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NEWSLETTER

CENTRE FOR INTERNATIONAL AND PUBLIC LAW



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DEAR FRIENDS OF CIPL

This newsletter covers activities of the Centre and Centre members in the period June to December 2004.
Cathy Hutton, Editor



ANDREW BYRNES

It is with great regret that I announce the departure from our ranks of our much esteemed colleague Professor Andrew Byrnes who joined the Faculty in July 2001 and has been the Director of the Centre since August. Andrew will be taking up a professorial position at the University of New South Wales, commencing on 1 May 2005.

Andrew's reputation as a leading international and human rights lawyer has added considerable lustre to the Faculty. His contribution within the Faculty, in a relatively short period, has also been huge, in teaching and course development, research funding, postgraduate administration, mentoring of colleagues, and general academic leadership. Andrew's generosity towards colleagues and his commitment to his work are greatly admired both within the academic community and throughout the national and international human rights network.

He has been closely associated with the work of the Centre over the last three years, organising conferences, workshops, lectures, seminars and training courses. During his term as Director he oversaw the development of a very significant training program for the Centre—a course on International law for a group of diplomats from the Iraq Foreign Ministry. This course formed part of a month-long study program organised by the ANU's Asia-Pacific College of Diplomacy.

Andrew will continue to work on a number of ARC grants with ANU colleagues, and will also return to teach some postgraduate courses, another example of his luminous generosity. We wish him every success in his new position at UNSW, and both the Centre and the Faculty look forward to maintaining close contact with him in the future.

Professor Michael Coper
Dean of Law and Chair of the CIPL Advisory Board

2005 CONFERENCES

Further details on these events will appear in due course on our website <http://law.anu.edu.au/CIPL>

16–18 June 2005

ANZSIL conference

Call for papers at www.anzil.org.au

11–12 November (TBC)

Tenth Public Law Weekend

Constitutional Law Conference



NINTH ANNUAL PUBLIC LAW WEEKEND

Administrative Law Conference

Natural Justice: Still Natural, Still Just? Updates and Innovations

5–6 November 2004

Approximately 200 people attended this highly successful conference.

Sessions included:

Natural Justice Developments:

From *Salemi* to *S157*—Bruce Dyer and Matthew Groves

The Constitutionalisation of Administrative Law, including

Natural Justice—Neil Williams SC and The Hon John Doyle

Natural Justice and the Executive: Is it Practicable?—Dr Gary Rumble and Dr Melissa Perry

Ombudsman and the Rule of Law—Professor John McMillan and Bruce Barbour

Federal Discrimination Law: where to from here?—Susan Roberts and Simeon Beckett

Freedom of Information: Growth Stunted?—Michael McKinnon and Nicola Roxon MP

Administrative Law meets the Regulatory Agencies: Tournament of the Incompatibles?—John Tamblyn and Justin Gleeson SC

The papers will be published in due course in the *Federal Law Review* or the *AIAL Forum*.

Robin Creyke
Leighton McDonald
Daniel Stewart
Conference Directors

PUBLIC FORUM

Australia's First Bill of Rights

A Forum on the National Implications of the ACT Human Rights Act

1 July 2004

This event, jointly organised by the Centre and the Gilbert + Tobin Centre of Public Law at UNSW, attracted over 130 participants.

Further information on the Forum, including some of the papers, is available on websites <http://law.anu.edu.au/cipl> and www.gtcentre.unsw.edu.au



SEVENTH GEOFFREY SAWER LECTURE

Innovating Remedies for Judicial Enforcement of Human Rights

Dr Justice D Y Chandrachud,
High Court of Bombay
10 November 2004

We were honoured to have the distinguished Judge of the Bombay High Court, Dr Justice D. Y. Chandrachud, to give the Centre's seventh Geoffrey Sawyer lecture.

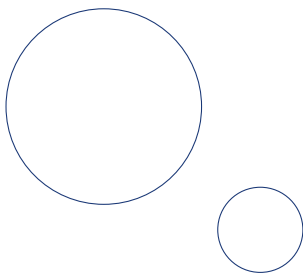
Justice Chandrachud took as his theme personal liberty and its relationship with socio-economic rights, particularly in developing societies. He discussed the role of Courts in ensuring that human rights remain not just a statement of desirable goals but are effectively enforced for the benefit of those who need them the most : the marginalised and the poor.

He spoke vividly of the challenges facing a judge in India to do practical justice in the hundreds of cases which come before the High Court of Bombay, one of the country's busiest courts.

His lecture will be published in the Centre's Law and Policy Papers series early in 2005.



LtoR standing: David Bennett AO QC, Justice Terry Connolly, Justice Michael Kirby AC CMG, Mrs Rashmi Chandrachud, Dr Justice D Y Chandrachud, Professor Michael Coper, Professor Andrew Byrnes. Seated: Dr Fiona Wheeler and Dr Penelope Mathew



AUSTRALIAN RESEARCH COUNCIL (ARC) GRANTS

Thomas Faunce (with Prof P Drahos; Prof D Henry) has been awarded an ARC Discovery Grant for Projects in 2005. Entitled 'The Impact of International Trade Agreements on the Regulation and Provision of Medicines in Australia', the project will provide policy makers and the community with previously unavailable detailed information and regulatory options concerning the effects of Australia's international trade commitments on access to medicines. It will particularly benefit aged and poor Australians for whom the costs of medicines represent a significant component of domestic expenditure.

Ann Kent is a member of the 'Asia Pacific Futures Network' which in September 2004 was awarded \$A1.5 million over five years by the ARC. The Network, which was formed from an amalgamation of the two Network projects awarded seed funding by the ARC in 2003, will survey the volume, range, impact and international status of research within Australia on the Asia Pacific region. It will identify and explore interdisciplinary themes to be developed in transnational research and teaching.

EXPERT WORKSHOP

International Law and National Legal Systems

12–13 August 2004

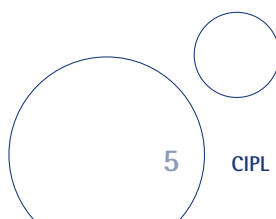
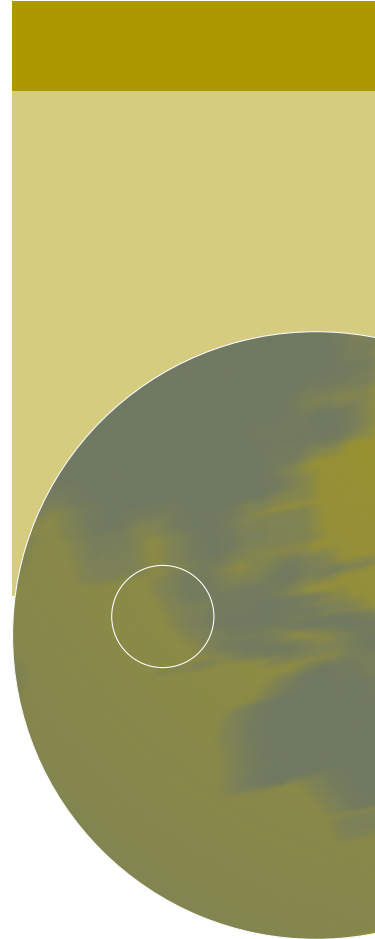
A two-day expert workshop on international law and national legal systems, hosted by CIPL in conjunction with the Gilbert + Tobin Centre for Public Law at the University of NSW, and held at the National Europe Centre at the ANU was a great success. The workshop gathered together twenty-five Australian and overseas experts in international law, the Australian legal system, political science and related areas. Participants included academics from the ANU, the Universities of Melbourne, Sydney and Adelaide and the University of New South Wales, as well as from New Zealand and Canada; practitioners from the Australian Commonwealth Attorney-General's Department and the Sydney Bar; and two ANU PhD students. The National Institute for Social Sciences and Law provided additional support for the workshop.

Twelve individuals were invited to give papers at the workshop, all of which were thoughtful and thought-provoking. The range and scope of the papers was compelling and the contributions of all participants were challenging. Some of the papers given at the workshop included 'Influential Authority and the Estoppel-like Effect of International Law' by Mayo Moran, University of Toronto; 'Rethinking Legislative Powers: Parliamentary Responses to International Challenges' by John Uhr, ANU; and 'Customary International Law in Domestic Law: A call for cross-border conversations' by Treasa Dunworth, University of Auckland.

The papers from the workshop will be published as an edited collection, to be titled 'International Challenges to National Legal Systems'.

Madelaine Chiam

Workshop Convenor
(with Hilary Charlesworth)



TWELFTH ANZSIL ANNUAL CONFERENCE

Australian and New Zealand Society of International Law

International Law and Security In The Post-Iraq Era: Where to for International Law?

18–20 June 2004

The Centre's annual international law conference, held jointly with the Australian and New Zealand Society of International Law (ANZSIL), attracted over 140 participants.

Further information on the Conference, including some of the papers, is available on the ANZSIL website at www.anzsil.org.au



THE AUSTRALIAN YEAR BOOK OF INTERNATIONAL LAW

Volume 24, a collection of essays to honour Professor Ivan Shearer, will be published in early 2005.

ARTICLES

The Extradition Process: An Unreviewable Executive Discretion?
Ned Aughterson

Nationality and Obligations of Loyalty in International and Municipal Law
Alfred Boll

The Work and Teachings of I A Shearer *James Crawford*
Article 7 of Additional Protocol I *Yoram Dinstein*

Diplomatic Protection and Human Rights: The Draft Articles of the International Law Commission *John Dugard*

Freedom of Navigation, Surveillance and Security: Legal Issues Surrounding the Collection of Intelligence from Beyond the Littoral *Stuart Kaye*

International Law at the Grass Roots: Some Recent Developments
Michael Kirby

Recent Australian Experience of the Law of the Sea and Military Operations
David Letts

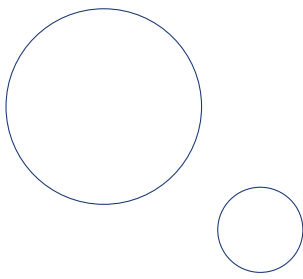
Advocating Judicial Activism: The ITLOS Opinions of Judge Ivan Shearer
Vaughan Lowe

Victims of People Trafficking and Entitlement to International Protection
Ryszard Piotrowicz

Regulation and Enforcement in the Law of the Sea: Emerging Assertions of a Right to Non-Flag State Enforcement in the High Seas Fisheries and Disarmament Contexts *Rosemary Rayfuse*

The Public International Lawyer and the Practice of International Law
Gillian Triggs

In addition to the regular sections on Australian practice in international law, treaty action, legislation, book reviews and cases on public international law, this volume of the Year Book resuscitates the Annual Survey of Recent Developments in Private International law (first published in 1966 but lapsed more than a decade ago), authored by Kent Anderson with Jim Davis and covering 2000–2003.



'This is the best short course I have ever done!'

(DFAT training course participant comment)

CENTRE TRAINING COURSES

The Centre organised two intensive training courses in the second half of the year.

6–7 September 2004

Introduction to International Law
for the ANU's Asia–Pacific College of
Diplomacy Study Program for Iraqi diplomats
(23 August – 26 September)

Presenters:

Professor Andrew Byrnes, Course Convenor
Professor Hilary Charlesworth
Madelaine Chiam, Research Fellow
Dr Penelope Mathew, Senior Lecturer

The Centre was invited to present the International Law component of this Study Program co-ordinated by Professor William Maley, Director of the Asia–Pacific College of Diplomacy at the ANU. Ten diplomats from the Iraqi Foreign Ministry attended the intensive five-week program which, in addition to international law, covered a number of topics such as international political economy, international relations, global security and peacekeeping, crisis diplomacy and the international trading system, concentrating on the implications for the future of Iraq.

The study program was funded by AusAID as part of Australia's commitment to the reconstruction of Iraq and the Centre was proud to be involved in such a significant activity.

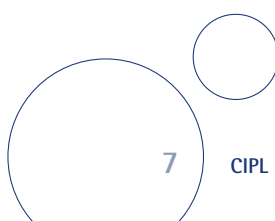
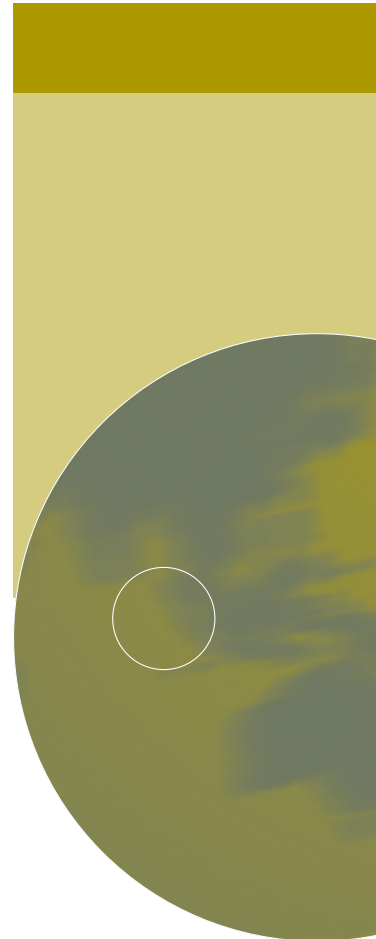
11, 12, 15 and 16 November 2004

Introduction to International Law
for the Department of Foreign Affairs and
Trade's Graduate Training Unit

Presenters:

Don Anton, Senior Lecturer
Professor Andrew Byrnes, Course Convenor
Professor Hilary Charlesworth
Madelaine Chiam, Research Fellow
Alex Conte, Visiting Fellow from the
University of Canterbury
Dr Penelope Mathew, Senior Lecturer

This was the third in a series of annual training courses that the Centre provides for DFAT graduate trainees and once again it proved to be a most rewarding experience for both presenters and participants. The course was described by participants as 'present[ing] material in a way that was interesting, educational, relevant, applicable and intellectually stimulating' and the presenters were described as 'excellent, knowledgeable, candid, open to questions and discussions'.



FEATURE ARTICLE

Citation by Professor Ian Chubb AO, Vice-Chancellor, The Australian National University for the conferring of the degree of Doctor of Laws, *honoris causa*, on Justice Michael Kirby, 17 December 2004. Justice Kirby is a member of the Centre's Advisory Board and a strong and active supporter of many of the Centre's activities.

Mr Chancellor, it is my privilege to present to you for a degree of this University, Michael Donald Kirby, Justice of the High Court of Australia.

Justice Kirby is one of Australia's, and indeed one of the world's, most outstanding jurists. Born in 1939, he was educated, like three of his most diverse High Court predecessors, Edmund Barton, Dr HV Evatt and Sir Garfield Barwick, at Fort Street High School, and then Sydney University, where he studied law and economics. As you might expect of an intellect so engaged with the world and its problems, he was active in student politics, becoming, in succession, President of the Students' Representative Council, President of the University Union, and a Fellow of the University Senate. He practised briefly, first as a solicitor and then as a barrister, and became one of Australia's youngest-ever judges when he was appointed as Deputy President of the Australian Conciliation and Arbitration Commission in 1975, at the age of 36.

This was only the beginning of Justice Kirby's long, illustrious, and still incomplete career. In one of the Whitlam Government's most inspired moves, he was appointed in the same year as foundation Chairman of the Australian Law Reform Commission, where he not only made a major contribution to improving the substance of Australian law and the operation of the legal system, but also pioneered the process that we take for granted today, reaching out into the community for comment and opinion and publicising the work of the Commission in the media.

Justice Kirby served for nine years on the Australian Law Reform Commission, and after a brief period as a judge of the Federal Court of Australia, was appointed as President of the Court of Appeal of the Supreme Court of New South Wales in 1984. He served in that position for twelve years, until his appointment as a Justice of the High Court of Australia in 1996.

It would take most of the afternoon to list all of the national and international positions Justice Kirby has held over the years. They include President of the International Commission of Jurists; United Nations Special Representative in Cambodia; President of the Court of Appeal of the Solomon Islands; member of the Ethics Committee of the Human Genome Organisation; member of a number of expert panels, national and international, on AIDS, HIV and human rights; and Chancellor of Macquarie University. This sample of Justice Kirby's extra-judicial activities gives but a small window to his commitment, as a citizen of the world, to human rights, the rule of law, and social justice, on a grand scale.



...Justice Kirby's deep commitment to the values and attributes we expect of all of our judges: transparent reasoning, fearless independence, and unrelenting courage.

We honour Justice Kirby today for many reasons. We honour him first of all for his work on the High Court, where his determination to frame and resolve the great legal issues of the day as he sees them—that is, against a background of international and comparative law and by reference to underlying purpose, justice, and contemporary need—has led him to be in dissent more than any other judge in the history of the High Court. We acknowledge his propensity to dissent, not as a badge of honour or dishonour or as a comment on the direction or integrity of mainstream doctrine in the High Court, but rather as a measure of Justice Kirby's deep commitment to the values and attributes we expect of all of our judges: transparent reasoning, fearless independence, and unrelenting courage.

Of course, what is right and what is wrong in the higher reaches of the law is infinitely contestable, and a judge's written reasons for decision are in part an exercise in justification and persuasion—persuasion, not least, of the community of legal scholars and informed critics. We thus honour Justice Kirby, secondly, for his scholarship—manifested not only in his closely-reasoned, wide-ranging and lucid judgments, unusually attentive to the arguments on both sides, but also in his prolific output of occasional addresses, lectures and speeches.

We honour Justice Kirby, thirdly, for a quality that underlies his prodigious output, and that is his generosity of spirit. He gives generously of his time, to the legal profession, to academics, to community groups, and to students. On a cold, dark and rainy night in 2001, he drove from Sydney

to Bowral to give an after-dinner talk to the Law Faculty of this University, who were on a residential retreat, and then back to Sydney afterwards. This year, after the court had finished its business for the day, he gave the after-dinner address to a small workshop of our research students in Law, on his way to Canberra airport to return to Sydney. He is patron of the ANU Law Students' Society, and an active member of the Advisory Board of the Law Faculty's Centre for International and Public Law. These are but examples. He is totally dedicated to furthering the ideals of the law and the legal system, and uncommonly generous with his time.

Mr Chancellor, there is a distinct resonance between the national and international charter of this University and the national and international dimension of Justice Kirby's work, and between the law reform and social justice 'ethos' of the Law Faculty and Justice Kirby's lifelong commitment to those ideals. Mr Chancellor, it is with great pleasure that I present to you Justice Michael Donald Kirby, so that you may confer on him the degree of Doctor of Laws, *honoris causa*, on the grounds of his scholarship and his distinguished creative contributions in the service of society.

Professor Ian Chubb AO
Vice-Chancellor
The Australian National University

17 December 2004



2004 FORUMS, LECTURES AND SEMINARS

8 June

Current Issues Forum

International and Public Law

Challenges for the Attorney-General

The Hon Philip Ruddock MP

23 June

Current Issues Seminar

International and Public Law

Challenges for the Shadow

Attorney-General

Nicola Roxon MP

The text of both these presentations
is on the Centre's website

<http://law.anu.edu.au/CIPL>

9 September

Public Lecture

with the National Institute for Social
Sciences & Law

The Coalition War against Iraq in

the Courts of the UK and the US—

Significance for Australia

Geoffrey Lindell

This lecture will be published in the
Centre's Law and Policy Papers series early
in 2005.

SEMINARS

15 June

International Law Seminar

Reflections on Australia and the UNHCR

Michel Gabaudan, Regional Representative UNHCR

22 July

International Law Seminar

The Timor Gap Treaty

Father Frank Brennan AO SJ

4 August

International Law Seminar

International Law in the US after Sosa v. Alvarez-Machain

Paul Stephan, University of Virginia

18 August

Public Law Seminar

Resolving a true conflict between state laws: a minimalist approach

Graeme Hill, Australian Government Solicitor

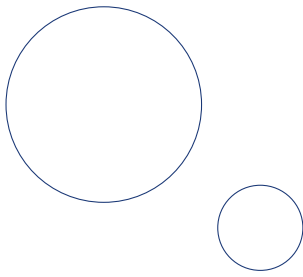
7 September

Public Law Seminar

Same Sex Marriages in the US and Australasia: to recognise or

not to recognise?

Geoffrey Lindell



RECENT PUBLICATIONS BY CENTRE MEMBERS

Madeline Chiam

'Government Decision-Making and International Law: Australia and the Framework Convention on Tobacco Control' (2004) 25 *Adelaide Law Review* (forthcoming)

'Evaluating Australia's Treaty-Making Processes' (2004) 15 *Public Law Review* (forthcoming)

Jennifer Clarke

Chapters on Indigenous people and constitutional law and Territories in Peter Hanks, Patrick Keyzer and Jennifer Clarke *Australian Constitutional Law: materials and commentary* 7th edition (LexisNexis 2004)

Robin Creyke

'The Operation of Judicial Review in Australia' in Marc Hertogh and Simon Halliday (eds) *Judicial Review and Bureaucratic Impact: International and Interdisciplinary Perspectives*, Cambridge Studies in Law and Society, Cambridge University Press, August 2004, 161–189 (with John McMillan)

'The special place of tribunals in the system of justice: How can tribunals make a difference?' (2004) 15 *Public Law Review*, 220–236

Leighton McDonald

'The Rule of Law in the 'New Regulatory State'' (2004) 33 *Common Law World Review* 197–221

Ann Kent

'China's Growth Treadmill: Globalization, Human Rights and International Relations' *The Review of International Affairs* 3 (Summer 2004) 524–543

Dennis Pearce

Edited AIAL Forum No 42 and No 43

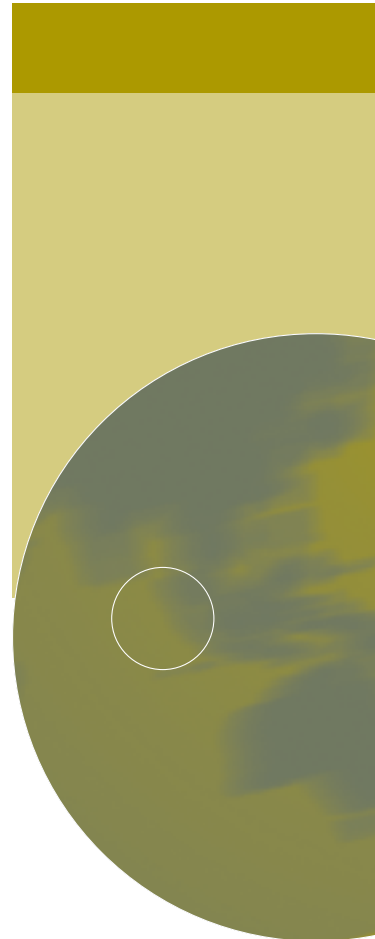
Amelia Simpson

'State Immunity from Commonwealth Laws: *Austin v Commonwealth* and Dilemmas of Doctrinal Design' *University of Western Australia Law Review* (forthcoming)

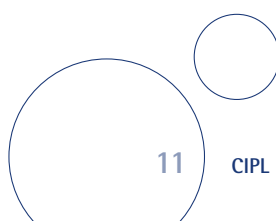
'Public Confidence in Judicial Institutions: a Game for How Many Players?' *Legal Ethics* (forthcoming)

Fiona Wheeler

'Due Process, Judicial Power and Chapter III in the New High Court' (2004) 32 *Federal Law Review* 205–224.



Robin Creyke has been elected President of the Australian Institute of Administrative Law (AIAL) for two years



RECENT PAPERS AND PRESENTATIONS BY CENTRE MEMBERS

Peter Bailey

Panel speaker for the Centre's joint (with the Gilbert + Tobin Centre of Public Law, UNSW) Forum on the National Implications of the ACT Human Rights Act **Australia's First Bill of Rights**, Canberra, 1 July 2004

'Economic Rationalism, Human Rights and Globalisation', paper for a Faculty of Law Staff seminar, 1 July 2004

Presentation to the Parliamentary Responsible Government Seminar for Asian Parliamentary Officers on the nature of human rights and their importance as reference points and guides for Parliamentary institutions, Canberra, 4 August 2004

Panel speaker for the National Europe Centre at the ANU's seminar for the Packard Society 'Human Rights in Europe and Australia', ANU, 20 October 2004

Andrew Byrnes

Panel speaker for the Centre's joint (with the Gilbert + Tobin Centre of Public Law, UNSW) Forum on the National Implications of the ACT Human Rights Act **Australia's First Bill of Rights**, Canberra, 1 July 2004

'The ACT Bill of Rights: its relevance and potential effectiveness', paper for Lanier Select Copiers State Legal Convention 2004, Adelaide, 23 July 2004

Presented a paper at the expert workshop International Challenges to the Australian Legal System, jointly organized by the Centre and the Gilbert + Tobin Centre for Public Law, ANU, 12–13 August 2004

Presented (as co-rapporteur) the *Final report* of the Committee on International Human Rights Law and Practice of the International Law Association on the impact of UN human rights treaty bodies findings on the work of national courts and tribunals at the ILA's biennial conference in Berlin, 16–21 August 2004

Attended the meeting of the Ad Hoc Committee on the UN General Assembly as a member of the delegation of the Asia Pacific Forum of National Human Rights Commission, New York, 23–27 August 2004

Launched Gisele Brand's *After the Dark* (2004), Canberra, 9 September 2004
Participant in Consultation on Updating of Skills on Application of CEDAW, organized by International Women's Rights Action Watch (Asia-Pacific), Kuala Lumpur, 18–21 September 2004

'Implications for the National Bill of Rights', presentation at seminar 'The ACT Human Rights Act: Local and National Implications', organized by the Gilbert + Tobin Centre for Public Law and the Sydney Centre for International and Global Law, Parliament House, Sydney, 29 October 2004

'Bioethics and the Draft UN Convention on Disability', presentation at the workshop on Intersections of Medical Ethics and International Human Rights, Canberra, 19 November 2004

Hilary Charlesworth

Panel speaker for the Centre's joint (with the Gilbert + Tobin Centre of Public Law, UNSW) Forum on the National Implications of the ACT Human Rights Act **Australia's First Bill of Rights**, Canberra, 1 July 2004

Madelaine Chiam

'Cigarettes and Rights: Observations from Case Studies of Australian Treaty Negotiation', paper for the 12th Annual Meeting of the Australian and New Zealand Society of International Law, Canberra, 19 June 2004 (with Devika Hovell)

Robin Creyke

Talk on discrimination law and vicarious liability to Defence Legal Section, Canberra, 8 June 2004

'Inquisitorial v Adversarial Processes in Australian Tribunals', paper for the Annual Tribunals Conference organized by the Australian Institute of Judicial Administration, Brisbane, 11 June 2004 (with Narelle Bedford)

Speaker at the launch of the Administrative Review Council's *Legal Training for Primary Decision Makers: A Curriculum Guideline*, Canberra, 21 June 2004

The foundation work on the *Guideline* was done by Robin Creyke and John McMillan.

Co-presenter of paper on Inquisitorial Processes in Australian Tribunals for the Australian Institute of Administrative Law National Forum, Hobart, 12 July 2004

Presented seminar (with John McMillan) on *Legal Training for Primary Decision Makers: A Curriculum Guideline*. for the Administrative Review Council, for trainers and officials in legal sections of Commonwealth departments, ANU, 13 July 2004

Speech for COMNET (Commonwealth network of administrators) on *Legal Training for Primary Decision Makers: A Curriculum Guideline*, Canberra, 21 July 2004

One of four presenters from the Administrative Review Council (with Robert Cornall, Secretary, Attorney-General's Department, Wayne Martin QC, President, Administrative Review Council, and Professor John McMillan) who prepared papers for, and addressed, the Secretaries Retreat (the annual meeting of Heads of Commonwealth Agencies) on administrative law issues, Sydney, 23 July 2004

Attended by invitation the meeting of the United Kingdom Council on Tribunals, London, 15 September 2004

Gave an Administrative Law Update seminar for Phillips Fox Lawyers, Canberra, 10 November 2004

Gave a paper on Inquisitorial processes in Defence Inquiry Processes to the Administrative Law National Conference, for Defence legal personnel, Canberra, 11 November 2004

Gave evidence to the Defence Inquiry into Review Processes, Brindabella Park, 23 November 2004

Thomas Faunce

'After the FTA: Can we protect the PBS?', public lecture for the National Institute of Social Sciences & Law, ANU, 28 September 2004

Ann Kent

'The UNcertainty Principle: Factors Influencing National Participation in International Institutions', paper for the International Challenges to the Australian Legal System Expert Workshop, ANU, 12-13 August 2004

'The Australia-China Human Rights Dialogue', submission to the Joint Committee on Foreign Affairs, Defence and Trade Inquiry into Australia's Human Rights Dialogue Process, 21 May 2004

Part of the above submission was cited in Catherine Armitage, 'We Won't Mention It', 10 *The Australian*, 15 November 2004

Thomas Faunce convened a workshop on **Intersections of Medical Ethics and International Human Rights** on 19 November 2004 which brought together a wide range of active researchers in the fields of bioethics, medical ethics and human rights. The Workshop was supported by the National Institute for Social Sciences & Law, and further information is available on their website <http://law.anu.edu.au/nissl/ethics.htm>

Dennis Pearce

'Recent Legislative Developments in Administrative Law', seminar for Phillips Fox, Canberra, 2 July 2004

'Legislative Instruments Act', two seminars for officers of the Department of Family and Community Services, Canberra, 28 September 2004

Sat as Member of Copyright Tribunal, Sydney, 18-22 October 2004

Amelia Simpson

'Constitutional Law Developments', seminar for the Office of Parliamentary Counsel, Canberra, 19 August 2004 (with James Stellios)

'W(h)ither the Senate?', lecture for the University of the Third Age, Canberra., September 2004 (with John Warhurst)

'International Education Week and the Fulbright Program', interview for 666 AM radio's *Drive* with Rod Quinn, 16 November 2004

'Adapting the US Socratic method for Australian law schools', paper for the Constitutional Law Teachers' Workshop, Sydney, 26 November 2004

James Stellios

'Constitutional Law Developments', seminar for the Office of Parliamentary Counsel, Canberra, 19 August 2004 (with Amelia Simpson)

Daniel Stewart

'The Merits/Legality Distinction', paper for the Australian Defence Force Administrative Law Conference, Canberra, 11 November 2004

The Victorian Law Reform Commission's Workplace Privacy Options Paper (September 2004) incorporated advice provided to them by **Amelia Simpson** and **James Stellios**. The paper is available at www.lawreformvic.gov.au



CENTRE RESEARCH FELLOW ALEX CONTE

From August to December of this year, I have been fortunate to have spent time with the Centre as a research fellow from the University of Canterbury, New Zealand. My time here has been a wonderful mix of research and writing, as well as involvement in teaching and seminars through the Centre and associated entities.

My two primary research activities have involved the completion of a manuscript for Ashgate Publishing Ltd in London and the bringing to a close of my doctoral studies. I am pleased to say that with the wonderful facilities and support of the Centre and Faculty of Law, I was able to progress both activities. The publication *Security in the 21st Century* which examines the conflicts in Afghanistan and Iraq and the role of the United Nations in the maintenance of international peace and security, is to be released in January 2005. While submission of my PhD thesis is not due until April of 2005, the bulk of that work (at least in draft form) has been undertaken. As a young academic on his first period of sabbatical leave, the opportunity to do little else but research and write has been tremendous.

Fortunately, I have also been able to contribute a little to the Centre's Australian Research Council funded project on terrorism and the non-state actor. I gave a seminar on New Zealand's human rights framework and the challenges presented to this by counter-terrorism legislation, as well as a more general talk on research activities and issues in the debate on counter-terrorism, security and democracy. I have been able to contribute to teaching in the Faculty's courses on the principles of international law, discussing self-defence in the context of the intervention in Afghanistan, and international criminal law, examining crimes against humanity and the problems faced by transnational terrorist activities. As part of a workshop on international law and its role in security for the Graduate Studies in Strategy and Defence program, I spoke on the use of force at international law with particular emphasis on self-defence and pre-emptive strikes in the war on terror. I also gave a talk on diplomacy, law and counter-terrorism for the ANU's Asia-Pacific College of Diplomacy program on challenges to diplomacy in the 21st century. Finally, I was involved in CIPL's training program on international law for the Department of Foreign Affairs and Trade, talking on international institutions, international terrorism and the use of force between states.

My time here has also allowed me to benefit from the wonderful visitors program organised by Centre, often in cooperation with the National Institute of Social Sciences and Law, including speakers such as Professor Tim McCormack, Ambassador Mike Smith, Professor Geoffrey Lindell and Justices Chandrachud and Kirby.

I must convey my thanks to all those in the Centre for International and Public Law, in particular Andrew Byrnes and Cathy Hutton, as well as Michael Coper, the Dean, and Jenny Braid, whose organisation made this fellowship possible and worthwhile.

Alex Conte



CENTRE STAFF AND MEMBERS

Hilary Charlesworth, Professor and Director
(to August 2004)

Andrew Byrnes, Professor and Director
(August to December 2004)

Cathy Hutton, Administrator

Jennifer Braid, Assistant Editor, Australian
Year Book of International Law

Kent Anderson, Senior Lecturer

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