

ANZSIL

AUSTRALIAN AND NEW ZEALAND SOCIETY OF INTERNATIONAL LAW

Newsletter

Issue No. 1 2002

edited by Bill Campbell

May 2002

President's news

Dear Members

The run up to the 2002 Annual Conference has proved to be a busy time for ANZSIL. The program has recently been finalised and looks very strong. This year sees a return to a more 'traditional' format with the Conference being held over the weekend and spread across two and a half days. Hopefully this format will be more attractive than our recent mid-week conferences and provide flexibility for travel in and out of Canberra. A feature of the conference will be the focus during the first day on East Timor where the opportunity will exist to review not only recent developments but also assess the role international law, did, or did not play, in the East Timorese struggle for self determination and eventual independence. The remainder of the conference program will feature some special panels dealing with the *Tampa* incident, the 'war on terrorism', and the challenges facing international law post 11 September 2001, in addition to a range of other panels on topical issues.

As part of an ANZSIL initiative to promote the study of international law and encourage more student participation in the conference, a pre-Conference workshop will be held on 13 June in Canberra for postgraduate research students working in international law. The workshop will provide students with an opportunity to present work-in-progress papers based on their research and discuss their research programs with ANZSIL members. This initiative continues ANZSIL support for student participation in the conference and is part of the Society's overall outreach program for both undergraduate and postgraduate students working in international law.

News that the 60th ratification has been lodged to the Rome Statute of the International Criminal Court is welcome news for the international law community and brings to an end a process which internationally began as far back as in 1918. This development is one which no doubt is warmly welcomed by many ANZSIL members who directly participated in the Rome Diplomatic Conference and who have worked so hard to secure ratification of the Statute. While New Zealand has ratified the Rome Statute, Australia still has to take that action. There is clearly strong support for the ICC from government and key departments, and the recent favourable report by the Joint Standing Committee on Treaties (JSCOT) recommending ratification is a boost

to Australia's chances of ratifying the Statute by 1 July. The JSCOT report on the ICC was much anticipated and a number of ANZSIL members appeared before the Committee during its deliberations. From the Australian perspective, the role of JSCOT in the ratification process and the impact that it may have in the case of the Rome Statute, serve to highlight the significance of the reforms to the treaty-making process over the past six years. They also highlight the important role that the international law community, including ANZSIL, can play in promoting the importance of international law and assisting the wider community in understanding the impact of new developments such as the ICC.

In that respect, I represented ANZSIL at a March Conference held at the Department of Foreign Affairs and Trade, Canberra, on 'Treaties in the Global Environment'. ANZSIL was given the opportunity to participate in a panel on 'Interpreting Treaties: Implications for International Relations' in which remarks were made on the US position regarding prisoners taken captive in Afghanistan during the 'war' on terrorism. The lively discussion which followed served to emphasise the need for ANZSIL to continue to engage not only in the promotion of international law but also in broader understanding of the role and impact of international law.

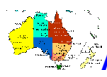
Members are reminded that the closing date for nominations to the ANZSIL Executive Council is 3 June (nomination forms and details on vacancies were sent to all members at the beginning of May). The results will be announced at the ANZSIL AGM which will take place on Saturday, 15 June at 12.30pm. The AGM agenda is included with this newsletter.

I look forward to seeing many of you at the forthcoming June Conference.



Don Rothwell
16 May 2002

[<donr@law.usyd.edu.au>](mailto:donr@law.usyd.edu.au)



ANZSIL 2002 Conference 14-16 June 2002 University House, ANU Canberra

The Centre for International and Public Law, ANU, presents the 10th Annual Conference of ANZSIL: **'New Challenges and New States: What Role for International Law?'**



Check ANZSIL website: <http://law.anu.edu.au/anzsil> for the updated program and details of speakers and papers.

The conference begins on Friday 14 June with the day dedicated to **East Timor**. The Panels on Friday are: Panel 1: Governance; Panel 2: Peacekeeping/Criminal Law; Panel 3: Property & Resources; and Panel 4: Review. There will be a reception that evening and the speaker will be Kevin Rudd MP, Shadow Minister for Foreign Affairs.

The conference continues on Saturday 15 and Sunday 16 June.

The 2002 Conference Organising Committee are:

Andrew Byrnes (ANU); Rebecca Irwin (AGs); Kevin Riordan (NZ Defence Force) and Shirley Scott (UNSW)

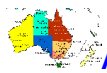
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ANZSIL support to Interns

With the help of funding provided by ANZSIL, I completed an internship with the International Criminal Tribunal for Rwanda (ICTR). This is an unpaid position for recent graduates of law degrees. Interns can elect to work either in the Chambers or in the Office of the Prosecutor. The position of interns in Chamber is rather like that of a Judge's Clerk, which is a job I now hold at the High Court of Auckland. In the interests of gaining broad experience I therefore chose to join the Government Team in the Office of the Prosecutor (OTP). The Government Team, as the name suggests, prosecutes defendants who were members of the Rwandan Government during the 1994 genocide.

I was supervised by Senior Trial Attorneys Marks Moore and Ken Flemming. Most of my work involved the preparation of evidence for trial. This included examining witness statements for facts pertinent to the case and deciding how the witnesses would be helpful in supporting the charges in the indictment. I also completed an opinion for the Registry on whether pre-trial detainees at the ICTR were allowed to give media interviews.

The highlight of my time with the ICTR was going on mission with my team to Rwanda to prepare witnesses for trial. After spending so much time reading statements, cases and academic writing on the genocide

it was an amazing experience to actually visit Rwanda. It was not until I saw the country that I felt I really started to understand the enormity of what had happened.

The witnesses are probably one of the most interesting aspects of working for OTP. The prosecution case often relies on gathering together a group of reliable witnesses to tell their stories. In the trial I was working on we were attempting to find witnesses who had seen and heard the accused order a massacre at a church in Kigali Rural. Investigators who are based in Kigali take the initial statements. Our job was to check the accuracy of the statements and prepare the witnesses, many of whom had never left Rwanda for their trip to Arusha to testify before the Tribunal. This task presented many difficulties. Cultural and language barriers (though a translator is always on hand) present significant problems. Witnesses often tell only half their story because they fear for their safety or simply do not want to revisit traumatic events. The witnesses have never been exposed to the type of legal process in operation at the ICTR and it is hard to convey to them the importance of telling the whole story in detail and in chronological sequence. When questioned about details witnesses often became defensive and mistrustful, suspicious that they are not being believed.

Being in Rwanda meant the witnesses' statements began to make more sense. Much of my scepticism deserted me when I saw for example, just how many Interahamwe members could fit on the back of a Toyota Hilux. On a less tangible level though I began to comprehend the enormity of the genocide and the damage it had done to the Rwandese as a people. Massacre sites are simply everywhere, in the hotels where we had coffee, in the places where the dalladalla (local transport) stopped along the way. There are still roadblocks where I was required to show my passport and vehicles full of armed soldiers. All this made me realise the importance of the work that people were doing for the oft-forgotten ICTR.

The ICTR is not without its fair share of problems. Many of the difficulties stem from the fact it is located in a Third World country where internet connections are unbearably slow and the supply of water and electricity unreliable. There are also deeper problems that come from the merging of people from all over the world: often lawyers who come from both civil and common law backgrounds. Living in Arusha can also be stressful. It is difficult to feel comfortable in a community which is extremely poor when you are part of the UN community which wants for nothing financially. Being a mzungu (kiswahili for 'white person') also means being a constant source of interest, attention and proposals – of all varieties. I was most grateful for the support of other New Zealanders who work for OTP: Jon Moses (who lives in Arusha with his wife Jo and their three children) and Andra Moberely. We even managed to round up enough New Zealanders, and Australians masquerading as New Zealanders, for a Waitangi Day party.

For me the internship was a once in a lifetime experience. I was able to work with a hugely diverse range of people who brought an array of legal expertise and experience to their work. I was able to see and

participate in the application of international law. Perhaps most importantly I began to really understand the enormity of what we are trying to achieve with international justice: the potential and the barriers. My experience would not have been financially possible without the support of ANZSIL. I thank you for your support and hope that you will continue to support others in the future. Ansante-sana.

Bridgette Toy-Cronin

Auckland, April 2002



News from New Zealand

Anti-Terrorism Legislation before the House

Following the 11 September terrorist attacks in the United States last year and the adoption of United Nations Security Council Resolution 1373 requiring member states to implement a set of measures to combat terrorism, amendments were introduced to the Terrorism (Bombings and Financing) Bill then before the House to give effect to the key financing-related and recruitment elements of UNSC 1373. The main Bill, introduced in April 2001, implements the obligations to be assumed by New Zealand under the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. It therefore included a new offence to criminalise the financing of terrorist acts. The amendments make it an offence to deal with any assets of, or to provide property or services to, persons or groups that are designated as terrorist entities. They also establish the mechanism for designation of persons or organisations as terrorist entities. There are also procedures for review of such designations by the Court, subject to certain protections available for classified information, and also for the forfeiture of any assets frozen under the above freezing mechanism. New offences of recruitment to or participation in a terrorist entity are also created.

The Foreign Affairs, Defence and Trade Committee invited public submissions on the new amendments in late November 2001 and received 143. Following hearings of those wishing to be heard, the Committee completed its deliberations and reported the Bill, with these amendments, back to the House in late March. It made various changes to the original amendments proposed that take account of issues raised in the submission process. It is expected that the amended bill, to be renamed the Terrorism Suppression Bill because of its broader focus beyond the two international conventions being implemented, will be enacted before the end of June 2002.

It is also planned to introduce a further piece of anti-terrorist legislation to implement any elements of UNSC 1373 not picked up by the amendments made to the Terrorism (Bombings and Financing) Bill. This is expected to include legislative amendments needed to enable New Zealand to become party to two further international anti-terrorist conventions, the Convention on the Physical Protection of Nuclear

Material and the Convention on the Marking of Plastic Explosives. It will also contain provisions establishing extraterritorial jurisdiction for terrorist acts committed overseas by New Zealanders and establishing new offences for the harbouring of terrorists, infecting animals with disease and contaminating food for human consumption, threatening harm (eg hoax calls to people or property), and possessing radioactive material in circumstances indicating an intention to use it to cause harm. It is also proposed that terrorist activity be listed as an aggravating factor to be taken into account on sentencing. It is hoped to be able to introduce this second piece of legislation in July 2002.

Efforts to Strengthen Convention for the Protection of United Nations and Associated Personnel

New Zealand, which was one of the main forces behind this Convention when it was negotiated in the early 90's, has been actively supporting a review of its effectiveness. A report was prepared last year by the Secretary-General of the United Nations on measures to strengthen and enhance the protective legal regime under the Convention and this was considered by a special ad hoc Committee of the Sixth Committee of the United Nations in April of this year. New Zealand prepared an informal paper as an aide to this discussion; this looked at ways in which the Convention might be made operationally more effective as well as examining the possible need for broadening of its legal scope so that it might encompass more UN-related operations and the personnel who can be associated with these. The Committee had a useful discussion of the issues involved, including on possible widening of the coverage of the Convention (eg through extension to all UN operations and possibly to a wider range of NGOs associated with UN operations) but reached no firm conclusions. A report of the discussions has been prepared and we expect will be considered at this year's meeting of the Sixth Committee. That discussion will provide the opportunity for deciding how to take forward work on this issue.

Kyoto Protocol

In February this year the New Zealand Government made an in-principle decision to ratify the Kyoto Protocol to the UN Framework Convention on Climate Change by the time of the World Summit on Sustainable Development in September. A final decision will be taken in July. As part of the policy development process, a consultation document setting out the Government's preferred domestic policy options for implementation was published on 30 April. It can be found, with supporting Cabinet papers considered by Cabinet on 29 April, on www.climatechange.govt.nz.

Domestic policy formation is taking place in tandem with two other domestic processes. First, in mid February the Government presented its National Interest Analysis to Parliament in connection with consideration of the proposed treaty action under the international treaty examination process. The NIA, and text of the Protocol were referred to the Foreign Affairs Defence and Trade Committee. This

Committee, comprising a mixture of Government and non-Government Members of Parliament, is likely to report on the NIA in May following oral and written submissions which concluded recently. A copy of the NIA can also be found on www.climatechange.govt.nz.

Second, legislation is likely to be introduced in May which will contain the minimum provisions necessary to enable New Zealand to comply with its obligations under the Protocol.

Julian Ludbrook
Ministry for Foreign Affairs and Trade
New Zealand



News from Australia

A New Convention on the Carriage of Goods by Sea?

The United Nations Commission on International Trade Law (UNCITRAL) Working Group III on Transport Law will meet in New York for its Ninth Session from 15-26 April 2002. The aim of the Working Group is to work on the preparation of a draft instrument on the carriage of goods by sea.

The existing international law on the carriage of goods by sea could hardly be described as uniform. The first international convention which comprehensively dealt with the topic was the Hague Rules done in 1924. Despite their age, the Hague Rules are still used (in a modified form) by some countries, most notably the USA. In 1968, an attempt was made to update the relevant international law and the Hague-Visby Rules were adopted. In 1979, a Protocol was negotiated to the Hague-Visby Rules which updated the limits of liability. These are the most widely used of all the international regimes.

Subsequently, in 1978, the Hamburg Rules were adopted through the United Nations Conference on Trade and Development ("UNCTAD") and UNCITRAL. The Hamburg Rules place more liability on carriers than the Hague-Visby Rules and therefore are generally favoured by shippers and opposed by carriers. Due to their potential advantages for shippers, the Hamburg Rules remain the preferred longer term approach for Australia, although Australia has not yet ratified them. Approximately 28 countries currently adhere to the Hamburg Rules, however their use is not as widespread as the Hague-Visby rules and some estimates have been made that they cover only 2% of international trade. In addition to the three international regimes, a number of countries have adopted variants of the regimes. For example the Scandinavian countries have adopted some of the Hamburg Rules but have retained many of the Hague-Visby rules in their national laws. The resulting lack of uniformity of international law causes problems for the business community, merchants and the legal profession alike.

There is consensus that the existing international law on the carriage of goods by sea needs updating so that it reflects modern shipping

practices. There is also consensus that a uniform international scheme which fairly and efficiently apportions the financial risk between carriers and shippers would benefit trade. How these dual aims might be achieved is far more contentious. The difficulty will come in attempting to produce a new text which will gain widespread international acceptance.

The Secretariat of the UNCITRAL Working Group has circulated a "Preliminary draft instrument on the carriage of goods by sea" which was drafted by the International Maritime Committee (the "CMI"). The draft attempts to produce a multimodal ("door-to-door") system and covers a range of complex issues including the obligations and liability of carriers, freight, transport documents and rights of suit. The CMI have themselves admitted that the draft is ambitious. The draft is also political and has already been the subject of lengthy written criticism by both the United Nations Economic Commission for Europe and UNCTAD.

The UNCITRAL Working Group has arguably undertaken a Herculean task in attempting to draft a uniformly accepted international instrument on the carriage of goods by sea. Nevertheless, the adoption of a modern international regime is a worthy aim that will greatly benefit international trade, minimise the problems arising from the conflict of laws and create certainty for carriers, shippers, insurers and the legal profession.

Susan Downing
Office of International Law
Attorney-General's Department

New Australian ICJ and UNCLOS Declarations

On 22 March 2002, Australia lodged a new declaration under Article 36(2) of the Statute of the International Court of Justice ('ICJ') relating to its acceptance of the 'compulsory jurisdiction' of the Court. It also withdrew the previous 1975 declaration. Both the withdrawal and the new declaration were stated to be of immediate effect. Simultaneously, Australia lodged declarations under Articles 287.1 and 298.1(a) of the United Nations Convention on the Law of the Sea ('UNCLOS') relating to dispute settlement under UNCLOS.

Under its new ICJ Optional Clause declaration, Australia continues to accept the jurisdiction of the Court but with additional exceptions.

Those exceptions are:

- where the parties have agreed to other peaceful means of dispute resolution;
- where disputes involved maritime boundary delimitation or disputes concerning the exploitation of an area in dispute or adjacent to an area in dispute; and
- where a country has only accepted the compulsory jurisdiction of the Court for a particular purpose or has accepted the compulsory jurisdiction of the Court for a period of less than one year.

Under the declaration made pursuant to Article 287.1 of UNCLOS, Australia has accepted the ICJ and the International Tribunal for the Law of the Sea ('ITLOS') as forums for dispute settlement under UNCLOS. Previously, Australia only accepted an Annex VII arbitral tribunal, this being the default mechanism in the absence of a declaration by a country under Article 287.1. (The *Southern Bluefin Tuna Case* commenced by Australia and New Zealand against Japan was in fact the first dispute to be heard by an Annex VII arbitral tribunal.) At the same time, Australia made a declaration under Article 298.1(a) of UNCLOS excepting disputes relating to sea boundary delimitations as well as those involving historic bays or titles from the dispute resolution procedures in section 2 of Part XV of UNCLOS. Article 298.1(a) expressly provides the option for a State party to exclude sea boundary delimitations from compulsory dispute settlement. Again, these declarations were effective immediately on their lodgment on 22 March 2002.

All of the Declarations are treaty actions and, in accordance with Parliamentary treaty procedures, will be tabled in the Parliament and considered by the Parliamentary Joint Standing Committee on Treaties.

Bill Campbell
Office of International Law
Attorney-General's Department

The International Criminal Court

The Statute of the International Criminal Court will come into force on 1 July this year. The first Assembly of States Parties will be convened in September 2002.

This is a historic occasion for the global community and for Australia. The ICC Statute, adopted in 1998, will come into effect much sooner than both its proponents and critics had expected. The Statute creates the first permanent international tribunal with jurisdiction over individuals who have violated international criminal law, including war crimes, genocide and crimes against humanity. It will sit in the Hague. Unlike previous ad hoc international tribunals, such as Nuremberg or the International Criminal Tribunal for the Former Yugoslavia, the ICC operates on the principle of complementarity, devised to preserve considerable state sovereignty. Complementarity means that the ICC will only have jurisdiction when a national legal system is unable or unwilling to carry out a genuine investigation or prosecution of persons alleged to have committed international crimes. Thus the ICC is in effect a safety net for the failure of national legal systems, and not the first port of call for the prosecution of international crimes.

Despite this major concession, the ICC has been regarded as an improper interference with state sovereignty in some quarters. The United States, China, Libya, Israel, Algeria and Yemen all voted against the adoption of the Statute. The United States and China wanted the UN's Security Council, of which they are both permanent members, to be able to influence the Court's agenda. The United

States eventually signed the Statute in the dying days of the Clinton Presidency, but the Bush Administration announced on 6 May 2002 that it will withdraw the United States' signature. In any event, at the instigation of Senator Jesse Helms, Congress has passed legislation to preclude United States cooperation with the ICC.

Australians and Australia have been closely involved in the development of the ICC. Professor James Crawford, formerly of Adelaide and Sydney Law Schools, was the major figure involved in the preparation of a draft Statute when he served as a member of the UN's International Law Commission. Australian diplomats played a leadership role during the difficult negotiations for the Statute, chairing the 'Like Minded Group' of countries supporting an effective and independent ICC in the face of sustained opposition led by the United States.

Despite their well-publicised antagonism to some features of the UN human rights system, both Foreign Minister Alexander Downer and Attorney-General Daryl Williams have regularly spoken out strongly in support of the Statute, and the Opposition has been similarly enthusiastic. Australia has withstood considerable pressure from the United States in taking this position.

Given Australia's high profile in the establishment of the ICC and bipartisan domestic support for ratifying the Statute, it is surprising and disappointing that Australia is not among the 60 original parties to the ICC Statute. Australia signed the Statute in December 1998, promising that ratification would follow after appropriate national legislation had been prepared and after public and political consultation according to the 1996 reforms to Australia's treaty-making processes. The draft legislation took almost three years to prepare. This is an astonishing delay and indicates that it has not been given appropriate priority by the government. Much less well-resourced nations than Australia have been able to prepare the necessary national legislation in half the time.

The consultation process has also been handled clumsily, with Parliament's Joint Standing Committee on Treaties (JSCOT) dragging its feet on the issue apparently because of one long-serving Committee Chair's personal antipathy to the ICC. Indeed, the case of the ICC Statute indicates that there are flaws in Australia's treaty-making processes. In any event JSCOT has just announced (15 May 2002) that it will support the ratification, subject to a system of review. However, a sustained media campaign is being conducted against Australia's ratification, on the basis that it will undermine Australia's sovereignty. International lawyers have a role in countering the misinformation that is receiving wide publicity.

As the international community marks the birth of the ICC, whose aim is to provide some form of accountability for the gravest international crimes, let's hope that Australia moves quickly to ensure that it participates actively in this important fledgling institution.

Hilary Charlesworth
Centre for International and Public Law, ANU



Letter from London



Should a Ship be She ?

Lloyd's List

Under the editorial by-line 'Her Today – Gone Tomorrow', *Lloyd's List* recently announced its intention to end the very British tradition carried on since the founding of the newspaper nearly three centuries ago, and in existence long before this, of referring to ships as 'she'.

It had made this decision, it said, in order to move the shipping industry forward, to prevent it from becoming a backwater of international business and to bring *Lloyd's List* into line with most other reputable international business titles by reflecting relevant cultural changes.

The decision made the headlines in such prestigious publications as *The Guardian*, *The Times*, *The Daily Telegraph* and *The London Evening Standard*. It also provoked a storm of responses from its own loyal readership which ranged from the outraged to the profane. There were those who looked back wistfully at the centuries-old tradition of referring to ships as 'she' and who expressed the view that we are rapidly losing much of our soul 'through the depletion of what seems to be seen as unnecessary cultural anachronisms' and who noted that we are all the poorer for it. Others accused *Lloyd's List* of 'over-zealous political correctness' and of having no sense of fun or tradition. One wondered whether this was all just an April fool's day prank while another labelled those who had made the decision as 'a bunch of crusty, out-of-touch, stuck-up Englishmen' arrogantly trying to change the way we have spoken of ships for thousands of years.

There were those of a more serious bent who regarded the exercise as a silly PR stunt and who decried the fact that the publication was more interested in scoring cheap circulation points than in debating the many genuine issues besetting the maritime industry today. Then there was the reader who described himself as a lover of ships and who expressed the view that, in deference to the memory of all the beautiful ladies that are still sailing, *Lloyd's List* should neuter the persons who came up with the idea of referring to ships as 'it' and otherwise leave well alone.

One reader, of a more feminist leaning, on the other hand commended the editor for being wise enough to realise that referring to ships as 'she' was not only archaic but also insulting to women, while the Women's Officer of the International Transport Workers' Federation noted that the ITF has never officially referred to ships as 'she'. No reason was given for the ITF policy except the explanation that it had nothing to do with its gender-neutral language policy.

Several other readers asked the question why ships had traditionally been referred to as 'she'. In response, another offered the following tongue-in-cheek, composite answer, apparently inscribed on a pub wall in Falmouth, England:

A ship is called a "she" because there is always a great deal of bustle around her; there is usually a gang of men about, she has a waist and stays; it takes a lot of paint to keep her good looking; it is not the initial expense that breaks you, it's the upkeep; she can be

all decked out; it takes an experienced man to handle her correctly; and without a man at the helm she is absolutely uncontrollable; she shows her topsides, hides her bottom and when coming into port, always heads for the buoys.

And then there was the shipping analyst from Oxfordshire who claimed that the original purpose of giving a ship a gender and thus a personality was all to do with the longing for security. It was natural for mariners, he claimed, faced with unpredictable seas, to seek comfort from ascribing a maternal aspect to their vessels.

Perhaps, however, in this Royal Jubilee year the last word might be given to Princess Anne who has now added her voice to this debate. At the naming ceremony for a British yacht which is to participate in the America's Cup, the Princess Royal pointedly called the 80ft *Wight Lightning* 'her'. The Princess, who is President of the Royal Yachting Association, was loudly applauded when she said that the staff of *Lloyd's List* 'have clearly never either launched or named a boat because it would be completely wrong to call her "it".'

For the sake of completeness it should be noted that a gasp of dismay was heard from the superstitious crowd when the Princess' first attempt at baptising the yacht failed to smash the traditional bottle of bubbly!

Rosalie Balkin

International Maritime Organisation

News from ANZSIL Members

James Crawford was recently a member of an arbitration tribunal established by the Canadian Government to arbitrate a maritime boundary dispute between the Provinces of Nova Scotia and Newfoundland. The Tribunal consisted of three members, chaired by former Supreme Court judge Gerald LaForest; Mr Len Legault, the Canadian Agent in the Gulf of Maine and St Pierre et Miquelon cases, returned to the same waters, this time in a judicial capacity.

Although established under the Canadian offshore legislation (giving effect to agreements between Canada and the two Provinces), the Tribunal was required to apply international law to the delimitation, and did so. Its second and final award may be found at <http://www.boundary-dispute.ca/>

Newfoundland is perceived as having 'won' the arbitration, although the Tribunal did not accept the legal theory or the actual claim line put forward by either party. A phone poll in Nova Scotia as to whether the Province should seek review of the award before the Federal Court produced a negative result.

Congratulations to **Patricia Hewitson** who has received the highly coveted Rotary World Peace Scholarship. Seventy peace scholarships are available world-wide. This is the first year the Rotary Foundation scholarship program has been offered. The \$120,000 scholarship will provide funding for two-years' study at the University of California-Berkeley.

Gerry Simpson has just returned to England from a one-month trip to Australia where he taught the Law of War Crimes and the Law of International Organisations at Melbourne University (both with Tim McCormack). Gerry, Deborah, Hannah and Rosa are planning a sabbatical in Australia in 2004.

Jessup Moot News

ANZSIL congratulates the University of Western Australia and University of Otago

Three teams from Australia and New Zealand recently competed in the annual International Rounds of the Philip C. Jessup International Law Moot Court Competition. Australia was represented by the Universities of Queensland and Western Australia, while the New Zealand representative was the University of Otago. The final results were outstanding with the University of Western Australia reaching the finals, and the University of Otago the semi-finals. In addition, Lorraine van der Ende (UWA) was named Best Oralist of the Final. The University of Otago's result was particularly noteworthy as New Zealand teams go direct to the International Finals without having the benefit of a tough national Jessup Moot round as occurs in Australia. All three competing teams received financial support from ANZSIL to assist them in meeting their travel costs to the USA. Congratulations to the three teams which have continued the strong local tradition of success in the Jessup Moot.

Kevin Dawkins, coach of the successful University of Otago team at the recent Jessup competition has written to ANZSIL in appreciation of ANZSIL's financial support of \$800 to help meet the costs of their team's participation. The team achieved: fourth place out of 75 behind Georgetown University, Harvard University and the University of Western Australia; third place equal with Harvard University in the advanced rounds; and second place to Harvard University in the Alona E Evans Awards.

News from the Department of Foreign Affairs & Trade

Richard Rowe is now Senior Legal Adviser in the International Organisations & Legal Division, Commonwealth Department of Foreign Affairs & Trade. This is a new position and was created last December. The new Legal Adviser is **Dominic Trindade**.

News from the Centre for Maritime Law

TC BEIRNE SCHOOL OF LAW, UNIVERSITY OF QUEENSLAND

The Centre for Maritime Law provides a range of courses relating to the law of the sea and maritime law. Details for courses in 2002-04 are at: <http://www.law.uq.edu.au/cml>

Personalia

Philip Alston has taken the position of Professor of Law at New York University School of Law. He is teaching 'International Human Rights', 'Human Rights Accountability', 'Economics and Social Rights' and 'Children's Rights in International Law. A highlight of his first semester at NYU was **Hilary Charlesworth's** appointment, in January and February, as a member of the Global Law Faculty of NYU. Philip's previous appointment was Professor of International Law at the European University Institute in Florence, a position he held from 1996 until the end of 2001.

Teresa Chataway is now a Research Fellow at the Key Centre for Ethics, Law, Justice and Governance at Griffith University, working with Professor Charles Sampford. Her research in this multidisciplinary research centre will be on international law and cosmopolitan democracy (legal, political and moral philosophy) and will provide an opportunity to undertake research from a European perspective.

Congratulations to **Sam Garkawe**, School of Law and Justice, Southern Cross University who has been promoted to Associate Professor. Sam is co-editor with L Kelly and W Fisher, 'Indigenous Human Rights', *Sydney University Institute of Criminology Monograph Series No 14* (2001) published by Federation Press, Sydney. There is a chapter by James Anaya, 'The Influence of Indigenous Peoples on the Development of International Law' in this publication.

Stuart Kaye is taking up the post of Dean, Faculty of Law, University of Wollongong from 1 July 2002. Stuart is leaving the position of Head of School at the James Cook University, School of Law, Cairns Campus.

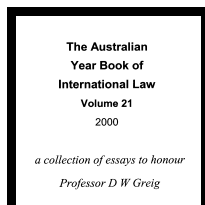
Di Otto, Faculty of Law, University of Melbourne, has been promoted to Associate Professor.

Rosemary Rayfuse will be on secondment to the Netherlands Institute of the Law of the Sea at the University of Utrecht for 18 months from 1 July 2002. She will be working on a project on enforcement of high seas fisheries conservation and management measures.

Richard Whitwell is a Visiting Fellow, ANU Asia Pacific School of Economics and Management from mid-June to the end of December 2002. His area of research will be the practical implementation of the prospective WTO rules relating to trade and environment. Richard is based at Central Queensland University, Gladstone Campus, in the School of Commerce.

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