: Science-Policy Interactions in International Governance, Smithsonian Institute, Washington DC, 30 November-3 December 2009.

Gillian Triggs, 'Internationalization of Australian Legal Education', International Law Schools Association, Canberra, October 2009.

Gillian Triggs, ' Partition of Territory in International Law', 2009 Conference : 'Partition of Territory in 20th Century History', Faculty of Arts, University of Sydney, 29 September 2009.

Gillian Triggs, 'Australia's International Security Issues and International Law', Australian Davos Summit, Melbourne, August 2009

Gillian Triggs, 'Boundary Disputes in the South China Sea: Energy Security and International Law', Rights, Regulation and Responsibility: Australian and Singaporean Perspectives Law Research Symposium, University of Sydney and National University of Singapore, University of Sydney, 30-31 July 2009

Gillian Triggs, 'The World Trade Organization and Climate Change: a clash of Civilizations?', 16th Commonwealth Law Conference, 'The Dynamics of Law in a Rapidly Changing World', Hong Kong, April 6-9 2009

Gillian Triggs, 'WTO and Trade Measures to enforce Kyoto Climate Change Targets', Australian Institute of International Affairs (NSW Branch), April 2009.

Anne Twomey

Anne Twomey, 'Equality and Freedom – Regulating Political Expression and Spending in Australia', Electoral Law Workshop, University of Melbourne Law School, University of Melbourne Law School, Melbourne, 12-13 November 2009

Anne Twomey, 'Heirs and Graces – Changing the Rules of Succession to the Throne', Speech to the ACM Sydney Chapter, Parliament House Sydney, Australians for Constitutional Monarchy, Sydney, 25 September 2009

Anne Twomey, 'Pape, power and the prerogative', Forum on the Pape Case, Australian Association of Constitutional Law, Australian Association of Constitutional Law, Sydney, 22 September 2009

Anne Twomey, 'No Free Lunches at the Table of Knowledge – Ending Political Donations Scandals in New South Wales', University of Sydney, Spring Back to Sydney Alumni Day, University of Sydney Alumni Relations, Sydney, 19 September 2009

Anne Twomey, 'Commonwealth Coercion and Cooperation', Upholding the Australian Constitution Vol. 20, Samuel Griffith Society, Sydney, 24 August 2009

Anne Twomey, 'The Fijian Coup Cases – What lessons are there for Australia?', Address to the NSW Bar Association, NSW Bar Association, Sydney, 4 August 2009

Anne Twomey, 'An Australian Bill of Rights', Strengthening Parliamentary Democracy: Commonwealth Parliamentary Association Conference, Commonwealth Parliamentary Association, Sydney, 29 May 2009

Anne Twomey, 'Cutting the Gordian Knot – Limiting Rather than Codifying the Powers of a Republican Head of State', Australian Senate Occasional Lecture Series, Australian Senate, Parliament House Canberra, 3 April 2009

Brett Williams

Brett Williams, 'Does the World Trade Organization Appellate Body Understand the Difference between an Import Quota and an Import Tariff: Reflections on the Chile Price Band Cases', University of Sydney Faculty of Law Lunchtime seminar series, 8 October 2009.

Brett Williams, 'Review of the GATT Article XX cases, Part 1: The Environment Cases US-Gasoline & and Shrimp/Turtle', WTO/ Public International Economic Law Seminar Series, Sydney Centre for International Law (SCIL), Sydney Law School, 11 September 2009

Brett Williams, 'Proposals for Third Party and Collective Retaliation in the Light of the Trading Nations Dilemma model and Article 22.6 Arbitrations', symposium on WTO Litigation: Issues and Reforms, Sydney Centre for International Law, Sydney, 14 August 2009.

Brett Williams, 'Using the Prisoner's Dilemma Model in Teaching Competition Law and Teaching International Trade Regulation', Rights, Regulation and Responsibility: Australian and Singaporean Perspectives Law Research Symposium, University of Sydney and National University of Singapore, University of Sydney, 30-31 July 2009.

Brett Williams, 'The TRIPS Provisions on Enforcement of Intellectual Property Law: what Guidance from the China- IP case of Dec 2008', WTO/ Public International Economic Law Seminar Series, Sydney Centre for International Law (SCIL), Sydney Law School, 5 May 2009.

Brett Williams, 'Bananas, Phones and Tumbling Dice: Experience of WTO dispute settlement under the GATS', Law Council of Australia Trade Law Symposium, Canberra, 3-4 April 2009.

Brett Williams, 'Faculty of Law E-Learning Showcase', Lunchtime Seminar Series, Faculty of Law, University of Sydney, Sydney, 26 March 2009 (on enhancing teaching using the announcement Function in WebCT)

Brett Williams, 'The Doha Round Negotiation on Antidumping Rules – What's On the Table?', WTO/ Public International Economic Law Seminar Series, Sydney Centre for International Law (SCIL), Sydney Law School St James campus, 12 March 2009.

Alex Ziegert

Alex Ziegert, 'Law in Asia: The Key Role of Law as a Productive Force for Development', 6th Asian Law Institute Conference "Dynamics of Change in Asia", Asian Law Institute, Hong Kong, 29-30 May, 2009

Media

Fleur Johns

ABC2 Radio/Sydney Morning Herald website, Intelligence Squared Debate – 'Freedom of Expression Must Include a Licence to Offend', 31 March 2009

The Canberra Times, 'No justification for enhanced police search powers' (co-author Matthew Kalyk), 20 October 2009

Ben Saul

The Economist (Indonesian war crimes at Balibo), 27 August 2009

ABC Radio National (Balibo war crimes investigation), 19 August 2009

The Australian (Indonesian war crimes at Balibo), 17 August 2009

The Australian (Australians detained abroad), 7 August 2009

SBS TV (extradition of alleged people smuggler from Indonesia), 27 May 2009

ABC Radio National PM Program (extradition), 26 May 2009

ABC Unleashed, 'Influencing the Burmese dictators', 25 May 2009

ABC TV Four Corners Program (extradition of suspected criminal from India), 25 May 2009

ABC Radio National (extradition of suspected criminal from India), 25 May 2009

SBS Radio (Australia's obligations under human rights treaties), 17 March 2009

South China Morning Post (Chinese naval activity in the South China Sea), 11 March 2009

SBS TV Dateline (war crimes allegations against Australian forces in Afghanistan), 8 March 2009

ABC Radio National (Sudan head of state arrest warrant), 6 March 2009

ABC Radio National PM Program (Sudan head of state arrest warrant), 13 February 2009

Sydney Morning Herald (torture prosecutions in the United States), 8 January 2009

Boardroom Radio Roundtable/The Australian (Israel-Hamas Conflict in Gaza), 8 January 2009

2GB Radio (release of Guantanamo Bay detainees), 5 January 2009

Brett Williams

ABC Radio National PM Program (whether pork import bans breach WTO law), 4 May 2009

Irene Baghoomians overlooking the World Heritage listed main square of Bhaktapur.

Executive Director of Kathmandu School of Law, Professor Yubaraj Sangroula, at a market in central rural Nepal

Swayambhunath temple, Kathmandu.

Swayambhunath temple(the monkey temple), Kathmandu.

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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.

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Articles

The Review Conference On The Rome Statute Of The International Criminal Court In Kampala, 2010

- Roger S Clark

Victim Participation At The International Criminal Court

-Matthew Gillett

Australian Trials of Class B and C Japanese War Crimes Suspects 1945-51

- Emmi Okada

Crimes Processes in Timor Leste

- Sue Harris Rimmer

Intervening Interests: Humanitarian and Pro-Democratic Intervention in the Asia-Pacific

- Robert Lancaster

Responding to Attacks by Non-State Actors: The Attribution Requirement of Self-Defence

- Brent Michael

Targeting the 'terrorist enemy': the boundaries of an armed conflict against transnational terrorists

- Kelisiana Thynne

At The Fault-Lines Of Armed Conflict: The 2006 Israel-Hezbollah Conflict And The Framework Of International Humanitarian Law

- Andrew Yuile

The Australian Charter Of Human Rights Debate: Battle Of The Models

- Irina Kolodizner

Centre Members in 2009

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 many areas of public and private international law, including the history and theory thereof.

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

Associate Professor 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, Senior 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

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.

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.

Associate Professor Vivienne Bath is 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.

Associate Professor Chester Brown is an expert on international law and international dispute settlement.

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.

Professor Terry Carney, specialising in welfare law, has contributed extensively to international legal scholarship on social security, mental health and drug 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.

Dr Charlotte Epstein is a Lecturer in the Department of Government and International Relations and her interests include concepts in IR theory (in particular, articulations of sovereignty, the state and North-South Relations), critical security studies, feminist IR theories, global environmental politics and the international politics of energy, and the overlap between international trade and the environment.

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.

Dr Salim Farrar lectures in public international law and criminal procedure, with a special interest in human rights, Islamic law and comparative criminal justice in Asia.

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.

Professor Helen Irving is Professor of Constitutional Law and expert in federal constitutional law, comparative constitutionalism, and gender and constitution-making.

Associate Professor Y.S. (Steve) Lee is an expert in international trade law and business law.

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

Dr Euan MacDonald expert in public international law and legal theory and recently worked on the Global Administrative Law project.

Associate Professor Roger Magnusson is an expert in health law and public health law, with an interest in global health govern-

ance and in legal response to epidemics.

Professor Ron McCallum is Professor of Industrial Law and an expert in labour and employment law.

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

Kate Miles is a 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.

Jacqueline Mowbray is a Lecturer with a particular interest in international law and legal theory, with a focus on both international human rights law and international commercial issues.

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.

Alison 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 James Renwick, a former Fulbright Scholar, with a doctorate from Sydney University, is a member of the NSW Bar, practising in the fields of both public and commercial law. He has appeared in many constitutional matters in the High Court. He is a pioneer of the teaching and practice of national security law in Australia. He holds a commission in the Royal Australian Naval Reserve.

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

Danielle Celermajer is Director of the Asia Pacific Masters of Human Rights and Democratisation, Director of the Masters of Human Rights and a Senior Lecturer at the Department of Sociology and Social Policy, University of Sydney. Her research interests include international human rights law and institutions and their domestic appication, and mechanisms for dealing with violations in the past.

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.

Adriana Edmears was a member of the 2009 Jessup Moot team.

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.

Angela Ha is a final year Sydney law student and was a member of the 2009 Jessup Moot team. She was selected to attend the 2020 Summit on the panel considering Australia's future in the region and the world. Her research interests include peacekeeping and international human rights law.

Robert Hill is an Adjunct Professor in Sustainability at the United States Studies Centre at the University of Sydney. He has been a member of the Australian Senate from 1981 to 2006, and a former Minister for the Environment, Minister for the Environment and Heritage and Minister for Defence. From 2006 to 2009 he served as the Australian Ambassador to the United Nations. He was recently appointed by the Prime Minister as Chairman of the Australian Carbon Trust.

Nikolas Kirby is a final year Sydney law student and was a member of the 2009 Jessup Moot team. He will begin a BPhil in Philosophy at Oxford as a Rhodes Scholar later this year. His research interests include conflict between jus cogens norms inter se, and the law of evidence in international litigation.

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 research interests include corporate governance, and international environmental law with a focus on climate change and energy.

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.

Associate Professor Jake Lynch is Director of the Centre for Peace and Conflict Studies at the University of Sydney. He is a leader in the field of peace journalism, as an experienced international reporter and scholar.

Ryan May is studying for a law degree at Sydney University and was a member of the 2009 Jessup Moot team.

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.

Melissa Perry QC is a senior barrister practicing primarily in the federal sphere, specialising in public international law, constitutional law, administrative law, native title and environmental law.

Chris Sidoti is a human rights lawyer, activist and teacher who currently works from Sydney, Australia, as an international human rights consultant, specialising in the international human rights system and in national human rights institutions.

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.

Annelise Young was a member of the 2009 Jessup Moot team, and is currently completing the final year of her law degree. Annelise's research interests include the law governing the use of force and international criminal law.

Jessup Affiliates

Odette Murray (Coach)
Adriana Edmeaders
Ryan May
Angela Ha
Nikolas Kirby
Annelise Young

Centre Interns: Semester 2, 2009

Matthew Kalyk (S2, 2009)
Callista Harris (S2, 2009)

Centre Administrator

Sadhie Abayasekara, penultimate year undergraduate law student

Centre Advisory Board

Emeritus Professor Ivan Shearer AM, RFD, Faculty of Law, University of Sydney, Chair of the Advisory Board

Professor Philip Alston, New York University School of Law

Dr Rosalie Balkin, Legal Director, International Maritime Organization

Mr Bill Campbell QC, Office of International Law, Australian Attorney-General's Department

Professor Christine Chinkin, Department of Law, London School of Economics

Professor James Crawford SC, Faculty of Law, Cambridge University

Dr Michael Fullilove, Director of Global Issues, Lowy Institute for International Policy, Sydney; Nonresident Senior Fellow, Brookings Institution, Washington, DC

Emeritus Professor Ivan Shearer AM, RFD, Faculty of Law, University of Sydney, Chair of the Advisory Board

Professor Philip Alston, New York University School of Law

Dr Rosalie Balkin, Legal Director, International Maritime Organization

Mr Bill Campbell QC, Office of International Law, Australian Attorney-General's Department

Professor Christine Chinkin, Department of Law, London School of Economics

Professor James Crawford SC, Faculty of Law, Cambridge University

Dr Michael Fullilove, Director of Global Issues, Lowy Institute for International Policy, Sydney; Visiting Fellow, Brookings Institution, Washington, DC (in 2008)

HE Judge C Weeramantry, Former Judge of the International Court of Justice; Director, Weeramantry International Centre for Peace Education and Research, Colombo

Professor Yasuhei Taniguchi, Senshu University Law School; former Chair of the WTO Appellate Body

Swayambhunath temple, Kathmandu.

Swayambhunath temple, Kathmandu.