

CIPL E-Bulletin – Vol. 3, No. 3, 7 July 2008

Dear CIPL Associates,

Welcome to the third E Bulletin for 2008. It is three months since the last E Bulletin and CIPL has had a full and busy period as you will see below in the “Recent past events”. I highlight the tremendous Inaugural Kirby Lecture in International law, delivered by Professor James Crawford (held during a very successful ANZSIL annual meeting) and in the presence of Justice Kirby, which will be available online through the CIPL website on the ANZSIL conference link. The Visions theatre of the National Museum was packed beyond its capacity adding to the success of the event.

You will also see in the News section the tremendous work being done by CIPL members in terms of research networks and publications, policy work and general contributions to the community.

Sadly for CIPL, but wonderfully for CIPL’s Project Manager Kavitha Robinson, Kavitha has taken up a more senior position at The Fenner School of Environment and Society, ANU College of Science where she will lead and manage the school administration team. A sample of her new duties include the leadership, supervision, guidance and training of administration team members; providing strategic support and advice to the school leadership team on the development of administrative services; and working with team members to ensure the efficient and accurate implementation of local human resources and student administrative functions. Congratulations to Kavitha. By the time of the next E Bulletin we should be introducing you to the person who takes over from Kavitha!

Some of you will have seen that in addition to my role as Director of CIPL I have been busy over the last 2 months as part of the 7 member Independent Committee appointed by the Minister for Immigration and Citizenship, chaired by Richard Woolcott to review the Australian Citizenship Test. This has involved trips around the country for consultations and regular meetings with the committee. By the time of the next *E Bulletin* I hope to direct you to the Committee’s report.

CIPL has various forthcoming seminars but can I finish off by asking you to put October 31st and November 1st in your diaries for the 2008 Public law weekend? A slightly changed format will be introduced with a **full day** program on the Friday and only a morning program on the Saturday, following feedback from the past 2 years conferences. Professor Leslie Zines will be delivering the 2008 Geoff Sawyer lecture on Friday 31st October as part of the PLW and we look forward to seeing you there!

Best wishes,
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News

Congratulations to Dr Amelia Simpson who was awarded her JSD degree from Columbia Law School for a thesis entitled 'The High Court of Australia's Constitutional Discrimination Jurisprudence' on 22 May 2008.

CIPL members have presented/participated and or organised conferences/seminars including:

- Kent Anderson , Hilary Charlesworth, Simon Rice, Amelia Simpson and Visiting Fellow George Williams) participated in the 2020 Summit (and Kim Rubenstein attended the Jewish Community meeting pre 2020 summit), and two seminars were hosted by CIPL and the Centre for International Governance and Justice reporting back on those events.
- Kim Rubenstein, Leslie Zines, Hilary Charlesworth and visiting ANU College of law fellow George Williams participated in the House of Representatives Legal and Constitutional law committee roundtable seminar on 1 May on Constitutional Reform. A report from the Committee is now available at <http://www.aph.gov.au/House/committee/laca/constitutionalreform/report.htm>
- Don Anton presented at the Yale Law School Conference on Environmental Governance and Democracy on Public Participation in International Environmental Law-making, 10-12 May
- Brad Jessup presented at the ANU College of Law's ACEL State of Environmental Assessment conference held on 23 May, (which had a very strong public law flavour) on the Channel Deepening Project and the environmental assessment process in Victoria. See further <http://law.anu.edu.au/accel/Events.asp>
- On 26-28 May CIPL joined with CAPPE and Professor Thomas Pogge to host the 2nd CIPL workshop bringing together 30 public lawyers with international lawyers around the topic *Incentives for Global Health: Patent Law and Access to Essential Medicines*. Dr Matthew Rimmer was a key force behind the intellectual organisation of the workshop and was one of the paper presenters. Other CIPL participants included Kim Rubenstein, Tom Faunce and Hitoshi Nasu and CIPL's intern for first semester, Teresa Lawler, also provided great support. Participants are now working on their contributions for a book collection which will be the 2nd in a series initiated by CIPL bringing together public lawyers and international lawyers. The first in the series which is about to go to the publisher was from the 2007 workshop around Sanctions.
- On 12 June CIPL joined with the History Program at RSCS to run a seminar around Marilyn Lake and Henry Reynolds's book *Drawing the Colour line: White Men's Countries and the Question of Racial Equality* (MUP, 2008) Kim Rubenstein and

her PhD student Peter Prince both presented papers and the audio from the whole program is available online - see below under Recent events.

- On 26-28 June CIPL hosted the 2008 Annual ANZSIL conference which was a great success. See further at ([link to ANZSIL website](#))
- On 27 June CIPL members of the Australian Red Cross IHL Committee (ACT), Don Rothwell, Gabriele Porretto, Joanne Lee and Matthew Zagor helped organise the Cluster Munitions Forum during ANZSIL.
- On 29-30 June CIPL in collaboration with the John Fleming Centre for the Advancement of Legal Research hosted at the ANU a workshop of experts addressing issues of Trans-Tasman Maritime Security. Convened by Professor Don Rothwell (ANU) and Dr Natalie Klein (Macquarie) and Ms Joanna Mossop (Victoria University of Wellington) the workshop brought together a core research team of eleven scholars and researchers from Australia and New Zealand with a group of specially invited experts and practitioners in the field of maritime security. Discussions ranged across contemporary arrangements for maritime security in Australia and New Zealand, the law of the sea, regional issues including the Southern Ocean, South Pacific and Southeast Asia, and maritime domain awareness and information sharing. Professor Rothwell is now currently collaborating with his colleagues on an edited collection of papers arising from the workshop.
- The Advisory Council of Jurists (ACJ) of the Asia-Pacific Forum of National Human Rights Institutions released its final Report and Recommendations, on Human Rights and the Environment in June 2008. The report, acknowledged the assistance of Matthew Zagor and Don Anton, following their presentation at the 12th Annual Meeting on the convergence between human rights and environmental law on 24 September 2007. The report called for NHRIs to advocate the adoption and implementation of a specific right to an environment conducive to the realisation of fundamental human rights.

See the full report at http://www.asiapacificforum.net/acj/references/right-to-environment/downloads/environment/final_report_recommendations.doc

- In June Simon Rice made a written submission to the Australian Parliament's Joint Standing Committee on Treaties, in relation to a proposed Treaty between the Australia and the United States concerning Defense Trade Cooperation. Simon's submission was based on research he did for a paper for CIPL's 2007 Workshop: 'Connecting the Public with the International: Law's potential', concerning US export regulations and their interaction with Australia's non-discrimination obligations.
- In June Simon Rice appeared with Canberra barrister Chris Erskine before the ACT Administrative Appeals Tribunal, briefed by the ACT Human Rights Commissioner. The proceedings were a review of the Human Rights Commissioner's refusal to exempt conduct required by US export regulations from the operation of the ACT Discrimination Act.

CIPL Members recent publications include:

- Don Anton's recently published "False Sanctuary: The Australian Antarctic Whale Sanctuary and Long-Term Stability in Antarctica" (2008) 8 Sustainable Development Law and Policy 17.
- Kim Rubenstein's chapter "'From this Time Forward... I Pledge My Loyalty to Australia': Loyalty, Citizenship and Constitutional Law in Australia" was recently published in LOYALTIES, Victoria Mason, Richard Nile, eds., Symposia Series, API Network Press. See AUSTRALIAN NATIONAL UNIVERSITY COLLEGE OF LAW, SSRN Series Vol. 2, No. 2: Jun 19, 2008
- Amelia Simpson has 2 forthcoming publications: 'The (Limited) Significance of the Individual in s 117' Melbourne University Law Review, August 2008; and 'Case Comment: Betfair Pty Limited v Western Australia', Public Law Review, August 2008.
- James Stellios's recently published article 'State/Territory Human Rights Legislation in a Federal Judicial System' (2008) 19 Public Law Review 52.

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- See also the ANU College of Law SSRN series edited by Kim Rubenstein at <http://www.ssrn.com/link/Australian-Natl-U-LEG.html>
 - For recent expert comments by CIPL members see also <http://law.anu.edu.au/cipl/expertopinion.asp>
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Recent Past Events

Audio recordings for many of the seminars and lectures mentioned below are available at:

<http://law.anu.edu.au/cipl/events.asp>

- The Inaugural Kirby Lecture on International Law, 'International Law in the House of Lords and the High Court of Australia 1996-2008: A Comparison', Professor James Crawford, University of Cambridge, 26 June 2008
- 16th Annual ANZSIL Conference, *Security, Scarcity, Struggle: The Dilemmas of International Law*, 26-28 June 2008
- Seminar around Marilyn Lake and Henry Reynold's book *Drawing the Colour Line: White Men's Countries and the Question of Racial Equality*, 12 June 2008
- Access to Medicines: Incentives for Global Health, Prof Rochelle Cooper Dreyfuss (New York University), Prof Noah Novogrodsky (University of Toronto), Professor Thomas Pogge (ANU), 27 May 2008
- Seminar by Professor Rochelle Dreyfuss, 23 May 2008
- 2020 Summit Debrief, 5 May 2008
- Australia's recognition of Kosovo: A Legal or Political Act?, Associate Professor Peter Radan & Dr Heather Rae, 24 April 2008

- The Defence White Paper and Australian and International Law, Dr Michael Smith AM & Ms Nicole Abadee, 17 April 2008
 - Steps to the 2020 Summit - Governance issues, Professor Kim Rubenstein and Mr Charlie Deutscher, 15 April 2008
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Forthcoming Events

For more details about each of the forthcoming events see:

<http://law.anu.edu.au/cipl/Events.asp>

Monday 18 August, Solferino Seminar by Mary Picard, Graduate Institute of International and Development Studies, Geneva, on Private Military Companies and State Responsibility in International Law (TBC)

2008 Public law weekend: *Public law: Public leadership*, to be held on Friday 31 October 9.30-5.30 pm and Saturday 1 November 9-12noon

2008 Geoff Sawer lecture by Professor Leslie Zines, Friday 31 October 6pm

Events and Information of Interest

Public Lecture: **Liberty and Terror**

Lord Hoffmann, UK House of Lords

30 July 2008, 5:30pm

Sparke Helmore Theatre 1, ANU College of Law

More info: <http://law.anu.edu.au/jfcalr/Hoffmann.pdf>

Public Lecture: **Political Money**

Professor Hanoch Dagan, University of Tel Aviv

31 July 2008 (for details contact ngy@law.anu.edu.au)

Dragan paper: http://law.anu.edu.au/jfcalr/Dagan_paper.doc

Workshop: **Lawyer Fee Regimes in Multiple Worlds of Litigation**

Prof Herbert Kritzer, William Mitchell College of Law & Prof Deborah Hensler, Stanford

6 August 2008

for details contact ngy@law.anu.edu.au

2008 AIAL National Administrative Law Forum, **Practising Administrative Law: 7-8** August, Sofitel Hotel, Melbourne – see:

<http://law.anu.edu.au/aial/ForthcomingEvents/FEIndex.html#>

Public Lecture: **Tackling Discrimination: The Roma of Eastern Europe**

Prof Jack Greenberg, Columbia University

12 August 2008, 5:30pm

Sparke Helmore Theatre 1, ANU College of Law, ANU

More info: <http://law.anu.edu.au/jfcalr/Greenberg.pdf>

Public Lecture: **Judicial Independence and Politically Controversial Litigation**

Judge Mary Schroeder, 9th Circuit US Court of Appeals

20 August 2008, 5:30pm

Sparke Helmore Theatre 1, ANU College of Law, ANU

More info: <http://law.anu.edu.au/jfcalr/Schroeder.pdf>

National Conference on Australian Bills of Rights on Friday 3 October 2008 at the Melbourne Law School, 8.30am to 5.00pm. The conference is being organised by the Centre for Comparative Constitutional Studies at the University of Melbourne in conjunction with the Gilbert + Tobin Centre of Public Law (UNSW) and the Centre for International Governance and Justice, RegNet (ANU). For more information on the conference, the program and registration form, please follow the link http://cigj.anu.edu.au/cigj/centre_events/conferences/index.php#hrconf