



**The Centre for International and Public Law  
ANU College of Law  
The Australian National University**  
*and*  
**The Australian and New Zealand Society of International Law**  
*present*

**The Sixteenth Annual ANZSIL Conference**

# ***Security, Scarcity, Struggle: The Dilemmas of International Law***

**26 - 28 JUNE 2008**

**The National Museum of Australia  
Canberra**

**Conference Secretariat  
CIPL**

Phone +61 2 6125 0454 Fax+ 61 2 6125 0150

Email: [rsvp@law.anu.edu.au](mailto:rsvp@law.anu.edu.au)

Conference website: <http://law.anu.edu.au/anzsil>

## CONFERENCE PROGRAMME

<b>THURSDAY 26 June 2008</b>	
8.30am	<b>REGISTRATION AND TEA/COFFEE</b> at Foyer, Visions Theatre, National Museum of Australia
9.00am	<p><b>CONFERENCE OPENING</b>  <b>Professor Campbell McLachlan, President, Australian and New Zealand Society of International Law</b>  <b>Professor Kim Rubenstein, Director, Centre for International &amp; Public Law, The Australian National University</b>  <b>Professor Gerry Simpson, London School of Economics and The University of Melbourne</b></p> <p>Location: Visions Theatre</p>
9.30am	<p><b>OPENING ADDRESS</b>  <b>The Honourable Robert McClelland MP, Attorney-General of Australia.</b></p> <p>Location: Visions Theatre</p>
10.00am	<b>MORNING TEA</b> at Hall, National Museum of Australia
10.30am	<p><b>PLENARY: THE DILEMMAS OF INTERNATIONAL LAW: SECURITY</b>  <b>CHAIR: PROFESSOR CAMPBELL MCLACHLAN, VICTORIA UNIVERSITY OF WELLINGTON</b></p> <p><b>Dr Fleur Johns, University of Sydney</b>  <i>Beyond Bunker and Vaccine</i>  <b>Dr Treasa Dunworth, University of Auckland</b>  <i>BioSecurity</i>  <b>Dr Shirley Scott, University of New South Wales</b>  <i>(TBC)</i></p> <p>Location: Visions Theatre</p>
12.30pm	<b>LUNCH</b> at Hall, National Museum of Australia & <b>LAUNCH OF THE INTERNATIONAL AND HUMANITARIAN LAW LIBRARY ON WORLDLII</b> at Studio Theatre, National Museum of Australia

1.30pm	<p><b>PANEL 1: PEACE AND SECURITY</b></p> <p><b>CHAIR: PETER SCOTT, DEPARTMENT OF FOREIGN AFFAIRS AND TRADE</b></p> <p><b>Dr Jeremy Farrall, The Australian National University</b> <i>Collective or Elective Security? The UN Security Council's Evolving Role in the Maintenance of International Peace and Security</i></p> <p><b>Sonja Litz, AusAID</b> <i>Reading the transition from 'Rule of Law' to 'Security Sector Reform': what might this mean for Peacebuilding?</i></p> <p><b>Jo Ford, The Australian National University</b> <i>Towards a ius post bellum: necessary reconfiguring or further fragmentation? A critical analysis of 'the Meaning of Security in International Law' in relation to the Private Security Sector in Post-Conflict Situations</i></p> <p>Location: Visions Theatre</p>	<p><b>PANEL 2: MARITIME SECURITY</b></p> <p><b>CHAIR: DR NATALIE KLEIN, MACQUARIE UNIVERSITY</b></p> <p><b>Karen Scott, University of Canterbury</b> <i>New Zealand/Australian Maritime Security Interests in the Antarctic/Sub-Antarctic Region</i></p> <p><b>Joanna Mossop, Victoria University of Wellington</b> <i>Maritime Security in the Pacific Region</i></p> <p>Location: Studio Theatre</p>
3.00pm	<p><b>AFTERNOON TEA</b> at Hall, National Museum of Australia</p>	
3.30pm	<p><b>PANEL 3: WAR/CRIME</b></p> <p><b>CHAIR: JULIET HAY, MINISTRY OF FOREIGN AFFAIRS AND TRADE</b></p> <p><b>Grant Niemann, Flinders University</b> <i>Forging a New Social Contract for International Criminal Justice</i></p> <p><b>Tina Dolgopol, Flinders University</b> <i>A Gender Perspective on the Need to Balance the Interests of Victims and the Interests of Justice under the Rome Statute</i></p> <p><b>Yasmine Ahmed, Attorney-General's Department</b> <i>The principles of military necessity and proportionality in international humanitarian law vis-à-vis combatants</i></p> <p><b>Assistant Professor Dana Falstrom, Tulane University</b> <i>How common is the common law?: Examination of four common law States and their different positions at the ICC</i></p> <p>Location: Visions Theatre</p>	<p><b>PANEL 4: WAR/HUMAN RIGHTS</b></p> <p><b>CHAIR: BEN MILTON, DEPARTMENT OF FOREIGN AFFAIRS AND TRADE</b></p> <p><b>Damien van der Toorn, Attorney-General's Department</b> <i>Attribution of State conduct to the United Nations in mandated operations: the principle of 'effective control' and its implications</i></p> <p><b>Erlend Leonhardsen, The Norwegian Embassy in The Hague</b> <i>In the shadow of the Security Council: Exploring the limits of the applicability of the European Convention of Human Rights during peacekeeping operations</i></p> <p><b>Rob MacLaughlin, Royal Australian Navy</b> <i>Military Lawyers and Operational Legal Advice to commanders as a Component of Promoting the Rule of Law</i></p> <p><b>Kerin Leonard, Attorney-General's Department</b> <i>Detainee management: human rights, sovereignty and accountability in modern peace operations</i></p> <p>Location: Studio Theatre</p>

5.30	<b>RECEPTION</b> at Hall, National Museum of Australia
6.30-7.30pm	<b>INAUGURAL KIRBY LECTURE: Professor James Crawford, University of Cambridge</b> (Museum will re-open at 5.45pm for the public to attend the lecture) Location: Visions Theatre

<b>FRIDAY 27 June 2008</b>			
9.00am	<p><b>PLENARY: STRUGGLE</b></p> <p><b>CHAIR: PROFESSOR GERRY SIMPSON, LONDON SCHOOL OF ECONOMICS/UNIVERSITY OF MELBOURNE</b></p> <p><b>Dr Sundhya Pahuja, The University of Melbourne</b> <b>Professor Hilary Charlesworth, The Australian National University</b></p> <p>Location: Visions Theatre</p>		
10.30am	<b>MORNING TEA</b> at Hall, National Museum of Australia		
11.00am	<table border="1"> <tr> <td> <p><b>PANEL 5: THIRD WORLDS AND STRUGGLE</b></p> <p><b>CHAIR: PROFESSOR TONY ANGHIE, UNIVERSITY OF UTAH</b></p> <p><b>Michael Morison, Queensland University of Technology</b> <i>United Nations Democracy-Building Initiatives And Third-World Approaches To International Law</i></p> <p><b>Guy Fiti Sinclair, Unitech New Zealand</b> <i>Impossibility, necessity, progress: A third world perspective on the themes of United Nations reform discourse</i></p> <p><b>Sanjiva de Silva, Attorney-General's Department</b> <i>Finding a voice for developing countries in the World Trade Organisation dispute settlement system: - how international lawyers can help to overcome constraints of law, money and politics</i></p> <p><b>Dr Shawkat Alam, Macquarie University</b> <i>Trade for Sustainable Development: Assessing the Impact of Trade Restrictions for Promoting Sustainable Development in Developing Countries</i></p> <p>Location: Visions Theatre</p> </td> <td> <p><b>PANEL 6: GROUPS AND STRUGGLE</b></p> <p><b>CHAIR: SARAH HEATHCOTE, THE AUSTRALIAN NATIONAL UNIVERSITY</b></p> <p><b>Professor Abdul Ghafur Hamid, International Islamic University Malaysia</b> <i>Terrorism and the Right of Self-Defence: Rethinking of Legal and Policy Issues</i></p> <p><b>Dr Helen Durham, The University of Melbourne</b> <i>The Humanitarian sector in the changing political context</i></p> <p><b>Amy Maguire, University of Newcastle</b> <i>Self-Determination and the Promise of Justice in International Law</i></p> <p><b>Robyn Seth-Purdie, The Australian National University</b> <i>Squaring Indigenous Rights with the Circle of Universal Human Rights</i></p> <p>Location: Studio Theatre</p> </td> </tr> </table>	<p><b>PANEL 5: THIRD WORLDS AND STRUGGLE</b></p> <p><b>CHAIR: PROFESSOR TONY ANGHIE, UNIVERSITY OF UTAH</b></p> <p><b>Michael Morison, Queensland University of Technology</b> <i>United Nations Democracy-Building Initiatives And Third-World Approaches To International Law</i></p> <p><b>Guy Fiti Sinclair, Unitech New Zealand</b> <i>Impossibility, necessity, progress: A third world perspective on the themes of United Nations reform discourse</i></p> <p><b>Sanjiva de Silva, Attorney-General's Department</b> <i>Finding a voice for developing countries in the World Trade Organisation dispute settlement system: - how international lawyers can help to overcome constraints of law, money and politics</i></p> <p><b>Dr Shawkat Alam, Macquarie University</b> <i>Trade for Sustainable Development: Assessing the Impact of Trade Restrictions for Promoting Sustainable Development in Developing Countries</i></p> <p>Location: Visions Theatre</p>	<p><b>PANEL 6: GROUPS AND STRUGGLE</b></p> <p><b>CHAIR: SARAH HEATHCOTE, THE AUSTRALIAN NATIONAL UNIVERSITY</b></p> <p><b>Professor Abdul Ghafur Hamid, International Islamic University Malaysia</b> <i>Terrorism and the Right of Self-Defence: Rethinking of Legal and Policy Issues</i></p> <p><b>Dr Helen Durham, The University of Melbourne</b> <i>The Humanitarian sector in the changing political context</i></p> <p><b>Amy Maguire, University of Newcastle</b> <i>Self-Determination and the Promise of Justice in International Law</i></p> <p><b>Robyn Seth-Purdie, The Australian National University</b> <i>Squaring Indigenous Rights with the Circle of Universal Human Rights</i></p> <p>Location: Studio Theatre</p>
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12.30pm	<b>LUNCH</b> at Hall, National Museum of Australia & <b>ANNUAL GENERAL MEETING OF ANZSIL</b> at Visions Theatre, National Museum of Australia	
1.30pm	<b>PLENARY: SCARCITY</b> <b>CHAIR: ASSOCIATE PROFESSOR DIANNE OTTO, THE UNIVERSITY OF MELBOURNE</b> <b>Professor Tony Anghie, University of Utah</b> <b>Dr Ben Saul, University of Sydney</b> Location: Visions Theatre	
2.45pm	<b>AFTERNOON TEA</b> at Hall, National Museum of Australia	
3.15pm	<b>PANEL 7: RENEWAL: COURTS</b> <b>CHAIR: BILL CAMPBELL, OFFICE OF INTERNATIONAL LAW, ATTORNEY-GENERAL'S DEPARTMENT</b> <b>Robyn Briese, International Court of Justice</b> <i>'If the State Considers...' – Self-judging Clauses in International Treaties</i> <b>Anne McNaughton, The Australian National University</b> <i>The role of international institutions, international lawyers and civil society in promoting [justice] or ameliorating injustice</i> <b>Magda Karagiannakis, Barrister</b> <i>Advisory Opinions of the International Court of Justice : A review of the opinions of the court and its recent approaches to human rights and humanitarian norms</i> <b>Dr Caroline Foster, University of Auckland</b> <i>Lawyers or Scientists: Who Decides?</i>  Location: Visions Theatre	<b>PANEL 8: PROLIFERATION; NEW INSTITUTIONS</b> <b>CHAIR: MINISTRY OF FOREIGN AFFAIRS AND TRADE, NEW ZEALAND</b> <b>Associate Professor Andrea Durbach and Catherine Renshaw, University of New South Wales</b> <i>"A tongue but no teeth"? The emergence of a new human rights mechanism in the Asia-Pacific region</i> <b>Associate Professor Simon Chesterman, National University of Singapore</b> <i>Does ASEAN Exist? The Association of Southeast Asian Nations as an International Legal Person</i> <b>Maxime Tardu, Centre des droits de l'homme des Nation Unies</b> <i>The New Human Rights Council of the United Nations: Progress or regress ?</i>  Location: Studio Theatre
	<b>PANEL 9: INNOVATION: COMMISSIONS</b> <b>CHAIR: KATIE WOOD, AMNESTY INTERNATIONAL</b> <b>Ernesto Hernandez-Lopez, Chapman University</b> <i>U.S. and Guantánamo: Embedded Imperial Interventions for an Anomalous Zone</i> <b>Dr Gabriele Porretto, University of Western Sydney</b> <i>The US Military Commissions and International Humanitarian Law</i>  Location: Friends Lounge	
4.30pm	<b>Stretch Break</b>	

4.45 - 5.45pm	<p><b>Cluster Munitions, Red Cross Public Event</b>  <b>CHAIRS: GEOFF SKILLEN, ATTORNEY-GENERAL'S DEPARTMENT</b></p> <p>A diplomatic conference in Dublin is scheduled for 19 to 30 May 2008 to consider adoption of the text of an international convention to ban the use of cluster munitions. This panel will consider the military utility of cluster munitions, their humanitarian impact and the future prospects for the convention. The panel will comprise representatives from both Government and civil society.</p>
7.00 – 10.00pm	<p><b>CONFERENCE DINNER</b> at The Boathouse, Grevillea Park, Menindee Drive Barton ACT 2600</p>

<b>SATURDAY 28 June 2008</b>	
9.30am	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p><b>PANEL 10: TRADE AND INVESTMENT</b></p> <p><b>CHAIR: PAUL SCHOFIELD, DEPARTMENT OF FOREIGN AFFAIRS AND TRADE</b></p> <p><b>Kate Miles and Associate Professor Luke Nottage, University of Sydney</b>  <i>Back to the Future for Investor-State Arbitrations: Revising Rules for Public Interests</i></p> <p><b>Dr Andrew Mitchell, The University of Melbourne and Sarah Kemeny, Blake Dawson Waldron</b>  <i>Current Developments in International Trade and Tobacco</i></p> <p><b>Amokura Kawharu, University of Auckland</b>  <i>The Necessity Exception in Foreign Investment Law</i></p> <p><b>Lauren Henschke, Attorney-General's Department</b>  <i>Regional Free Trade Agreements, development and the integration of developing countries into a multilateral trading system</i></p> <p>Location: Visions Theatre</p> </div> <div style="width: 48%;"> <p><b>PANEL 11: HUMAN RIGHTS</b></p> <p><b>CHAIR: PROFESSOR ANDREW BYRNES, UNIVERSITY OF NEW SOUTH WALES</b></p> <p><b>Dr Penny Weller, Monash University</b>  <i>Emerging Principles in International Jurisprudence, Gender and the Right to Health</i></p> <p><b>Dr Stephen James, Royal Melbourne Institute of Technology</b>  <i>A Forgotten Right? The Right to Clothing in International Law</i></p> <p><b>Natalie Baird, University of Canterbury</b>  <i>An Assessment of New Zealand's position on the Migrant Workers Convention</i></p> <p><b>Commentator: Associate Professor Balakrishnan Rajagopal, Massachusetts Institute of Technology</b></p> <p>Location: Studio Theatre</p> </div> </div>
	<p><b>PANEL 12: ENVIRONMENT</b></p> <p><b>CHAIR: ASSOCIATE PROFESSOR WENDY LACEY, UNIVERSITY OF SOUTH AUSTRALIA</b></p> <p><b>Gerard van Bohemen, Ministry of Foreign Affairs and Trade</b>  <i>Management of high seas fisheries resources</i></p> <p><b>Peter Lawrence, University of Tasmania</b>  <i>Generations X-Z (?) and climate change: the urgent need to reconfigure international law to meet the climate change challenge</i></p>

	<p><b>Dr Natalie Klein, Macquarie University</b> <i>Protecting our marine resources: Is litigation the answer?</i></p> <p><b>Sue Arnold, Australians for Animals Int.</b> <b>Mark Byrne, University of Sydney</b> <i>Climate Crime</i></p> <p>Location: Friends Lounge</p>
11.00am	<b>MORNING TEA</b> at Hall, National Museum of Australia
11.30am	<p><b>PLENARY: THE YEAR IN REVIEW</b></p> <p><b>CHAIR: PROFESSOR KIM RUBENSTEIN, THE AUSTRALIAN NATIONAL UNIVERSITY</b></p> <p><b>Professor Gillian Triggs, The University of Sydney</b> <b>Bill Campbell, Attorney-General's Department</b> <b>Gerard van Bohemen, Ministry of Foreign Affairs and Trade</b> <b>Penny Richards, Department of Foreign Affairs and Trade</b> <b>Amanda Gorely, Department of Foreign Affairs and Trade</b> <b>Rod Harris, Ministry of Foreign Affairs and Trade</b></p> <p>Location: Visions Theatre</p>
1.00pm	<b>CLOSE</b>

## ACCOMMODATION

All conference delegates are responsible for their own accommodation arrangements. A block booking has been made for the nights of Wednesday 25 June to Saturday 28 June 2007 at both University House and Liversidge Apartments on the ANU campus. Both accommodation options are within walking distance of the conference venue. Please contact University House directly to reserve a room, quoting booking reference 'ANZSIL Group'. All bookings for Liversidge Court Apartments should be made through the ANZSIL Secretariat by Monday 2 June 2008. The ANZSIL Secretariat will confirm your booking with Liversidge Court Apartments but payments must be made directly by delegates to Liversidge Court Apartments. Bookings at University House and Liversidge Apartments are available until Monday 2 June 2008. After this date all accommodation queries and bookings should be made directly to University House or Liversidge Apartments.

### University House

Cnr Balmain Cr & Liversidge Street,  
The Australian National University

Single room @ \$124 (with breakfast)  
Twin share @ \$137 (with breakfast)

T: 61 (02) 6125 5276  
F: 61 (02) 6125 5252  
E: accommodation.unihouse@anu.edu.au  
W: <http://www.anu.edu.au/unihouse>

### Liversidge Court Apartments

University Accommodation Services,  
Brian Lewis Crescent,  
The Australian National University

Studio Apartments @ \$116 per night  
One bedroom apartments @ \$125 per night

T: 61 (02) 6125 1100  
F: 61 (02) 6125 0737  
E: reservations.uas@anu.edu.au  
W: <http://accom.anu.edu.au/Liversidge.asp>

## DINNER

*The conference dinner will include a three course meal*

Friday 27 June 2008

The Boathouse at Grevillea Park, Menindee Drive Barton, Canberra

7.00 for 7.30pm - Cost \$100

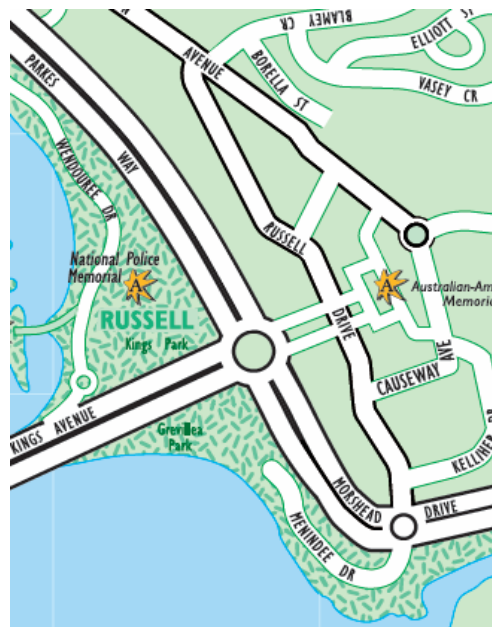
### National Museum of Australia

Lawson Crescent  
Acton Peninsula  
Canberra ACT



### The Boathouse

Grevillea Park  
Menindee Drive  
Barton, Canberra ACT



## CONFERENCE ORGANISING COMMITTEE

Professor Gerry Simpson (London School of Economics and the University of Melbourne)  
Professor Kim Rubenstein (Australian National University)  
Professor Andrew Byrnes (University of New South Wales)  
Treaasa Dunworth (University of Auckland)  
Juliet Hay (Ministry of Foreign Affairs and Trade)  
Dr Sarah Heathcote (Australian National University)  
Dr Fleur Johns (University of Sydney)  
Dr Wendy Lacey (University of South Australia)  
Associate Professor Dianne Otto (University of Melbourne)  
Peter Scott (Department of Foreign Affairs and Trade)  
Geoff Skillen (Attorney-General's Department, Canberra)  
Katie Wood (Amnesty International)

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The Conference Organising Committee gratefully acknowledges the financial support of:



16<sup>th</sup> Annual ANZSIL Conference  
'Security, Scarcity, Struggle: The Dilemmas of International Law'  
National Museum of Australia, Canberra  
26-28 June 2008

**REGISTRATION FORM**  
**\*Tax Invoice ABN 52234063906**

Please register by 16 June 2008 (to get the earlybird rate register by 2 June 2008)

Title \_\_\_\_\_ Name \_\_\_\_\_

Organisation \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

Dietary Requirements for all Conference Catering \_\_\_\_\_

**TYPE OF REGISTRATION (NOTE: All prices are in Australian dollars)**

Registration includes morning/afternoon tea, lunch and reception. Conference dinner on Friday 27 June with a three course meal and entertainment at the Boathouse Restaurant is optional and costs \$100 per person. Student registration excludes dinner.

**ENTIRE CONFERENCE RATE**

- \$495 Standard Rate Entire Conference - Early Bird Registration
- \$550 Standard Entire Conference - After 2 June
- \$375 ANZSIL Member Rate Entire Conference - Early Bird Registration
- \$450 ANZSIL Member Entire Conference - After 2 June
- \$120 Full time student  
Student no: \_\_\_\_\_
- \$375 Speaker Rate

**ONE DAY RATE**

- \$240 Thursday 26 June or Friday 27 June
- \$120 Saturday 28 June

Please tick the day you will be attending:

- Thursday
- Friday
- Saturday

**CONFERENCE DINNER FRIDAY 27 JUNE 2008**

- \$100 Conference Dinner
- \$90 Conference Dinner – Full time student
- \$100 Additional Dinner Guest

Guest's name: \_\_\_\_\_

Guest's dietary requirements: \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

**METHOD OF PAYMENT NOTE: Payment should be made to The ANU. Please pay by Credit Card or Cheque ONLY and make Cheques payable to The Australian National University. EFT not available, contact ANZSIL Secretariat for queries.**

\_\_\_ Cheque attached

\_\_\_ Visa \_\_\_ MasterCard Credit Card Number \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Expiry Date \_\_\_\_\_ / \_\_\_\_\_ Total Amount \$ \_\_\_\_\_

Name of Cardholder \_\_\_\_\_

Phone \_\_\_\_\_ Signature \_\_\_\_\_

\* Please retain a copy of this form. It becomes a tax invoice upon receipt of payment.

CANCELLATION: A substitute delegate is welcome if you are unable to attend (please let us know by email). An administration fee of \$50 may be charged for cancellations received in writing before 16 June 2008. No refunds will be made after 16 June 2008.

Register by fax to +61 2 6125 0150 or mail to ANZSIL Secretariat, C/- Centre for International and Public Law, ANU College of Law, The Australian National University, Canberra ACT 0200, AUSTRALIA.

Enquiries to: T: +61 2 1625 0454 or E: [rsvp@law.anu.edu.au](mailto:rsvp@law.anu.edu.au)