

NEWSLETTER

CENTRE FOR INTERNATIONAL AND PUBLIC LAW



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NOTE FROM THE DIRECTOR



This year's newsletter covers the period from the 2009 Public law weekend through to this November, 2010. Last year I began this note by reporting a change to the Thursday and Friday schedule of the Public law weekend conference, which had been traditionally held in November. This year I can report on the move in the time of the

year of the conference from November to September. The timing worked well this year and as you will see in the pages below, we will be holding the Public law weekend in September again in 2011 using the theme of '10 years on' from September 11, 2011 for the first day, which returns to a Friday. We are delighted that the Sawyer lecture in 2011 will be presented by the Chief Justice of the Canadian Supreme Court. The Public law weekend and its now associated annual Geoff Sawyer lecture are valuable contributions to the public law landscape and I encourage you to look at papers from past conferences available online.

2010 has been another busy year and the highlight (although all events were particularly successful) was the 20th Anniversary celebration of the Centre. All who were present enjoyed the opportunity to hear from each of the past directors of CIPL and to enjoy each others' company around the seminar. The publication of a special anniversary booklet with an essay written by Ernst Willheim about CIPL's first 20 years together with some lovely photos and memorabilia was appreciated. Copies are available electronically as set out further in this newsletter.

The Friday lunch time seminar series, initiated by Professor Rothwell during my 2009 first semester sabbatical, continued in 2010 on the first and third Friday of the month. As you will see in the following pages, the seminars were excellent with consistent strong attendance from a range of people at the ANU and in the broader Canberra community and we will continue the series in 2011.

Beyond the seminar series and the Anniversary event, the Centre has had a very busy year promoting a sustained interest and engagement around public law and international law research and the intersection between them. In July CIPL hosted its fourth workshop bringing together public and international lawyers, this time focussing on the theme of Allegiance and Identity in a Globalised World. I am grateful to Dr Fiona Jenkins from Philosophy and my colleague Dr Mark Nolan for playing a key role in assisting in developing the workshop program and we were grateful to the Department of Immigration and Citizenship for some financial support in holding the workshop, with

some members of DIAC sitting in on various papers. Work is underway for this being published as the fourth in the Cambridge University Press series emanating from these workshops (see further on page 18 of this newsletter) with the second book recently released and the third book almost with CUP ready to go to press.

The 2010 Australian and New Zealand Society of International Law (ANZSIL) conference was successfully held in Canberra and plans are already beginning for the 2011 conference, which will be held in Canberra on Thursday 23 to Saturday 25 June, 2011, at University House. A Call for Papers for the conference is now available at http://law.anu.edu.au/anzsil/conferences/2011/call_for_papers.pdf. The third Kirby lecture in International law was presented by the ANU Chancellor, Professor Gareth Evans and it was a great success and I am delighted that Louise Arbour, current head of the International Crisis Group, will be presenting the 2011 lecture.

Since 2008, CIPL has also acted as the Secretariat for the Jessup International Law Moot Court competition, held at the ANU College of Law each summer. This year's secretariat was managed by CIPL colleague Hitoshi Nasu and ANU College of Law PhD student Imogen Saunders was his able administrator and we thank them for this work. We were absolutely delighted that the ANU College of Law team went through to win the international competition!!!

Can I also draw to your attention the achievements of those within the Centre in the congratulations box below, and to the amazing research output and community contributions of the members of CIPL? As I state in each newsletter, it is a great privilege and pleasure to be working with such talented colleagues. We are all supported by a collegiate Dean in Professor Michael Coper. He is integral to the great sense of community in the ANU College of Law within which CIPL is proudly housed.

Finally, I would like to thank all the people who have supported CIPL in various ways throughout the past year. The Advisory Board meets twice a year and this year Ms Penny Richards completed her term as Senior Legal Adviser at Department of Foreign Affairs and Trade (DFAT) and Professor Christian Reus-Smit accepted an appointment to a Chair in IR at the European University Institute in Florence.

CIPL welcomed Richard Rowe, who replaced Penny Richards and Elizabeth Broderick, Sex Discrimination Commissioner and Commissioner responsible for Age Discrimination. In particular, I am grateful to Wendy Mohring, CIPL's administrator and the College of Law's Outreach and Administrative Support team (COAST) who have been doing a superb job, supported by Christine Debono and other staff

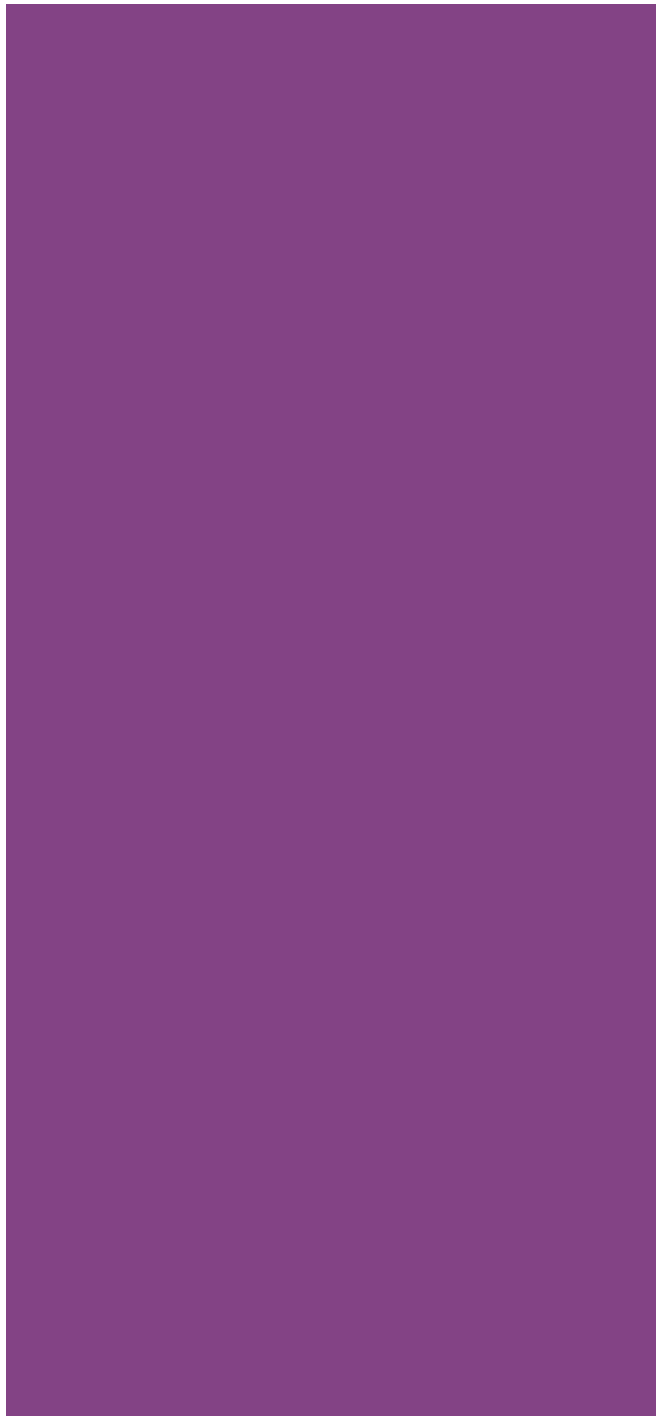


Kristian Draxl, Sarah Hull and Haibei Feng and now with the addition of Margaret Donnelly. CIPL extends its thanks for coordinating CIPL's busy schedule.

I look forward to any feedback you may have on the Centre's activities and hope to see you some time in 2011.

Best wishes,
Kim Rubenstein

December 2010



NEWS

- In December 2009, Peter Scott, Director, Sanctions and Transnational Crime Section, International Legal Branch, Department of Foreign Affairs and Trade launched the first of the CIPL Five Part book series *Connecting International Law with Public law*.
- The second volume *Incentives for Global Public Health: Patent Law and Access to Essential Medicines* has now been published and you will find more information about this book on page 18.
- Matthew Zagor, CIPL Member and Senior Lecturer at the ANU College of Law, took up the position of Deputy Director for the ANU Centre for European Studies in February. The broad theme of the Centre for 2010 has been 'Europe and the Law', within which comparative constitutionalism and the impact of international law formed central components. As the College's representative this year at the Centre, Matthew had responsibility for delivering seminars, workshops and an international conference around these themes.

At the Centre launch on 19 February, the law program was presented to the heads of mission and representatives from several European Union countries, as well as Ambassador David Daly, Head of the European Union's Delegation to Australia. The newly structured Centre builds on the success of the National Europe Centre by bringing together Law, Arts and Social Sciences, Business and Economic, and Asia and the Pacific – the four ANU Colleges – into a creative partnership, each having an equal stake in the direction, operation and success of the Centre's interdisciplinary program.

The law program itself was launched on 10 March with a lecture by Aindrias Ó Caoimh, the Irish Judge on the Court of Justice of the European Union, who spoke about the challenges facing the Court under the new Treaty of Lisbon – a topic which will feature again towards the end of the year as experience under the treaty develops. On 30 March, the Centre hosted a seminar entitled 'Punishing Universally Dangerous Crimes – Universal Jurisdiction in Europe and Australia'. Reflecting on the European experience was visiting scholar Associate Professor Jean d'Aspremont of the University of Amsterdam and University of Louvain. He was followed by Mark Ierace SC, Senior Public Defender at the NSW Public Defender's Office and former Senior Trial Attorney at the International Criminal Court for the Former Yugoslavia.

Welcome back to Pene Mathew, former Deputy Director at CIPL who has returned to ANU to take up the Freilich Foundation Chair.

- CIPL had a summer law student Intern, Jacqueline Field working with Kim Rubenstein and Mark Nolan on a



project looking at Children and Identity and Citizenship. For more information on CIPL Interns, please go to page 19.

- ANU Summer Scholar, Elizabeth Chan worked with Kim Rubenstein and Heather Roberts on their project on Trailblazer Women Lawyers in Australia.

WELCOME

CIPL is delighted to welcome new ANU College of Law appointees. Both Katie Young and Rebecca Monson have begun and Rob McLaughlin will begin in 2011.

Rob McLaughlin

Rob is currently Director of the Naval Legal Service in the Royal Australian Navy and Director of Operations and International Law in the Department of Defence. He has a BA (Hons) and LLB (Hons) from UQ, an MA in history from Brown University, an LLM in international law from ANU, and an M Phil (International Relations) and PhD from Cambridge. His extensive publications on military law and international law have won multiple prizes, and as well as this highly regarded scholarship he brings to the ANU a wealth of practical experience.

Rebecca Monson



Rebecca, who is currently working on a World Bank consultancy in the Solomon Islands, is completing her PhD at ANU on gender, land and authority in the Solomon Islands. She has a BA (Hons) (in geography) and LLB (Hons) from Monash University, an armful of scholarships and prizes, and has tutored for ANU College of Law across a wide range of subjects. Rebecca was a participant in this year's CIPL workshop on Allegiance and Identity in a Globalised World.

Katie Young



Katie has a BA and LLB (Hons) from Melbourne University and an LLM and SJD from Harvard. She graduated first in her class at Melbourne Law School, with a number of prizes, and was a member of Melbourne's World Cup winning Jessup Moot team in 2000. Katie was Associate to Justice Michael Kirby, has taught at Melbourne, Harvard, and Boston University Law Schools, and has published extensively on human rights, especially on social and economic rights. Katie participated in the second CIPL workshop and has a chapter in the book featured at page 18.

CONGRATULATIONS

- Dr Matthew Rimmer has been awarded an ARC Future Fellowship for his project, Intellectual property and

climate change: inventing clean technologies, and has recently been promoted to Associate Professor. Matthew is a joint editor of the 2nd book in the CIPL CUP Series see page 18.

- Professor Kim Rubenstein received an ANU 2010 Top Supervisors Award on November 10. This award is presented to ANU staff who have excelled in supervising their research students in postgraduate research studies. The nominees are determined by students.
- The ANU College of Law who celebrated its fiftieth anniversary with an alumni dinner at The Boat House on the Lake.
- Adjunct Professor Peter Bailey was honoured with the 2010 ANU Vice-Chancellor's Award for Career Achievement.
- ANU Law students, Sneha Rangnath, Sam Thorpe, Ellen Chapple, Sarah Lynch and Rohan Kapur, won the world final of the 2010 Jessup Moot Competition. The competition had 127 teams from 76 countries, and was held in Washington. The group was coached by Senior Lecturer from the ANU College of Law, Wayne Morgan, and was supported in Washington by Faculty Adviser Jon Lovell.
- Dr Heather Roberts and her husband Rado welcomed into the world a baby boy, Julius Frederick Faletic on Saturday 19 June.
- Dr Judith Bannister—who received her PhD from the ANU College of Law—has moved to the University of Adelaide to teach intellectual property and administrative law. She is a co-author of a new book, *Media Law: Cases, materials and commentary* Melbourne, Oxford University Press, 2010. Her contributions focused on freedom of information laws and offensive publications.

CIPL's ADVISORY BOARD MEMBERS

In 2010 CIPL farewelled two of its Advisory Board members, Ms Penny Richards who had completed her term as Senior Legal Adviser at Department of Foreign Affairs and Trade (DFAT) and Professor Christian Reus-Smit who had accepted an appointment to a Chair in IR at the European University Institute in Florence

CIPL welcomed Richard Rowe, who replaced Penny Richards and Elizabeth Broderick, Sex Discrimination Commissioner and Commissioner responsible for Age Discrimination.



Elizabeth Broderick



Richard Rowe



CIPL is most grateful to its Board members for their time and support of CIPL. For a full list of CIPL's Advisory Board see <http://law.anu.edu.au/cipl/advisory-board.htm>

CIPL EVENTS

November 2009 – November 2010

To access recordings and proceedings of CIPL events, go to <http://law.anu.edu.au/cipl/events.asp>

14th Annual Public Law Week-End

12 & 13 November 2009



Justice Kyrrou



Justice Black

The experiment of holding the Public law weekend on a Thursday and Friday in 2009 resulted in a smaller turn out, but it did not impact on the quality of the great papers delivered. Papers are available at <http://law.anu.edu.au/cipl/Conferences&SawerLecture/2010/Program.pdf>

Annual Geoffrey Sawer Lecture

12 November 2009

On Stormy Waters: South Africa's Judges (and Politicians) test the limits of their Constitutional Authority

Professor Hugh Corder, University of Cape Town

Professor Corder talked about the formal provisions of the South African Constitution which have, over the past fifteen years, shifted from a racist variation of parliamentary sovereignty to a constitutional democracy based on limited government under law, striving for dignity, equality and freedom. The Constitution of 1996 seeks to incorporate the best lessons learnt by other such systems over the past



Professor Hugh Corder, Professor Kim Rubenstein, Professor Michael Coper

sixty years in particular, blended with substantial infusions of supranational scholarship and experience and built on an African, developing country base. The superior courts have had to assume a more directly 'political' role in exercising the testing power of judicial review, not only in respect to the protection and enforcement of basic rights. Their judgments have had to engage with urgent socio-economic problems, as those faced with dire circumstances have increasingly turned to the courts to hold the executive and legislature accountable to their constitutional mandate.

Public Forum

18 November 2009

Balibo and the Laws of War: Prosecution and Accountability

Speakers: Dr Clinton Fernandes (ADF, UNSW) and Geoff Skillen (Attorney-General's Department)

In association with the Red Cross

In October 1975, five Australian journalists were killed in Balibo, East Timor. In 2007 a New South Wales coronial inquest found that the five were deliberately killed and referred the case to Commonwealth authorities. In October 2009 The Australian Federal Police announced that they were beginning an investigation. What were the circumstances surrounding the killings and what international and domestic laws apply?

CIPL Lunchtime Seminar Series

20 November 2009

Crossing the divide: Why Anti-Discrimination Law needs to be Public Law

Associate Professor Simon Rice, ANU College of Law

Despite its social policy-oriented regulatory nature, anti-discrimination law is essentially a private law activity, even to the extent that it is referred to and analysed as a 'statutory tort'. The public/private divide that it does cross is of a different sort: the nature of the activity that it 'regulates'. But as a regulatory regime anti-discrimination law lacks distinctive features of a true public regulatory activity, such as codification, oversight, inspection, inquiry and penalties. An analogy is occupational health and safety, where the state leads efforts to regulate for safe workplaces, supplemented by a common law right to sue. For a host of reasons—essentially that the current approach doesn't work—it is time to consider, for example, ombudsman and inspection powers, coupled with a positive duty, and to take pursuit of the public policy goal of non-discrimination out of private hands.



CIPL Public Seminar

25 November 2009

Human Rights in Asia: Towards Institution building

Professor David Matas, Faculty of Law,
University of Manitoba



Dr Hitoshi Nasu, Professor David Matas

The Asia-Pacific region combines states with widely varying human rights records and institutions. There are both democratic states with strong human rights records and undemocratic states which violate the rights of their citizens in a gross and flagrant manner. Is it possible, with such a stark contrast, to construct a human rights institution which functions effectively across the region? David Matas examined this question by considering the experience of the Universal Periodic Review of the United Nations Human Rights Council, and suggested the construction of a regional Asia-Pacific human rights institution based on the Review. A regional institution would function differently from the Universal Review, taking into account local political dynamics.

Jessup International Law Moot Court Competition

February 2010

The Jessup Moot is the oldest, most prestigious, and most globally extensive of all international law student competitions - virtually the 'world cup' of international mooting. The students presented oral and written arguments on a hypothetical international law case to a simulated International Court of Justice. This year, the problem addressed 'the right to self-determination and the lawfulness of measures taken to protect the economic resources of a state.'

The ANU team members were Ellen Chapple, Rohan Kapur, Sarah Lynch, Sneha Rangnath and Sam Thorpe. The group was coached by Senior Lecturer from the ANU College of Law, Wayne Morgan, and was supported in Washington by Faculty Adviser Jon Lovell.



Sneha Rangnath, Sam Thorpe, Ellen Chapple, Sarah Lynch and Rohan Kapur

The team from the ANU College of Law was runner-up in The Australian leg of the competition, held in Canberra in February. This meant it progressed to the world final, where the team vanquished the winner of The Australian round—the University of Western Australia—and went on to defeat one of the highest ranked US law schools, Columbia University, in the grand final.

CIPL Lunchtime Seminar Series

5 March 2010

The Entrenched Minimum Provision of Judicial Review and the Rule of Law

Associate Professor Leighton McDonald,
ANU College of Law

In *Plaintiff S157/2002 v Commonwealth* (2003) 211 CLR 476, the High Court held that is 75(v) of the Constitution entrenches a 'minimum provision of judicial review which limits the effectiveness of statutory attempts to impair the judicial review of Commonwealth administrative action and constitutes a 'textual reinforcement' of the rule of law. This paper identified two possible ways in which the 'rule of law' might give content to the idea of the minimum provision of judicial review. The paper proceeded primarily through an analysis of the High Court's reasons in *Commissioner of Taxation v Futuris Corporation Ltd* (2008) 237 CLR 146. The paper distinguished and analysed a number of different statutory techniques aimed at restricting judicial review.

CIPL Lunchtime Seminar Series

9 March 2010

Religion and State: Current Dilemmas

Sharon Shenhav JD, International Jewish Women's Rights Project, Jerusalem Centre for Public Affairs

Sharon Shenhav discussed current dilemmas in the relationship between religion and state in countries worldwide. Most of these dilemmas relate to women and



their rights in religious marriage and divorce as well as their mode of dress. European countries have been struggling with the rights of Muslim women to wear head covering and the veil. Marriage and divorce, including polygamy, adultery, child marriage and gender discrimination in divorce have become the subject of worldwide discussion as secular governments attempt to deal with the demands of various religious communities in their countries.

CIPL Lunchtime Seminar Series

19 March 2010

Militancy, Orthodoxy & 'Rule of Law' Deconstructing the Islamisation of Pakistan's Law

Moeen Cheema, ANU College of Law

This seminar attempted to deconstruct Pakistan's three decade long experience with the Islamisation of laws and took into account the various legislative interventions (most notably the Hudood laws) and the jurisprudence of the Shariat Courts, particularly the legacy of this brand of jurisprudence for the establishment of 'Rule of Law' in Pakistan and the 'indigenisation' of Pakistan's laws of mostly colonial origin. The paper also reviewed the role played by Pakistan's 'secular' trial and appellate courts in advancing Islamic legal discourse, not always in the most rights-oriented fashion. Moeen argued that the deeper impact of the Islamisation of law (and not merely a handful of laws) may only be determined by evaluating the changes that Islamisation has wrought within the structures of Pakistan's post-colonial legal system.

CIPL Public Seminar

25 March 2010

Deformalisation in International Law

Dr Jean d'Aspremont, University of Amsterdam

Formalism has been the central paradigm in ascertaining the rules of International law and distinguishing between law and non-law at the International level since systematic studies of international law were first initiated. Accordingly, international lawyers have always been trained to delineate international legal rules by virtue of the formal source from which they emanate, a blueprint that, until recently, has been persistently perpetuated.

There has been a contemporary retreat away from formalism that this seminar addressed and the speaker examined some avenues for the containment of deformalisation and the rehabilitation of formalism as a central paradigm for the delineation of international law.

Conference

15 April 2010

Pirates of the Southern Ocean

This conference was held to review the events of the 2009–10 Southern Ocean whaling season, the legal and policy implications and the future of Australia/Japan relations.

The 2009/10 whaling season in the Southern Ocean witnessed a dramatic escalation in the clashes between the Japanese whaling fleet and the Sea Shepherd Conservation Society. In January a collision between the Sea Shepherd's *Ady Gil* and the Japanese whaler *Shonan Maru No. 2* resulted in the sinking of the *Ady Gil*. Then in February the skipper of the *Ady Gil*, Pete Bethune, boarded the *Shonan Maru No. 2* to affect a 'citizen's arrest' of its Master whilst also presenting a demand for compensation. Later that month Prime Minister Rudd indicated Australia would take Japan to the International Court of Justice if it did not halt its whaling operations by November 2010.

These events raise numerous legal, policy and diplomatic issues which seem unlikely to fade away. In addition, the International Whaling Commission is also grappling with a reform agenda and considering proposals that commercial whaling be allowed to resume.

This conference brought together leading legal and diplomatic experts and government practitioners to discuss these issues.

CIPL Lunchtime Seminar Series

16 April 2010

A Typology of Economic and Social Rights Adjudication

Dr Katharine Young, ANU College of Asia and the Pacific

In this seminar, Dr Young drew on the South African experience with justiciable economic and social rights to present a typology of judicial review, which incorporates deferential, conversational, experimentalist, managerial and peremptory stances. She suggested that these five stances are part of a general judicial role conception which she terms catalytic, because it opens up the relationship between courts and the elected branches, and lowers the political energy that is required in order to produce government response. This role conception helps to recontextualise the familiar debates about economic and social rights.



Public Speech

28 April 2010

Australia's Ambition for the Worldwide Conservation of Whales

Peter Garrett AM MP, Minister for Environment Protection, Heritage and the Arts



Peter Garrett AM MP

Minister Garrett spoke at the ANU a few weeks prior to the 2010 International Whaling Commission meeting in Morocco. In his address the Minister outlined the international policy issues confronting the management of whales stocks and Australia's commitment to a conservation agenda on whaling. The Minister addressed some aspects of the reform proposals before the International Whaling Commission and identified Australia's concerns over those proposals. It was indicated that Australia would continue to work constructively with its international partners in the IWC in order to achieve sustainable conservation outcomes.

CIPL Lunchtime Seminar Series

7 May 2010

Prosecution under Australian Law of International Crimes committed outside Australia

Geoff Skillen, Office of International Law, Attorney-General's Department, Canberra

This seminar looked at the experience of trying war criminals in Australia and at the state of Australian law on the subject. It considered arguments for and against retrospectively criminalising war crimes in Australian law, an initiative that would, it is argued by some, close gaps in existing Australian law and enable the trial of persons for serious international crimes committed outside Australia in the past.

CIPL Lunchtime Seminar Series

21 May 2010

Section 75(v) of the Constitution: A Complex Mechanism of Federal Government

Associate Professor James Stellios, ANU College of Law

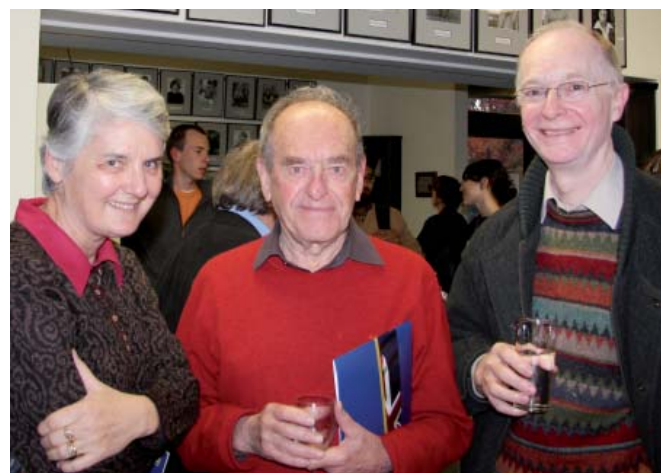
Section 75(v) of the Constitution has been viewed by the High Court as a central mechanism for ensuring the accountability and control of Commonwealth officers. The jurisdiction has been described as existing to maintain the federal compact as it provides a means of assuring to the people that Commonwealth officers will obey the law. The popular history of the provision recounts that it was introduced and reintroduced to respond to the US Supreme Court's decision in *Marbury v Madison*. In this seminar, James Stellios explored successive drafts of the Constitution to reveal a more complex picture of the provision's history. This complexity may have important consequences for the way in which s 75(v) is interpreted and applied.

CIPL'S 20th Anniversary Event

18 May 2010

The Centre for International and Public Law celebrated its twentieth anniversary at a special evening hosted by CIPL. Past, acting and present Directors reflected on their time leading the Centre and shared their thoughts about how things have changed in their disciplines over the past twenty years. Past Directors were:

- Professor Philip Alston (1990–1995)
- Professor Julian Disney (1996–1997)
- Professor Hilary Charlesworth (1998–2004)
- Interim Director Andrew Byrnes (Aug–Dec 2004)
- Interim Director Robin Creyke (Jan–Dec 2005)
- Professor Kim Rubenstein (2006–present)





A booklet, CIPL Twentieth Anniversary, was produced to commemorate the event and according to Ernst Willheim, Visiting Fellow at the ANU College of Law who wrote the introduction, it acknowledges the contributions of the 'legal luminaries associated with CIPL over the past twenty years and the prodigious output, not only in legal research of the highest quality but in influential contributions to the public policy debate.' A copy of the booklet can be downloaded at http://law.anu.edu.au/news/webdocuments/CIPL%20Booklet%20AnniversaryBooklet_web.pdf or you can contact the CIPL Administrator for a hard copy of the booklet.

CIPL Lunchtime Seminar Series

4 June 2010

Instruments addressing new and emerging threats to civil aviation

Julie Atwell, Office of International Law,
Attorney-General's Department, Canberra

Following the incident of 11 September 2001, the International Civil Aviation Organisation (ICAO) Assembly directed the Council and the Secretary-General to act urgently to address new and emerging threats to civil aviation, in particular to review the adequacy of existing aviation security conventions. A study of the existing aviation security conventions concluded that the offences in these instruments do not adequately address new and emerging threats to civil aviation. In order to address this, the Legal Committee has recommended two new Protocols

be developed to the Montreal and Hague Conventions. In this seminar Julie discussed the development of the proposed new offences and their application in conjunction with their relationship with the existing provisions in the Montreal and Hague Conventions.

CIPL Lunchtime Seminar Series

18 June 2010

The role of ecologically sustainable development principles for policy makers, with particular reference to regulation of geosequestration

Edwina Smith, Senior Solicitor, Litigation Branch,
Victorian Government Solicitor's Office

This seminar considered whether regulation of geosequestration in Australia is compatible with the principles of ecological sustainable development, including principles such as intra and inter-generational equity and 'the polluter pays' principle. The extent to which policy makers engage with the principles of ecologically sustainable development and measures that could be taken to enhance the implementation of ecologically sustainable development principles will be addressed.

Conference

21-22 June 2010

Copyright 2010: A decade of Moral Rights and the Digital Agenda

This conference considered the history, the legacy, and the future of two key pieces of copyright legislation—the *Copyright Amendment (Moral Rights) Act 2000* (Cth) and the *Copyright Amendment (Digital Agenda) Act 2000* (Cth)—on the tenth anniversary of their legislative creation.



Annual Kirby Lecture on International Law

24 June 2010

International Law at the Coalface: Three Decades of Learning by Doing

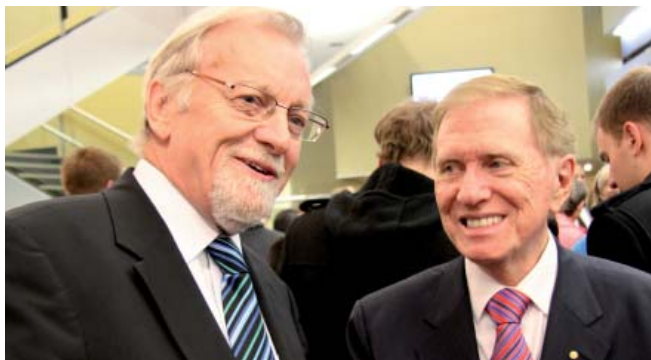
Professor the Hon Gareth Evans AO QC,
Chancellor, The Australian National University



In the third annual Kirby lecture, Professor the Hon Gareth Evans described his experiences as a foreign minister, international non-government organisation head and as a member of many international commissions. He also talked about his experience in international law making practice including arguing in the International Crisis Group negotiating treaty, tackling contested boundaries, trying to generate new norms and guidelines, and wrestling with problems of implementation across the spectrum from genocide to non-proliferation and disarmament.



Mr Michael Kirby, Professor Kim Rubenstein, Professor Gareth Evans



Professor Gareth Evans, Mr Michael Kirby

18th Annual ANZSIL Conference

24–26 June 2010

International Law in the Second Decade of the 21st Century: Back to the Future or Business as Usual?

Recent years have seen important developments in international politics: they include the settling into office of the Obama Administration in the United States, the Global Financial Crisis, and efforts to reach global agreement on responding to climate change. Over the last decade there has been a tendency (once again) to see international law and its institutions as in crisis and as merely reflecting rather than influencing political and social developments, to the neglect of the role it plays in providing frameworks for political and economic decision-making and for the everyday interactions of States and their citizens. Many now hold a more positive view of the possibilities of international law and its importance as a guide for political action. This conference explored these perspectives, as well as engaged with a wide range of other international law topics of contemporary relevance.

CIPL Lunchtime Seminar Series

2 July 2010

What Copenhagen might mean for the legal architecture of the global response to Climate Change.

Mr Sanjiva de Silva, Department of Climate Change and Energy Efficiency

Mr Sanjiva de Silva and the legal team at Climate Change led a discussion on what Copenhagen might mean for the legal architecture of the global response to Climate Change.

The Post-Copenhagen international landscape presented an excellent opportunity for everyone to think broadly about new approaches and ideas Australia could bring to the table in 2010 and beyond. Last year Australia led the way on legal architecture discussions, in particular with our 'National Schedules' proposal which shaped negotiations to the very end in Copenhagen. Crucial issues remain open in 2010 and once again other Parties are looking to Australia to be a thought leader to progress negotiations.



CIPL Lunchtime Seminar Series

16 July 2010

Governance and Power-sharing in Cyprus: Facilitating Preliminary Peace Talks

Dr Jeremy Farrall, Centre for International Governance and Justice, School of Regulation, Justice & Diplomacy, ANU

In this seminar, which was conducted under Chatham House Rules, Dr Jeremy Farrall reflected on his experience as a UN Facilitator during the preliminary phase of the current Cyprus Peace Process. In 2008 Jeremy facilitated the discussions of the Working Group on Governance and Power-sharing, in which constitutional experts from both the Greek Cypriot and the Turkish Cypriot communities discussed the key constitutional elements of a peace plan, including the likely shape of a Federal Constitution itself and of the Executive, Legislature and Judiciary.

Workshop

19-21 July 2010

Linking Public & International Lawyers

Allegiance and Identity in a Globalised World

This fourth workshop in the CIPL series linking public and international lawyers focused on the impact of the movement of people on the concepts of allegiance and identity within a globalised world and its impact on law and policy at the domestic and international levels. The intention of the workshop was to explore how law, philosophy, psychology and other disciplines engage with the concepts of allegiance and identity so that the engagement can enrich public and international law's frameworks for categorising membership, in the context of the large-scale movement of people throughout the globe. Papers from this workshop will become chapters in the fourth volume in the CIPL Cambridge University Press series *Connecting International law with Public law* (see page 18).

CIPL Lunchtime Seminar Series

6 August 2010

Of Kings, Armies and Amnesties: Constitutional Change in the New Nepal

Annemarie Devereux, Office of International Law, Attorney-General's Department, Canberra

Nepal is in the midst of deliberations on a new Constitution, a process that formed a key element of the Comprehensive Peace Agreement finalised in 2006 following Nepal's 10-year civil war. Operating against a complex political background,

the Constituent Assembly is faced with resolving contentious issues concerning the role of the Head of State, the organisation of the army and the means of moving forward to a federal State built on principles of inclusion and human rights. An Interim Constitution was adopted to serve as the transitional arrangement, but has not always been able to offer clarity with respect to governance issues. By focusing on a few aspects of the constitutional process in Nepal, this presentation highlighted the hopes and challenges surrounding constitutional change in Nepal's immediate post-conflict environment.

Roundtable Discussion

17 August 2010

Responding to Human Security Threats in East Asia and the Pacific

Mr Gary Lewis, Regional Representative for East Asia & the Pacific, United Nations Office on Drugs & Crime

Mr Lewis held an informal roundtable discussion with members of CIPL and RegNet in the ANU College of Asia and Pacific, speaking primarily about his mandate in the region.

CIPL Lunchtime Seminar Series

20 August 2010

Multilateral Development Bank Accountability Mechanisms Fixing Problem Projects

Mr Suresh Nanwani, Lawyer, Principal Human Resource Specialist Asian Development Bank

In this seminar, Mr. Nanwani highlighted the fundamental changes in the system of international governance in multilateral development banks through the establishment of accountability mechanisms. He explored how these banks have responded to changes in fixing problem projects by adopting new approaches. Selected claims filed with the accountability mechanisms were studied to offer insights on how these banks address problem projects. Finally, he discussed the challenges that lie ahead for these banks to proactively handle grievance claims and to further enhance their accountability mechanism systems.



Thirteenth Annual Geoffrey Sawer Lecture

3 September 2010

The US Courts and International Law

His Excellency Mr Jeffrey Bleich,
US Ambassador to Australia



In this lecture the Ambassador drew on his extensive legal experience to assess the many ways in which the US Courts engage with international law.

This lecture is available as a video to download from our website <http://law.anu.edu.au/COAST/events/CIPL/vid-SawerLecture2010.htm>



Ambassador Jeffrey Bleich, Professor Kim Rubenstein,
Professor Michael Coper

15th Annual Public Law Weekend

3–4 September 2010

Scarcity, Sustainability & Public Law

Over the past year there has been much attention to policy issues involving scarcity of resources and sustainability in Australia. How do these issues play out when thinking about public law? The Friday afternoon sessions examined this question and the Saturday sessions covered some important analysis of recent High Court decisions, public law from across the Tasman and some other stimulating thinking regarding pluralism and law concluding with an update on work from Parliament in its rethinking of our Federation.

This conference brought together academics and public law practitioners from around the country and provided a perfect opportunity to hear fresh ideas about public law.



Mr Leighton McDonald, Ms Theresa Baw, Mr Daniel Stewart, Dr Trish Luker



Ms Niamh Lenagh Maguire, Ms Gabrielle McKinnon,
Professor Kim Rubenstein, Professor Bob Gregory



Dr Rosemary Laing, Ms Jamila Hussain, Mr Dean Knight,
Mr Moeen Cheema



CIPL Lunchtime Seminar Series

17 September 2010

New International Fisheries Instruments

Camille Goodman, Office of International Law,
Attorney-General's Department, Canberra

This presentation discussed the way that states dealt with these questions in the two most recently adopted international fisheries instruments: the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and the Convention on the Conservation and Management of the High Seas Fishery Resources of the South Pacific Ocean. The presentation outlined the key features of these agreements; discussing the areas of difficulty encountered by States during their negotiation and the way such difficulties were addressed. Observations were made about the implementation and future prospects of these agreements.

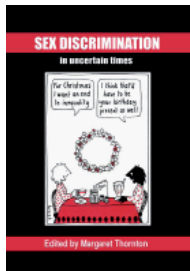
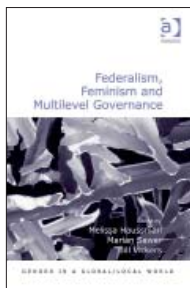
Book Launch

*Launched by Elizabeth Broderick,
Sex Discrimination Commissioner and
Commissioner responsible for Age Discrimination*

29 September, 2010

Federalism, Feminism and Multilevel Governance
edited by Melissa Haussman, Carleton University, Canada,
Marian Sawer, Australian National University and
Jill Vickers, Carleton University, Canada

Sex Discrimination in Uncertain Times
edited by Margaret Thornton, ANU College of Law,
The Australian National University



The two books deal with the important issue of gender and the state. *Federalism, Feminism and Multilevel Governance* is one of the first books to take notice of the impact of state architecture on women's representation, and policy achievements, and explores how women's politics is affected by and affects federalism, whether in Australia, Canada India, Mexico, Nigeria, Russia or the US. It also examines the opportunities and constraints offered by multilevel governance, the increased sharing of decision-making among multiple governmental and non-governmental actors.

Sex Discrimination in Uncertain Times stems from a conference marking the 25th Anniversary of the Sex Discrimination Act 1984. It presents clear-eyed appraisals of the legislation, in addition to considering new forms of legal regulation. The essays are illuminated by recourse to a rich vein of historical and contemporary literature and comparative experience of other jurisdictions, particularly the UK and Canada.



Professor Michael Coper, Professor Marian Sawer, Ms Elizabeth Broderick and Professor Margaret Thornton

CIPL Lunchtime Seminar Series

1 October 2010

New war crimes in the Rome Statute: matters for consideration in a future trial

Ms Netta Goussac, Attorney-General's Department,
Canberra

On 12 June 2010, the inaugural Review Conference of the Rome Statute of the International Criminal Court adopted an amendment to the Rome Statute which added three new war crimes to the Court's jurisdiction. The new offences criminalise the use in non-international armed conflict of poison and poisoned weapons; asphyxiating, poisonous and other gases; and expanding bullets. While the Court already has jurisdiction over the same conduct in international armed conflicts, the use of these weapons in non-international armed conflict raises unique legal questions. This presentation examined the matters that the Court will need to consider in any future prosecution of these offences.



CIPL Lunchtime Seminar Series

15 October 2010

United Nations Reform: Heading north or south?

Professor Spencer Zifcak, Allan Myers Professor of Law, Director Institute of Legal Studies, Australian Catholic University

In 2005, the UN Secretary-General, Kofi Annan, launched the most ambitious program of reform to the United Nations since the end of the Second World War. Institutionally, Annan proposed radical changes to the structure and operation of the Security Council, the General Assembly and the Commission on Human Rights. Politically and legally, he sought a review of the existing rules governing the use of force, the adoption of the 'responsibility to protect' and the conclusion of a comprehensive counter-terrorism treaty. Developmentally, he asked that richer nations renew and extend their commitment to assist in meeting the Millennium Development Goals and take further measures to reduce global inequality.

This seminar, and the book on which the presentation paper was based, described the concerted efforts to implement these reforms and the politics of the reform process. It concluded that very little of the ambitious reform program materialised. Several reasons for this failure were examined. The most important of these is that on almost every major issue, the nations of the global North and global South could not reach any meaningful agreement. Without anything approaching consensus, not much of significance could be achieved.

Public Lecture

26 October 2010

The Role of the Law in the International response to HIV and Aids

Mr David Patterson, Director of the Health Law Program with the International Development Law Organisation

HIV illustrates that law can be both a tool for, and an obstacle to improved public health. In many developing countries, where the rule of law is often weak, UN agencies argue that the 'enabling legal environment' for the response to HIV is important. In June 2010, the UN Development Program announced the formation of the Global Commission on HIV and the Law, which will report at the end of 2011. This presentation critically reviewed HIV, law and international development; discussed some immediate challenges; and proposed some ways to address them, and noted the implications for other public health challenges in the development context.



Mr John Rock, Mr Wayne Morgan, Ms Helen Watchirs, Mr David Patterson

CIPL Lunchtime Seminar Series

5 November 2010

Universal Periodic Review: The Politics of International Law

Rowan McRae, Attorney-Generals Department, Canberra

The Universal Periodic Review (UPR) was established in 2007. Under this new process, every four years, each member state of the United Nations is required to engage in an interactive dialogue about its human rights record with member and observer states of the Human Rights Council. The aim is to improve the human rights situation in all countries and address human rights violations wherever they occur. Australia's first UPR is scheduled for January 2011. As the first cycle of the UPR comes to an end, this presentation considered how the mechanism has operated in practice, and how it measures up against its stated aims.

Symposium

18 November 2010

Intellectual Property and the Knowledge Commons

This symposium explored the debate over intellectual property and the knowledge commons in the fields of research, culture, and science. The keynote speaker, Professor Eva Hemmungs Wirtén from Uppsala University in Sweden, discussed the development of a cultural commons, looking at the Berne Convention and the 1967 Stockholm Diplomatic Conference. The four panellists, Ms Elinor Jean, ANU College of Law, Dr Matthew Rimmer, ANU College of Law, Ms Alison McLennan, ANU College of Law and Dr Miranda Forsyth, explored a number of further contexts for the debate over intellectual property and the knowledge commons. In particular, the speakers investigated the water commons; debates over of cultural environmentalism and climate change; the development of a scientific commons for the emerging field of synthetic biology; and the place of traditional knowledge in the intellectual commons.



CIPL Lunchtime Seminar Series

19 November 2010

Attributes and Attribution of State Courts

Brendan Lim, Counsel Assisting the Solicitor-General of Australia



Professor Kim Rubenstein, Mr Brendan Lim

After a succession of failed challenges to state legislation affecting the functions, processes and composition of state courts, the constitutional principle first identified in *Kable v DPP (NSW)* has been revived in the High Court. In its current form, the *Kable* principle elaborates the constitutional expression 'court of a State.' Its doctrinal locus is the identification of the defining characteristics, or attributes, of a court. This presentation identified a further, if overlooked, dimension to the *Kable* principle, which Brendan Lim called the attribution of a court. By 'attribution' is meant the identification of a court as an emanation, more or less exclusively, of a particular constituent body politic of the federation. From its inception, the *Kable* principle has had to negotiate an awkward tension between, on the one hand, the continued existence of the states and 'their' courts and, on the other hand, the integrated judicature under Chapter III. Thus, the *Kable* principle must be seen to be expressive of values flowing from both of the structural pillars of The Australian Constitution: the separation of powers (attributes of a court) and federalism (attribution of courts). Federalism values relate to the width of the constitutional implication in this way: a stronger *Kable* principle implies and is implied by a weaker attribution of a court to a state and vice versa. Brendan discussed to what extent should the orthodox construction of courts as institutions attributable to the states, be accepted? Should the attribution of courts to states inform or, alternatively, be informed by the *Kable* principle? Finally he examined the effect of intervention by the Attorneys-General under section 78A of the Judiciary Act upon the federalism values expressed by or implicit in the *Kable* case law.

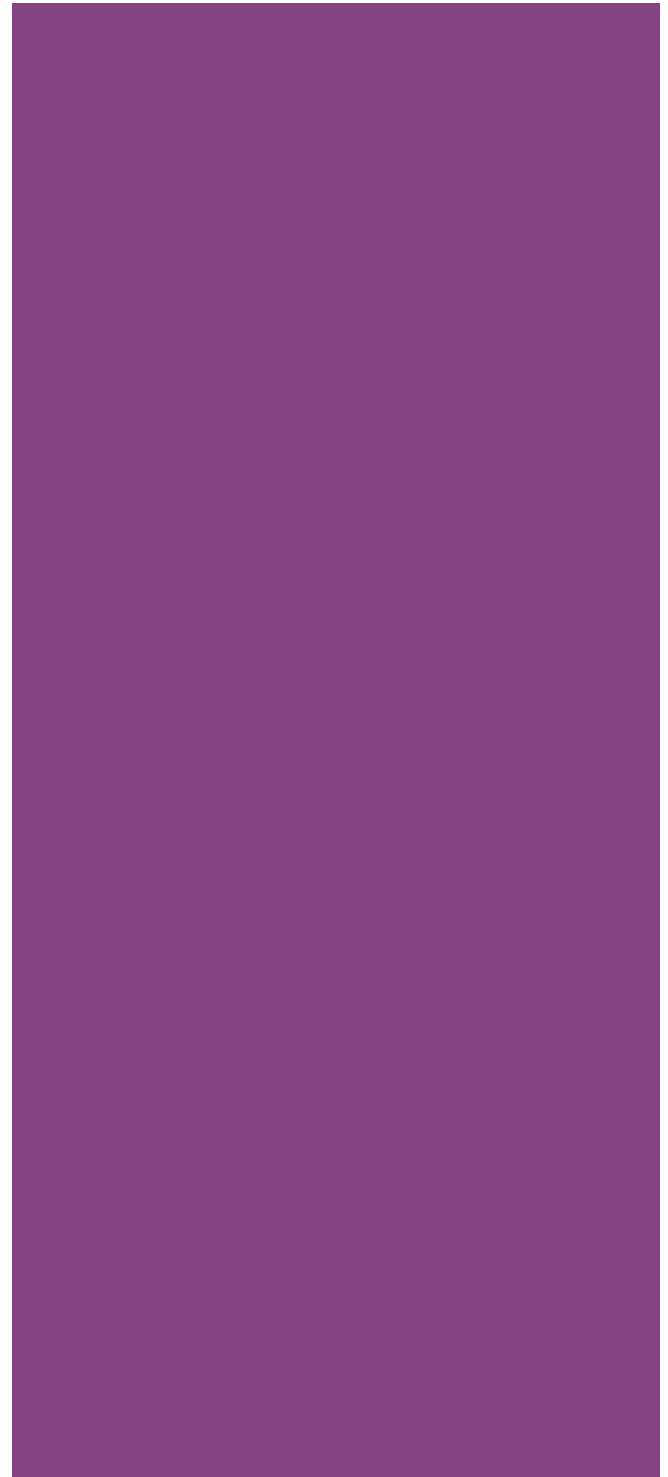
CIPL Lunchtime Seminar Series

3 December 2010

Recent Developments in Chapter III: Kirk v Industrial Relations Commission of New South Wales

Emeritus Professor Leslie Zines

In this seminar, Emeritus Professor Zines, shared with us his views on recent developments in Chapter III of the Australian Constitution.





FUTURE 2011 EVENTS

Annual Kirby Lecture on International Law

Thursday 23 June 2011



Finkel Theatre, John Curtin School of Medical Research, ANU

To be presented by Hon Louise Arbour CC GOQ, President and CEO International Crisis Group, Brussels, Belgium

19th Annual ANZSIL Conference

Thursday 23 June – Saturday 25 June 2011

University House, The Australian National University, Canberra

The Promise and Limits of International Law

The Call for Papers closes on February 14. For more information go to <http://law.anu.edu.au/anzsil/>

Workshop – Connecting International and Public Law

Monday 27 July – Wednesday 29 July

Moot Court, ANU College of Law

Security, Institutions and International and Public Law

This will be the final workshop in the five part series connecting International law with Public law lawyers.

The growth of security institutions in the latter half of the 20th century started with the birth of UN collective security institutions, nuclear security institutions, and regional security institutions such as NATO. Since then, other international institutions not originally created for security purposes have also been playing a role in a range of security issues, including IMO in maritime security, FAO addressing food security, WTO in maintaining the trade regime security, and regional peacekeeping by ECOWAS, OSCE, EU and the African Union. Even in the Asia Pacific, which has traditionally been reluctant about multilateral security cooperation at the regional level or within the UN framework, has increasingly been taking an interest in security matters through regional institutions such as ASEAN, the East Asian Summit, and the South Pacific Forum. The intention of this workshop is to explore how institutional developments at the international and regional

levels engage with the concept of 'security' so that the engagement can enrich public law and international law frameworks and perspectives for enhancing or regulating institutional activities in relation to traditional and contemporary security concerns.

Call for Abstracts closes 4 March 2011 http://law.anu.edu.au/cipl/2011_Workshop/Call_for_Papers.pdf

16th Annual Public Law Weekend

9 & 10 September, 2011

10 years on from September 11: the Impact on Public Law

The 16th Annual Public Law Weekend will be held on Friday 9th and Saturday 10th September 2011. The Sunday following that weekend will mark the 10th Anniversary of September 11 2001, providing an important opportunity to reflect upon the evolution of public law 10 years on from that historic day.

The opening lecture of the PLW conference will be delivered by Professor Michael L'estrage, Director of the National Security College, ANU.

As a new initiative, CIPL is calling for expressions of interest from Public law academics and practitioners around the country to deliver papers relevant to the theme. The Saturday program will also include the annual update sessions in constitutional and administrative law and we are keen to hear from academics and practitioners who might also have an interest in presenting on the Saturday.

Fourteenth Annual Geoffrey Sawer Lecture

9 September 2011

Finkel Theatre, John Curtin School of Medical Research, ANU



To be presented by The Right Hon Madam Chief Justice Beverley McLachlin, PC, Canadian Chief Justice.

For information on CIPL Forthcoming events, go to <http://law.anu.edu.au/CIPL/index.asp>



AUSTRALIAN YEAR BOOK OF INTERNATIONAL LAW

Volume 28 has been published. To order a copy of recent past volumes please go to our website at: <http://law.anu.edu.au/cipl/Publications/YearBook.htm>

EDITORS

Donald R Rothwell and Kim Rubenstein

Inaugural Kirby Lecture in International law

- International Law in the House of Lords and the High Court of Australia 1996–2008: A Comparison
James Crawford

ARTICLES

- Power, Environmental Principles and the International Court of Justice
Afshin Akhtarkhvari
- Re-thinking International Criminal Law: Re-Connecting Theory with Practice in the Search for Justice and Peace
Dylan Bushnell
- Litigation over Marine Resources: Lessons for Law of the Sea, International Dispute Settlement and International Environmental Law
Natalie Klein
- Some Views are more Equal than Others: Submissions to the Commission on the Limits of the Continental Shelf and the Strange Loss of Confidence in Article IV of the Antarctic Treaty
Andrew Serdy
- The World, through the Judge's Eye
Katharine G Young

Book Reviews – edited by Wendy Lacey

- Australian Cases before Australian Courts and Tribunals Involving Questions of Public International Law 2007
- Australian Cases before International Courts and Tribunals Involving Questions of Public International Law 2007
- Australian Legislation Concerning Matters of International Law 2007
- Australian Practice in International Law 2007
- Annual Survey of Recent Developments in Australian Private International Law 2007
- Australian Treaty Action 2007

Volume 29 is in press and will be published 2011.

EDITORS

Donald R Rothwell and Kim Rubenstein

Annual Kirby Lecture in International Law

Swimming to Cambodia: Justice and ritual in human rights after conflict
Hilary Charlesworth

Comment:

United Nations Special Procedures:
A Response to Professor Hilary Charlesworth
Michael Kirby

ARTICLES

- Burden of Proof in International Courts and Tribunals
Caroline E Foster
- The Legal Value of Silence as State Conduct in the Jurisprudence of International Tribunals
Sophia Kopela
- Defining the Rule of Law for Military Operations
Angeline Lewis
- Limiting Good Faith: 'Bootstrapping' Asylum Seekers and Exclusion from Refugee Protection
Penelope Mathew

Book Reviews – edited by Wendy Lacey

- Australian Cases before Australian Courts and Tribunals Involving Questions of Public International Law 2008
- Australian Cases before International Courts and Tribunals Involving Questions of Public International Law 2008
- Australian Legislation Concerning Matters of International Law 2008
- Australian Practice in International Law 2008
- Annual Survey of Recent Developments in Australian Private International Law 2008
- Australian Treaty Action 2008



CAMBRIDGE UNIVERSITY PRESS (CUP) SERIES: Connecting International and Public law

This CUP Book series emanates from the workshops initiated by Professor Rubenstein's arrival at CIPL. As she set out in explaining the *raison d'être* of the series, the Centre for International and Public Law (CIPL) was established by ANU in 1990 under the formal title 'Centre for Advanced Legal Studies in International and Public Law'. Its mission is to advance international and public law, focussing on the relationship between governments, and between governments and their citizens, from both a domestic and international perspective. Setting up a Centre linking public law and international law proved a stroke of great prescience. As the 1995 five year review report stated 'the most remarkable developments of the past decade or so (which in 2009 now represents almost two decades) have been the 'internationalisation' and 'globalisation' of different dimensions of Australian society, The Australian economy and The Australian legal system.' The review stated that the Centre had sought to respond to these inexorable trends by adopting a 'genuinely integrated approach to its work in various fields of both public and international law.'

CIPL initiated this series of workshops bringing public and international lawyers and public and international policy makers together for interdisciplinary discussion on selected topics and themes, extending CIPL's unique project emphasising the links between international and public law. A book series from the workshops, jointly edited by Professor Kim Rubenstein and Professor Thomas Pogge is the outcome of this initiative, published by Cambridge University Press.

The first workshop in July 2007 looked at the complexities of accountability and governance in a globalised world, using sanctions as a framework into the issues. The papers from that workshop are now available in the first book in the series edited by Kim Rubenstein and Jeremy Farrall, *Sanctions Accountability and Governance in a Globalised World* published in November 2009.

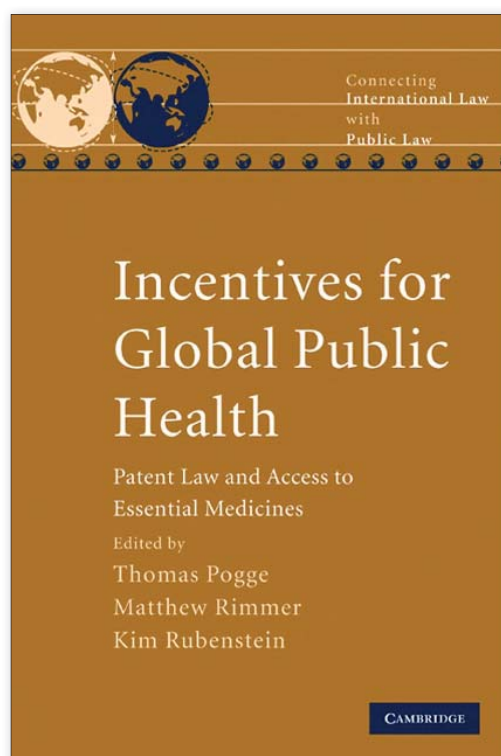
In the second workshop in May 2008 CIPL joined with Professor Thomas Pogge and CAPPE (the Centre for Applied Philosophy and Public Ethics) at ANU, to examine global health and access to essential medicines. The papers from this workshop are now available in the second book in the series, edited by Kim Rubenstein, Thomas Pogge and Matthew Rimmer, *Incentives for Global Health: Patent Law and Access to Essential Medicines*.

The papers from the third workshop *Environmental Discourse in International and Public law* are in press for the third book in the series edited by Brad Jessup and Kim Rubenstein.

The fourth workshop was held in July 2010 using the theme *Allegiance and Identity in a Globalised World* and the book from that workshop will be jointly edited by Fiona Jenkins, Mark Nolan and Kim Rubenstein.

Each of the themes of the 2nd, 3rd, 4th and the final book in the series draws from the original four themes of the International Association of Research Universities (IARU) (<http://www.iaruni.org/>) and this fifth workshop draws directly from the theme: Security.

The fifth workshop, to be held in June 2011, focuses on the institutional developments in the area of international and regional security. For the call for papers see http://law.anu.edu.au/cipl/2011_Workshop/Call_for_Papers.pdf





CIPL STUDENT INTERNSHIPS

CIPL has continued its association with the ANU Law Internship program by accepting undergraduate law students to work with CIPL. Interns work with members of the Law School on projects of an applied nature, attend CIPL afternoon teas, lunches and meetings and assist with the major conferences CIPL runs. At the end of their internship, students write a 6000 word essay which is marked and goes towards their final degree.

Jacqui Field



While travelling through Europe last year, I realised that I needed something to look forward to; to drag me away from art galleries and French cheese and to get me through the long hot Canberra summer. The opportunity to undertake an internship at CIPL was just that.

My internship focused on national identity and citizenship. I reviewed social psychological research regarding children's development of a sense of national identity to comment on the need for identity to be considered in citizenship decisions and explore the consequences of recent amendments to *The Australian Citizenship Act 2007 (Cth)*. Working on this paper exposed me to the impact of citizenship decisions for the people involved and emphasised the scope for interdisciplinary research to contribute to legal policy and decision making in this area.

The enthusiasm and dedication of Professor Kim Rubenstein and Dr Mark Nolan has been inspiring and I thank them for their guidance and interest. It was also wonderful to learn about the work of CIPL and the opportunities to be involved with the Centre in the future.

Jacqui also presented her paper at the fourth CIPL workshop, *Allegiance and Identity in a Globalised World*.

Sarah Bishop



I undertook an internship with CIPL in first semester 2010. During my time as an intern I assisted with preparations for CIPL's 20th Anniversary Event and completed a research paper on how determinations of United Kingdom (UK) and Canadian courts have contributed to understandings of state's extraterritorial obligations to citizens.

For me the internship provided an opportunity to see how research centres operate and to gain wider exposure to how academics pursue research projects before completing my honours thesis in second semester. I would like to thank Kim Rubenstein, Don Rothwell and Wendy Mohring for the assistance they provided.

Diana Zeleny



I am in the final stages of bachelor degrees in Arts and Law. I undertook a CIPL internship in semester 1, after Dr. Heather Roberts suggested it would be a useful way for me to explore my interests in feminist legal theory and public law. It was a wonderful opportunity and I am grateful for her suggestion.

My CIPL internship formed part of the Trailblazing Women and the Law Project, a five year oral history research project designed to record and showcase the experience of Australian women who have made significant contributions to the law. The Project, currently in its pilot year, will conduct in-depth interviews with around one hundred women. Their stories will be made available, both online and in the National Library of Australia.

My CIPL internship focussed on the potential uses of oral history as a tool for legal research. I found it rewarding to reflect on how legal academics might use non-traditional research methods to theorise law differently. I was excited by the breadth of participant experiences, and for the opportunity to be involved in work recording women telling their life stories, in their own words.





A SELECTION OF PUBLICATIONS BY CENTRE MEMBERS

November 2009 – November 2010

DON ANTON

(with Dinah Shelton), *Environmental Protection and Human Rights* (Cambridge University Press, in press), pp 1–930.

Protecting Whales by Hue and Cry: Is There a Role for Non-State Actors in the Enforcement of International Law? http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1593305 (accepted for publication by the Journal of International Wildlife Law & Policy).

Dispute Concerning Japan's JARPA II Program of Scientific Whaling (Australia v Japan): A Background, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1632722.

(Book Review) *International Courts and Environmental Protection*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1593257 (accepted for publication by The Australian Yearbook of International Law).

HAFIZ AZIZ UR REHMAN

'Equitable Licensing and Publicly Funded Research: A Working Model for India' (2010) 16 *Southwestern Journal of International Law* 75–128.

HILARY CHARLESWORTH

Charlesworth, H. 2009, 'Debate, not boycott needed to address racism' in B. Nelson and A. MacIntyre, eds, *Capturing the Year 2009: Writings from the ANU College of Asia and the Pacific*, ANU, Canberra: 74–79.

Charlesworth, H. 2009, 'Inside/Outside: Women and The International Human Rights System' in K. Koufa, N. Zaïkos, A. Constantinides eds, *The Diversity of International Law essays in honour of Professor Kalliopi K. Koufa*. Leiden, Martinus Nijhoff: pp. 383–398.

Charlesworth, H. 2009, 'Women's Human Rights in the State-Rebuilding Process' in *Facets and Practices of State-Building*, eds Julia Raue & Patrick Sutter. Leiden: Martinus Nijhoff, pp 249–262.

Charlesworth, H. 2009, 'Inside/outside: Women and international law' (trans. OMI Miho) in *International Women: Journal of Japanese Association of International Women's Rights*, No 23, December: pp. 82–94.

MOEEN CHEEMA

'From the Hudood Ordinances to the Protection of Women Act: Islamic Critiques of the Hudood Laws of Pakistan', forthcoming in (2009) *UCLA Journal of Near Eastern and Islamic Law*, with Abdul Rahman Mustafa.

TONY CONNOLLY

'Cultural Difference on Trial: The Nature and Limits of Judicial Understanding' was published in January by Ashgate (UK).

JEREMY FARRELL

Farrall, J., 2009, 'Does the United Nations Security Council Compound the Democratic Deficit?' 46 *Alberta Law Review*: pp. 913–932.

SUSAN HARRIS-RIMMER

Kristin Natalier & Susan Harris Rimmer, 'Counting the cost: the social construction and human rights conceptualisation of the disabled child migrant through Australia's migration processes', TASA Refereed Full Paper Conference Proceedings, Canberra 2009.

'Refugees, internally displaced persons and the responsibility to protect', UNHCR NEW ISSUES IN REFUGEE RESEARCH Research Paper No. 185, March 2010.

Harris Rimmer, S. 2009. 'Grand plans' in B. Nelson and A. MacIntyre eds, *Capturing the Year 2009: Writings from the ANU College of Asia and the Pacific*, ANU, Canberra: 74–79.

Harris Rimmer, S. 2009. 'After the guns fall silent: Sexual and gender based violence in Timor-Leste' *Issue Brief: Timor Leste Armed Violence Assessment Number 5*. November 2009. Also published in Tetum.

SARAH HEATHCOTE

'Circumstances Precluding Wrongfulness in the ILC Articles on State Responsibility: Necessity', J. Crawford, A. Pellet & S. Olleson (eds.).

The Law of International Responsibility, Oxford University Press, Oxford, May 2010, 17 pp.

ANNE KENT

'International Organisations, Relations with, 1900–1949'; and 'International Organisations, Relations with, since 1949', in David Pong, ed., *Encyclopedia of Modern China* (Detroit, Charles Scribner's Sons, 2009), 4 vols, 342–348.

'The Tiananmen Massacre', in David P. Forsythe, ed., *Encyclopedia of Human Rights* (New York, Oxford University Press, 2009), 5 vols.

'The Case of Stern Hu: Perspectives on China's 'Rule of Law' *Alternative Law Journal* 34:4 (2009), 275–277.



Stern Hu and China's 'Rule of Law, an abridged version of the above in the E-Journal, East Asia Forum, February 2010.

MATTHEW RIMMER

Book Chapters

Matthew Rimmer, 'The Lazarus Effect: The (RED) Campaign, and Creative Capitalism' in Thomas Pogge, Matthew Rimmer and Kim Rubenstein, (ed.) *Incentives for Global Public Health: Patent Law and Access to Medicines*. Cambridge University Press, 2010, (forthcoming).

Thomas Pogge, Matthew Rimmer and Kim Rubenstein, 'Access to Essential Medicines: Public Health and International Law', in Thomas Pogge, Matthew Rimmer and Kim Rubenstein (ed.) *Incentives for Global Public Health: Patent Law and Access to Medicines*. Cambridge University Press, 2010, <http://www.cambridge.org/us/catalogue/catalogue.asp?isbn=9780521116565>.

Edited Collection

Thomas Pogge, Matthew Rimmer and Kim Rubenstein, (ed.) *Incentives for Global Public Health: Patent Law and Access to Medicines*. Cambridge University Press, 2010, <http://www.cambridge.org/catalogue/catalogue.asp?isbn=9780521116565>.

DONALD R ROTHWELL

'Sovereignty and the Antarctic Treaty' (2010) 46, No 1 Polar Record 17-20

'The Proliferation Security Initiative: Amending the Convention on the Law of the Sea by Stealth?' in David D. Caron and Harry N. Scheiber (eds) *The Oceans in the Nuclear Age: Legacies and Risks* (Martinus Nijhoff, Leiden: 2010) 285-293.

'Japanese Whaling: When Diplomacy Fails, Call the ICJ' Jurist Legal News & Research 'Forum' 3 March 2010 <http://jurist.law.pitt.edu/forumy/2010/03/japanese-whaling-when-diplomacy-fails.php>.

'Australia v Japan: JARPA II Whaling Case before International Court of Justice' *The Hague Justice Portal* (2 July 2010) at <<http://www.haguejusticeportal.net/eCache/DEF/11/840.html>.

'International Polar Governance in the Twenty-First Century: Climate Change and Regime Change' (2009–1) 26 *L'Observateur des Nations Unies* 185-202.

Donald R Rothwell and Stuart Kaye, Afshin Akhtarkhavari, and Ruth Davis, *International Law: Cases and Materials with Australian Perspectives* (Cambridge University Press, Melbourne: IN PRESS).

Donald R. Rothwell and Hitoshi Nasu 'Antarctica and International Security Discourse: A Primer' (2008) 6 *New Zealand Yearbook of International Law* 3-23.

'International Polar Governance in the Twenty-First Century: Climate Change and Regime Change' (2009–1) 26 *L'Observateur des Nations Unies* 185-202.

Donald R. Rothwell and Tim Stephens, *The International Law of the Sea* (Hart, Oxford: IN PRESS)

KIM RUBENSTEIN

Book

Pogge, T, Rimmer, M And Rubenstein K, (eds) *Incentives for Global Public Health: Patent Law and Access to Essential Medicines* (Cambridge University Press, 2010).

Book Chapter

'Introduction: Access to essential medicines: public health and international law' with Thomas Pogge and Matthew Rimmer in Pogge, T, Rimmer, M And Rubenstein K, (eds) *Incentives for Global Public Health: Patent Law and Access to Essential Medicines* (Cambridge University Press, 2010).

JAMES STELLIOS

Contribution to the new Hanks casebook–Jennifer Clarke, Patrick Keyzer and James Stellios, *Hanks' Australian Constitutional Law: Materials and Commentary* (2009, 8th ed).

The Federal Judicature: Ch III of the Constitution—Commentary and Cases (LexisNexis Butterworths, 2010)

FIONA WHEELER

Fiona Wheeler, 'The Separation of Judicial Power and Progressive Interpretation' in HP Lee and Peter Gerangelos (eds), *Constitutional Advancement in a Frozen Continent* (2009) 222-244.

Michael Coper, Aparna Rao, Simon Rice and Fiona Wheeler, *Multiple Opinions Project: Report*, Report to the National Judicial College of Australia, 30 June 2010.

KATIE YOUNG

Young, K. 2010, 'The World, Through the Judge's Eye' *Australian Yearbook of International Law* 28 (in press).

'Securing health through rights' in Pogge, T, Rimmer, M and Rubenstein K (eds) *Incentives for Global Public Health: Patent Law and Access to Essential Medicines* (Cambridge University Press, 2010).





PAPERS, PRESENTATIONS AND OTHER ACTIVITIES BY CENTRE MEMBERS

November 2009 – November 2010

DON ANTON

Conferences

Conference Paper – Punishing Piracy and Protecting Whales: Do Non-State Actors have a Role in 'Enforcing' International Law?, given 15 April 2010 at ANU College of Law Conference on Pirates of the Southern Ocean?

Invited to present paper on Proceedings brought by Australia against Japan in the International Court of Justice, Monterey Institute of International Studies, October 2010.

Legal Opinion Contributions

American Society of International Law Insight, Dispute Concerning Japan's JARPA II Program of Scientific Whaling (Australia v Japan) – <http://www.asil.org/files/insight100707pdf.pdf>

Lowy Institute Interpreter, Whaling in 'Australian Territory' – <http://www.lowyinterpreter.org/post/2010/06/08/Whaling-in-Australian-territory.aspx>

Lowy Institute Interpreter, Whaling: Prospects for ICJ Success – <http://www.lowyinterpreter.org/post/2010/06/09/Whaling-Prospects-for-ICJ-success.aspx>

Media

Commentary on Australia's action against Japan in the ICJ
Channel 10 News

http://ten.com.au/video-player.htm?vxSiteId=cb519624-44a2-4bf7-808b-3514d34e96e4&vxChannel=ENVIRONMNT&vxClipId=2683_news-whales-280510&vxBitrate=300&vxTemplate=integrated.swf&vxClickToPlay=false

Sydney Morning Herald

<http://news.smh.com.au/breaking-news-national/australia-goes-to-court-to-stop-whaling-20100528-wisw.html>

Herald Sun

<http://www.heraldsun.com.au/news/national/australia-takes-legal-action-against-japan-on-whaling/story-e6frf716-1225872660937>

Daily Telegraph

<http://www.dailytelegraph.com.au/news/national/australia-takes-legal-action-against-japan-on-whaling/story-e6freuzr-1225872660937>

The Associated Press (US)

http://hosted.ap.org/dynamic/stories/A/AS_AUSTRALIA_JAPAN_WHALING

New York Times (US)

<http://www.nytimes.com/aponline/2010/05/28/world/AP-AS-Australia-Japan-Whaling.html>

Huffington Post (US - Web)

http://www.huffingtonpost.com/2010/05/28/australia-sues-japan-over_n_593526.html

Fox News (US - television (web summary))

<http://www.foxnews.com/world/2010/05/27/australia-says-japan-international-court-justice-stop-whaling/>

WHDH (US - Boston television (web summary))

<http://www1.whdh.com/news/articles/world/MI88768/>

The Guardian (UK)

<http://www.guardian.co.uk/world/feedarticle/9100593>

Telegraph (UK)

<http://www.telegraph.co.uk/news/worldnews/australiaandthepacific/australia/7775666/Australia-to-start-legal-action-over-Japanese-whaling.html>

Trouw (Netherlands)

http://www.trouw.nl/nieuws/wereld/article3079791.ece/Australie_daagt_Japan_voor_ICJ_voor_walvisjacht.html

Beeld (South Africa)

<http://www.news24.com/World/News/Japan-to-be-sued-over-whaling-20100528>

Taipai Times (Singapore)

<http://www.taipaitimes.com/News/world/archives/2010/05/29/2003474113>

Pro Bono

Contributed to the preparation of a Statement of the International Union for the Conservation of Nature, Commission on Environmental Law, Oceans Specialist Group in International Tribunal for the Law of the Sea Case No. 17: Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the International Seabed Area, following a Request for Advisory Opinion Submitted to the Seabed Disputes Chamber by the Council of the International Seabed Authority.

HILARY CHARLESWORTH (REGNET)

News

Appointed as one of four Australians to the Permanent Court of Arbitration in The Netherlands by the Commonwealth Attorney-General.



Invited to give evidence to the Joint Committee on Foreign Affairs, Defence and Trade inquiry into Human Rights in the Asia Pacific region, (with Susan Harris Rimmer) on 7 April 2009; and addressed the National Human Rights Consultation Public Hearings as part of the National Human Rights Consultation from 1 to 3 July 2009 in the Great Hall of Parliament House in Canberra.

Spoke at the National Human Rights Consultation Public Hearings as part of the National Human Rights Consultation from 1 to 3 July 2009 in the Great Hall of Parliament House in Canberra.

Was appointed a Fellow of the Australian Institute of International Affairs.

Conferences

Delivered a paper at the Reasons of State: Security, Civility, Immunity, Life Conference at the Institute for International Law and the Humanities, Melbourne Law School, 9-10 November.

Delivered a paper on *Post Conflict Complexities Application of International Law at Domestic Level* at the Joint ANZSIL - Indian Society of International Law Workshop in New Delhi, India on 5 December.

Presented on the 30th anniversary of the Convention on the Elimination of Discrimination Against Women on the ANU Youtube site for UNIFEM Australia, 7 December.

On 12 December chaired a session at the 'Evaluating Critical Approaches to International Law' workshop at the University of Paris.

MOEEN CHEEMA

Conferences & Workshops

Paper presentation 'The System-Substance-Sociology Debate: Deconstructing the Islamisation of Laws' at the Conference on 'Towards Revisiting the Debate on Shariah: Prospects and Challenges for Pakistan', 23-24 November 2009, Iqbal Institute, International Islamic University, Islamabad Pakistan.

Northern Association of postcolonial Studies (NAPS) Postcolonialism & Islam Conference, University of Sunderland, Sunderland, UK, April 16-17, 2010.

'Harvard-Stanford International Junior Faculty Forum' at Stanford Law School, 7-9 October, 2010;

Op-eds

Pakistan: New 'Judges' Case' in the Making.

Back to the Future: The Pakistan Supreme Court's NRO Judgment.

'Liberal' Fundamentalism in Pakistan: Objecting to Islamic Arguments in NRO.

MICHAEL COPER

Paper for the International Association of Law Schools (IALS) Conference on Constitutional Law, Washington DC, September 2009: 'Constitutional Adjudication and Democracy: One Voice or Many?' <http://www.ialsnet.org/meetings/constit/papers/index.html>

Paper - with Fiona Wheeler - for the 36th Australian Legal Convention, Perth, September 2009: 'Multiple Opinions in Appellate Courts: What Do the Consumers Think?'

Paper - with Fiona Wheeler - for the 14th Annual Public Law Weekend, Canberra, November 2009: 'The Multiple Opinions Project'.

Paper for the Association of American Law Schools (AALS) Annual Meeting, New Orleans, January 2010: 'Forum on the Role of Law Schools: Opening Presentation'.

Paper - with David Headon - for the Supreme and Federal Court Judges' Conference, Canberra, January 2010: 'Search for the Nation's Capital... But where is the seat of Government?'

Opinion piece, The role of the governor-general in times of political crisis,' (*The Canberra Times*, 25 August 2010).

JEREMY FARRALL

Was recently awarded an ANU Linkage Pilot Project grant to go to New York to meet with the UN Secretariat and other potential industry partners for an ARC Linkage Grant proposal on 'Revitalising the UN Security Council: Preparing for Australia's Participation in 2013-2014'.

THOMAS FAUNCE

Nanotech widespread in cosmetics, report finds *The Sydney Morning Herald* (24 November 2009 - <http://www.smh.com.au/lifestyle/wellbeing/nanotech-widespread-in-cosmetics-report-finds-20091123-iz8n.html>)

Tom Faunce and Dominique Dalla-Pozza's opinion piece, Move legislative constraints on senator numbers. (*The Canberra Times*, 15 September 2010).

SUE HARRIS-RIMMER

Conferences

Sue and Bina D'Costa spoke at the Conflict and Development in Fragile States Seminar hosted by ActionAID at the ANU on 26 November, where Sue's Issues Brief on SGBV in Timor Leste was launched.

Was a keynote speaker (with Richard Towle from UNHCR) at the United Nations Association Human Rights Day Event: 'Human Rights and Seeking Asylum' held at the ACT Legislative Assembly on 9 December.





Contributions

Contributed to a series of working papers to the CIGJ Building Democracy project on the UN Democracy Fund, the UN Peacebuilding Commission, the Solomon Islands Truth and Reconciliation Commission and the Afghanistan Independent Human Rights Commission, available from <http://cigj.anu.edu.au/democracy/about/index.php> after 1 April.

Media

Sue Harris Rimmer was quoted in feature article by Sally Neighbour 'ASIO cloaks suspicion in secrecy', *The Australian*, 23 March 2010.

ALHR issued a press release on passage of death penalty and torture bill in March 2010.

Sue Harris Rimmer was quoted in ABC Radio PM story 'US warns against internet censorship' on 22 January 2010.

News

Sue Harris Rimmer finished her time at RegNet on 1 April and was appointed as Manager, Advocacy and Development Practice at the Australian Council for International Development, the peak body for Australian development agencies, beginning 27 April. She was a Visiting Fellow at the Centre for International Governance and Justice.

SARAH HEATHCOTE

Visiting Professor at IHEI, Université Panthéon-Assas (Paris II), France. Delivered Course on *Questions choisies de droit international public relatives au Pacifique Sud* (March 2010).

ANNE MCNAUGHTON

On Wednesday 10 March, Anne chaired a presentation by his Honour Judge Aindrias O Caoimh, the judge appointed by Ireland to the European Court of Justice. His Honour spoke about the European Court of Justice, judging in the enlarged Europe and some implications for the Court of the Lisbon Treaty, that entered into force on 1 December 2009.

MATTHEW RIMMER

Case Notes

Matthew Rimmer, 'The Copenhagen Accord and Climate Innovation Centres', Griffith Hack, Clean and Sustainable Technologies Group, 20 January 2010, <http://cleanip.com.au/2010/01/20/the-copenhagen-accord-and-climate-innovation-centresdr-matthew-rimmer/>

Editorials and Op-Eds

'IP Policy Void in the 'Grand Climate Bargain' (November 2009) *Australian R & D Review* 24-25.

'The Road to Copenhagen: Intellectual Property and Climate Change' (2009) 4 (11) *The Journal of Intellectual Property Law and Practice* 784-788.

'The Copenhagen Accord and Climate Innovation Centres', Griffith Hack, Clean and Sustainable Technologies Group, 20 January 2010.

Media

Climate Deal Needs Intellectual Property Decision by Martyn Pearce, *ANU Media*, 15 December 2009.

Who owns the great ideas? Nyssa Skilton, *The Canberra Times*, 14 December 2009, p.6.

As one avenue closes for tobacco industry, another opens by Anna Susskind in *Law Society Journal*.

Pharma 'patent trolls' remain mostly the stuff of myth by Stu Hutson in *Nature Medicine*, 2009, 15, 140.

IP Policy Void in the 'Grand Climate Bargain' *Australian R & D Review*, (Nov 2009, 24-25).

Warta Bumi, 'Jangan Abaikan Isu 'Karya Intelektual'', *KTT Kopenhagen Antara News*, 16 December 2009.

'Climate Deal Needs Intellectual Property Decision', *ECOS Magazine*, 15 December 2009.

'Climate Deal Needs Intellectual Property Decision', *Unijobs*, 15 December 2009.

Martyn Pearce, 'Climate Deal Needs Intellectual Property Decision', *ANU Media*, 15 December 2009, <http://news.anu.edu.au/?p=1853>.

'Copenhagen Must Explore IP Laws', *Lawyers Weekly*, 15 December 2009.

Nyssa Skilton, 'Who Owns the Great Ideas? Intellectual Property Could Play A Crucial Role in Tackling Climate Change', *The Canberra Times*, 14 December 2009, p. 6.

Stu Hutson, 'Pharma 'Patent Trolls' Remain Mostly the Stuff of Myth', *Nature Medicine*, 2009, 15, 140.

Susskind, Anna, 'As One Door Closes for Tobacco Industry, Another One Opens', *Law Society Journal*, 2009.

Dale Holland, 'Industry Self-Regulation for Cloud Computing: Lessons from Google', First Semester, 2009.

Carla George, 'Treatment Action Campaign: HIV/AIDS and the Right to Health in South Africa', First Semester, 2009.

Peter McNulty, 'A Secret Treaty: Resisting The Anti Counterfeiting Trade Agreement', Second Semester, 2009.

Geoff Winestock, 'Tobacco Label Fight Heats Up', *The Australian Financial Review*, 21 January 2010, p. 3.

Liv Casben, 'Men at Work Ripped Off Children's Song', *Evening News Bulletin*, ABC TV, 4 February 2010.

Louise Maher, 'Interview on Two Australian Copyright Cases: the Down Under case and the iiNet decision', *Drive*, ABC 666, 4 February 2010.



Fran Kelly and Ali Benton, 'Film Industry Loses Piracy Battle Against iiNet', ABC Radio National Breakfast, 5 February 2010.

Jennifer Dudley-Nicholson, 'Online Piracy on a Huge Scale', *The Adelaide Advertiser*, 5 February 2010, p.1, 14.

Jennifer Dudley-Nicholson, 'Suit Threat over Film Downloads', *Hobart Mercury*, 5 February 2010, p. 1, 14.

Jennifer Dudley-Nicholson, 'Studios May Sue TV, Movie Pirates', *The Courier Mail*, 5 February 2010, p. 1, 3.

Spandas Lui, 'AFACT Appeal Might Do Some Good', ARN Net, 26 February 2010.

Rosanna Ryan, 'Competitors May Fight Facebook Patent', ABC News, 5 March 2010.

Nyssa Skilton, 'DNA Battle Lines Drawn', *The Canberra Times*, 8 March 2010, p. 6.

Natasha Rudra, 'US Breast Cancer Gene Ruling Hailed', *The Canberra Times*, 31 March 2010.

Kristen Gelineau, 'Australia Proposes Tough Packaging Laws', *The Associated Press*, 29 April 2010, Syndicated in *Bloomberg Business Week*, <http://www.businessweek.com/ap/financialnews/D9FCQD700.htm>

The Guardian, <http://www.guardian.co.uk/world/feedarticle/9055823>

San Francisco Examiner, <http://video.ap.org/?f=CAEXA&PID=sMw8CJhWnQrOXolGtMWJkvMy17Orh4s>

MSBCN Today, <http://today.msnbc.msn.com/id/36840802/>,

Stamford Advocate, <http://www.stamfordadvocate.com/default/article/Australia-proposes-tough-cigarette-packaging-rules-467032.php>

AT&T http://www.att.net/s/editorial.dll?pnum=2&bfrominid=5441&teeid=7275895&_sitecat=1505&dcid=1917&ecctype=article&trender=y&ac=0&ck=&ch=ne/en

Malaysia News, <http://malaysia.news.yahoo.com/ap/20100429/tap-as-australia-cigarette-labeling-2nd-79704af.html>

Eleanor Hall and Shane McLeod, 'Lawyer Says Treaties, Trade Laws Won't Prevent Trade Packs', *The World Today*, ABC Radio National and Local Radio, 29 April 2010, <http://www.abc.net.au/worldtoday/content/2010/s2885713.htm>

Geoff Winestock, 'There's No Smoke Without Ire', *The Australian Financial Review*, 30 April 2010, p. 57.

Danielle Cronin, 'Substance and Smokescreen Drive Plain-Wrap Policy', *The Canberra Times*, 30 April 2010, p. 1. Mentions article 'The Case for Plain Packaging of Tobacco Products'.

James Massola, 'Privacy and Freedom Hits Online', *Forum*, *The Canberra Times*, 29 May 2010, p. 7.

James Massola, 'Telstra Logs On For Broadband Network', *The Canberra Times*, 21 June 2010, p. 4.

'10 Years of Moral Rights and the Digital Agenda', 2CC, 21 June 2010.

Louise Maher and Dan Craig, 'Digi-Laws', ABC 666, 21 June 2010, <http://blogs.abc.net.au/canberra/2010/06/digilaws.html>

Damien Carrick, 'Moral Rights and Digital Rights for Creative Artists', *The Law Report*, ABC.

Radio National, 22 June 2010, <http://www.abc.net.au/rn/lawreport/stories/2010/2932924.htm>

Christian Barry and Matt Peterson, 'Matthew Rimmer on Intellectual Property and Clean Technologies', *Public Ethics Radio*, 23 June 2010, <http://publicethicsradio.org/2010/06/23/episode-14-matthew-rimmer-on-intellectual-property-and-clean-technologies/>

Mig Caldwell, 'Digital Copyright', *The Fourth Estate*, Radio 2SR, 25 June 2010, <http://www.2ser.com/podcasts>

Anna Salleh, 'Healthy Bacon' Patents Raise Questions', *ABC Science News*, 19 August 2010, <http://www.abc.net.au/science/articles/2010/08/19/2986369.htm>

Lucy Hood, 'School Website Stoush: MySchool', *The Adelaide Advertiser*, 19 August 2010.

Stan Correy, 'Why is James Murdoch so Angry?', *Background Briefing*, 31 October 2010, <http://www.abc.net.au/rn/backgroundbriefing/stories/2010/3048341.htm>

Policy - 2010

Thomas Pogge, Matthew Rimmer and Kim Rubenstein, 'A Joint Submission by the Centre for International and Public Law and the Centre for Applied Philosophy and Ethics on IP Australia's Consultation Paper, Implementing the TRIPS Protocol', 4 July 2010.

Matthew Rimmer, 'A Submission on IP Australia's Consultation Paper, Implementing the TRIPS Protocol', 4 July 2010.

Refereed Articles

Matthew Rimmer, 'The Sorcerer II Expedition: Intellectual Property and Biodiscovery' (2009) 6 *Macquarie Journal of International and Comparative Environmental Law* 147-187, SSRN: and BePress Selected Works:

Matthew Rimmer, 'A Fair Use Project for Australia: Copyright Law and Creative Freedom' (2010) *Copyright Reporter* (forthcoming).





Speeches

'Panel Discussion on the Documentary, 'Chevolution'', Canberra International Film Festival, Dendy Cinemas, 30 October 2009.

The Duty to Invent: Patent Law and Public Sector Research', The John Curtin School of Medical Research, 23 October 2009.

A History of Literary Property: From the Gutenberg Revolution to Google Book Search', Legal History, 20 October 2009.

The Copenhagen Accord: Intellectual Property, Technology Transfer, and Climate Change', Law and Policy to Advance Renewable Energy: A Comparative Colloquium, The Centre for Climate Law and Policy and ANU Centre for European Studies, 29 November 2010.

'Energy Poverty: The World Intellectual Property Organisation and The Development Agenda', Symposium, 18 November 2010.

'Patent Absurdity: The Bilski v. Kappos Ruling on Business Method Patents', ANU Mathematics Society, 13 October 2010.

'Why So Serious?: Copyright Law, Fair Use, and Artistic Appropriation', Core Computer Studies, School of Art, ANU, 12 October 2010.

'Climate-Ready Crops: Intellectual Property, Agriculture, and Climate Change', Gene Patents: Implications for Australian Agriculture, ACIPA Conference, 8 September 2010.

'The Doomsday Vault: Intellectual Property, Food Security, and Climate Change', ACIPA Seminar, ANU College of Law, 27 August 2010.

'I Drink Your Milkshake': YouTube, Mega-Copyright Litigation, and Mash-Ups', Copyright 2010: A Decade of Moral Rights and the Digital Agenda, Conference, 22 June 2010.

'Moral Rights and Monty Python's Flying Circus: Terry Gilliam's Quixotic Quest to Secure the Final Cut', Copyright 2010: A Decade of Moral Rights and the Digital Agenda, Conference, 21 June 2010.

HEATHER ROBERTS

'Sir William Deane: A Sideways Glance at a private man in public office' at 'A Judicious Life? Judicial and Political Biography' Conference, The University of Adelaide, 4 December 2009.

A Mirror to the People: swearing-in ceremonies as commentary on the history of the High Court of Australia and its changing role in The Australian legal system' '28th Annual Australian and New Zealand Law and History Conference, University of Wellington, Victoria, 11-13 December 2009.

'Oral History: Women in the legal profession in Australia at '28th Annual Australian and New Zealand Law and History Conference, University of Wellington, Victoria, 11-13 December 2009.

DONALD R ROTHWELL

Media

Discussing the chartering of Australian aircraft for surveillance of Sea Shepherd vessels in the Southern Ocean (6 January 2010):

■ ABC Local Radio 'Drive' – 5.50pm

■ ABC TV 'News' – 7.01pm

Discussing the collision between the *Shonan Maru 2* and the Sea Shepherd *Ady Gil* in the Southern Ocean and options open to Australia (7 January 2010):

■ ABC Radio 'AM' – 7.12am

■ ABC2 New Breakfast – 8.02am

■ Sky News – 8.30am

■ ABC 720 Perth – 10.10am

■ Radio Australia – 11.05am

■ ABC NewsRadio – 2.15pm

■ ABC Radio 'PM' – 5.15pm

■ SBS TV 'World News' – 9.32pm

■ ABC TV '7.30 Report' – 7.33pm

■ David McLennan 'Crash ignites whaling war' Protestor's boat 'rammed' *The Canberra Times*, 7 January 2010, p. 1.

Greg Ansley 'Charter of planes to tail anti-whaling ships exposes Labor vulnerability' *New Zealand Herald* 7 January 2010.

Discussing the collision between the *Shonan Maru 2* and the Sea Shepherd *Ady Gil* in the Southern Ocean and options open to Australia (8 January 2010):

■ Sarah Martin and Andrew Dowdell 'High stakes on the high seas' *The Advertiser* 8 January 2010, p. 23.

■ Toby Maguire 'Sea Shepherd boss just another vigilante' *Daily Telegraph* 8 January 2010, p. 27.

■ Jonathan Pearlman and Andrew Darby 'International court action could stop cull' *Sydney Morning Herald* 8 January 2010, p. 4.

■ Debbie Guest 'Activists 'imperial crew'' *The Australian* 8 January 2010, p. 2.

■ Rosslyn Beeby 'PM can stop whalers: experts' *The Canberra Times* 8 January 2010, p. 1.

■ Ben Packham 'Government refuses to send watch ship' *Herald-Sun* 8 January 2010 p. 5.



- Alison Rehn 'Whaling could be halted in a month' *Daily Telegraph* 8 January 2010, p. 2.
- Radio 2GB 'Breakfast' – 7.50am
- Radio 2UE 'Mornings' – 9.31am
- Radio 5AA Adelaide 'Breakfast' – 7.10am
- Radio 3AW Melbourne 'Mornings' – 9.10am
- Channel 10 'News' – 5.02pm
- ABC TV 'Midday Report' – 12.03pm

Andrew Darby 'Harpoons across the bow' *Sydney Morning Herald* 9 January 2010, p. 6 (reference to impact of an Australian ship to monitor events in the Southern Ocean).

Kristen Gelineau 'Conservationists file piracy claim against Japanese whalers after Antarctic clash' *Associated Press* (9 January 2010) (discussing the piracy charges Sea Shepherd are seeking to have laid in the Netherlands against Japan).

Cathy Alexander 'Wail over whaling has Japan in sights' *Townsville Bulletin* 9 January 2010, p. 16 (referring to potential legal action against Japan).

Lainie Anderson 'Not in my name, thanks' *Sunday Mail* 10 January 2010, p. 23 (reference to views regarding international litigation against Japan over whaling).

Andrew Tillett 'Anti-whalers claim victory despite boat loss' *West Australian* 11 January 2010, p. 19 (discussing the legal status of the Japanese whaling program).

Peter Alford and Debbie Guest 'Japanese spout whale hunting' *The Australian* 12 January 2010, p. 3 (discussing claims of Sea Shepherd they will seek to effect a citizen's arrest of Japanese whalers in the Southern Ocean).

Radio Australia 'Breakfast' 27 January 2010, 8.50am discussing the UK enquiry into the legality of the 2003 Iraq War and the international legal implications of evidence given to the enquiry.

ABC Radio North and West SA 'Late Afternoons' 27 January 2010, 5.15pm discussing the conviction in Afghanistan of Robert Langdon for a capital crime and the options open to The Australian government in his case.

ABC Radio National 'Australia Talks' 10 February 2010 6.25pm discussing Japanese whaling and Australia's legal options to halt JARPA II.

'Whaling protester secretly boards Japanese boat' *Associated Press* 15 February 2010 discussing the boarding by Sea Shepherd member Peter Bethune of the *Shonan Maru 2* in the Southern Ocean.

ABC 2 'Breakfast' 16 February 2010, 8.30am discussing the boarding by Sea Shepherd member Peter Bethune of the *Shonan Maru 2* in the Southern Ocean and Australia's

ongoing position regarding Japanese whaling.

Discussing Japan's decision to detain Sea Shepherd activist Peter Bethune and transport him to Japan to face charges relating to his Southern Ocean protest activities.

ABC Radio National 'Breakfast' 17 February 2010 – 7.55am

- 6PR Perth 17 February 2010 – 9.36am
- Andrew Darby 'Protester may face charges in Japan' *The Age* 17 February 2010, p. 4

ABC Radio JJJ 'The Hack' 17 February 2010 – 5.50pm

ABC TV 'The 7.30 Report' 17 February 2010, 7.30pm discussing aspects of ADF operations relevant to the SIEV 36 Coronial Inquiry being held in Darwin

Chris Johnson 'Whaling Hard Line harpoons activists' *The Canberra Times* 18 February 2010, p. 1, 6 [discussing the position of the current Japanese government re whaling and the detention of Sea Shepherd activist Peter Bethune]

ABC News Radio 19 February 2010 6.50pm discussing the pledge by the Prime Minister to take Japan to the ICJ by November 2010 if Japan does not halt its scientific whaling program

Tom Hyland 'The instant law of death' *Sunday Age* 21 February 2010, 14 (discussing the law of armed conflict and the role of ADF legal officers in advising on that law during Afghan operations)

ABC TV 'News' 21 February 2010, 7.01pm discussing Australia's legal claim against Japan over whaling

ABC Radio 666 Canberra 'Mornings' 22 February 2010, 9.40am discussing weekend developments over Japanese whaling and the legal options open to Australia

ABC Radio South West Victoria 'Mornings' 23 February 2010, 10.48am discussing Australia's threat to take Japan to the International Court of Justice with respect to whaling


ABC Radio 'PM' 23 February 2010, 5.23pm discussing the release of an IWC Small Working Group report proposing various reforms to the IWC and operation of the International Convention for the Regulation of Whaling

ABC Radio National 'Asia Pacific' 24 February 2010, 5.13am discussing proposals for reform of the International Whaling Commission and its implications for any Australian legal case against Japan

China Radio International (CRI Radio) English 'People in the Know' 25 February 2010 discussing Australia's possible legal claim against Japan to halt Japanese whaling in the ICJ

Australia Network 'Newline' 25 February 2010 discussing the potential legal claim of Australia against Japan for its whaling operations in the Southern Ocean





ABC Radio 'AM' 26 February 2010, 7.27am discussing a Federal Court judgment in a case brought by Mamdouh Habib and its implications for the responsibility of Australian governments towards citizens abroad.

ABC Radio 1233 Newcastle 'Drive' 2 March 2010 4.07pm discussing the current state of the whaling debate and whether Australia will take Japan to the ICJ.

ABC 666 Canberra 'Afternoons' 10 March 2010, 1.15pm discussing the ongoing investigations into the death of the Balibo Five and the procedures which need to be followed if a war crimes trial is to be commenced in Australia.

ABC Radio 'Coast FM' 11 March 2010, 4.15pm discussing Australia's push for a prisoner transfer agreement to allow for the return from Indonesia of Schapelle Corby.

SBS Ethnic Radio 'World View' 18 March 2010–5.13pm discussing the forthcoming trial in China of Stern Hu.

Radio Adelaide 'The Wire' 22 March 2010–5.38pm discussing the trial of Stern Hu in Shanghai.

Discussing the Stern Hu case and the verdict of 10 years imprisonment (29 March 2010):

- ABC Radio 702 Sydney–'Drive'–5.10pm
- ABC Radio 891 Adelaide–'Drive'–5.19pm
- ABC Radio 720 Perth–'Drive'–4.07pm
- SBS TV 'World News Australia'–6.30pm
- ABC TV 'Australian Network'–'News'–7.34pm
- 6PR Perth 'Nightline'–8.13pm

Discussing the Stern Hu case and the verdict of 10 years imprisonment (30 March 2010):

- ABC Radio Australia–8.50am
- 2UE 'News'–6.30am
- Channel 7 'News'–6.10pm
- Radio Adelaide 'The Wire'–5.43pm
- 'China jails 'spy' Hu for 10 years' *West Australian* 30 March 2010, p. 5

Discussing the Stern Hu case and the verdict of 10 years imprisonment (31 March 2010):

- Elaine Kurtenbach 'Jail terms sign to tread carefully in China' *New Zealand Herald* 31 March 2010, p.5 (Business News)
- Mark Kenny 'Stern tests of diplomacy' *Adelaide Advertiser* 31 March 2010, p. 25

ABC Radio 'The World Today' 1 April 2010, 12.20pm discussing the High Court's ruling in the extradition request by Croatia of the alleged Serbian war criminal Daniel Snedden.

Discussing the grounding of the Chinese-flagged *Shen Neng 1* on Douglas Shoal in the Great Barrier Reef (5 April 2010):

Jared Owens 'Leaking ship's owners face \$1m fine' *The Australian* 5 April 2010, p. 3

- 3AW 'Mornings'–8.47am
- 4BC 'Afternoons'–3.45pm

Discussing Australia's options to take a more proactive approach to regulating shipping in the Great Barrier Reef following the *Shen Neng 1* incident (6 April 2010):

- ABC Radio 'News'–12.03pm
- ABC 666 Canberra 'Drive'–5.36pm
- ABC Radio 'PM'–6.40pm
- ABC News Radio–6.47pm

Claire Chaffey 'Japanese whaling on Government's legal menu' *Lawyers Weekly* 18 April 2010.

ABC Radio Capricornia 'News' 21 April 2010, 12.30pm/5.30pm discussing proposals that a large bond be sought from vessels transiting the Great Barrier Reef.

ABC Radio 666 Canberra 'Mornings' 28 April 2010, 9.33am discussing Peter Garrett's speech to the ANU re whaling.

Joe Kelly 'Peter Garrett slams IWC's new whaling quota plan' *The Australian Online* 28 April 2010 [discussing Australia's response to the proposed schedule amendments to the ICRW].

Australian Network 'Newsline with Jim Middleton' 28 April 2010 discussing the developments for reform within the IWC and the diplomatic issues being raised in advance of IWC 62.

Joe Kelly 'Garrett rejects IWC compromise on whaling' *The Australian* 29 April 2010, p. 2 [discussing Australia's response to the proposed schedule amendments to the ICRW].

TV One (New Zealand) 'Breakfast' 26 May 2010, 7.20am discussing the forthcoming trial of Peter Bethune in Japan and options open to the New Zealand government in his case.

Radio One 91FM (Dunedin) 'Breakfast'–9.15am, 26 May 2010 discussing the potential for New Zealand and Australia to challenge Japan over its 'scientific whaling' program in the Southern Ocean.

- also related media in *Kalgoorlie Miner, Cairns Post, Illawarra Mercury, Bendigo Advertiser, Warrnambool Standard, Burnie Advocate, Launceston Examiner, Gisborne Herald*

Discussing Australia's decision to commence international legal action against Japan over whaling (28 May 2010):



- ABC News Radio – 4.15pm
- ABC TV 'Lateline' – 10.05pm
- BBC Monitoring Asia Pacific
- Kyodo News
- Rod McGuirk 'Australia says it will take Japan to International Court of Justice to stop its whaling' *Canadian Press*

Discussing Australia's decision to commence international legal action against Japan over whaling (29 May 2010):

- Phillip Hudson 'Battle to ban whale killing International court move to legally outlaw slaughter by Japan' *Herald Sun*, p. 20
- Rosslyn Beeby 'Whaling case just politics: Japan' *The Canberra Times*, p. 1
- Lenore Taylor 'Scientific whaling' to be tested in court' *The Sydney Morning Herald*, p. 6
- Paul Cleary 'Rudd Risks the Anti-Whaling Cause in his Legal Action Against Japan' *The Weekend Australian* 29-30 May 2010, p. 14
- Tom Arup 'Australia to take Japan to court over whaling' *The Age*

Rebecca Fox 'NZ should seek Japan's cooperation' *Otago Daily Times* 29 May 2010 discussing the position of Peter Bethune and the failure of New Zealand to secure Japan's cooperation into the investigation over sinking of the *Ady Gil*

Discussing Australia's decision to commence international legal action against Japan over whaling (31 May 2010):

- ABC Radio National 'Breakfast' – 6.35am
- Andrew Darby 'US warns of risks in Australia's whale action' *The Sydney Morning Herald* 31 May 2010, p. 6
- ABC Radio 666 Canberra 'Mornings' – 9.39am

Nancy Notzon 'Australia's Action against Japan May Diffuse Tensions over Whaling' *Jiji Press English News Service* 6 June 2010.

Rick Wallace and Joe Kelly 'Japan calls on Australia to give ground on whaling' *The Australian Online* 23 June 2010.

Natasha Bitá and Nicola Berkovic 'G-G's job to choose next leader' *The Australian* 23 August 2010, p. 6.

Samantha Maiden and Lanai Vasek 'GG seeks legal advice over potential conflict of interest in family link to Labor powerbroker' *The Australian Online* 23 August 2010.

'Getting the House in order' ABC Online 'The Drum' 6 September 2010 www.anc.net.au/unleashed/stories/s3003788.htm

'Speaker hangs in the balance of a difficult choice' *The Canberra Times* 6 September 2010, p. 9.

Donald R. Rothwell and Dominique Dalla-Pozza 'New political paradigm shows early signs of wear' *The National Times Online* 21 September 2010 <http://www.nationaltimes.com.au/opinion/politics/new-political-paradigm-shows-signs-of-wear-20100921-15k6k.html>

'Selecting the Speaker: a political calamity' *ABC Online 'The Drum'* 23 September 2010 www.abc.net.au/unleashed/stories/s3019906.htm

Chris Merritt and Nicola Berkovic 'Who should judge our warriors' *The Australian* 30 September 2010, p. 13.

Opinion Columns

'High seas clash inevitable' *The Age* 8 January 2010, p. 11 (discussing the collision in the Southern Ocean between the *Ady Gil* and *Shonan Maru* and legal and political implications).

'Putting Japan in the dock over whaling' *Dominion Post* (Wellington) 25 February 2010, p. 5 [discussing the options open to Australia and New Zealand to take Japan to the ICJ to challenge the legality of its JARPA II program.]

'Showdown looms on whaling' *The Canberra Times* 2 March 2010, p. 11 [discussing the diplomatic and legal options open to Australia challenge Japan's JARPA II program].

'Japanese Whaling: When Diplomacy Fails, Call the ICJ' *Jurist Legal News & Research 'Forum'* 3 March 2010 <http://jurist.law.pitt.edu/forumy/2010/03/japanese-whaling-when-diplomacy-fails.php> [discussing the diplomatic and legal options open to Australia challenge Japan's JARPA II program].

Ann Kent and Donald R. Rothwell 'Worrying lack of transparency in Chinese court' *The Canberra Times*, 26 March 2010, p 19 (discussing the trial in China of Stern Hu and the closed proceedings which took place).

'Plotting a new course for Barrier Reef shipping' *The Canberra Times* 16 April 2010, p. 19 [discussing issues confronting the management of the Great Barrier Reef following the *Shen Neng 1* incident].


Seminars, Lectures & Conference Presentations

'Japanese Special Permit 'Scientific' Whaling in the Southern Ocean: Options for Australia' presented to University of the Third Age (U3A), Belconnen, ACT, 24 February 2010.

'Legal Dimensions of the Southern Ocean clashes between Sea Shepherd protestors and Japanese whalers' presented at MLAANZ Half Day Conference, Sydney, 7 April 2010.

'International Legal Options' presented at 'Pirates of the Southern Ocean?' Conference, Centre for International and Public Law, ANU, Canberra, 15 April 2010.





'The rights of Australian citizens when detained overseas' delivered at Shine Lawyers Public Lecture, University of Southern Queensland, Toowoomba, 21 April 2010.

'International Legal Options to halt Japanese Whaling in the Southern Ocean' presented at University of Auckland, Auckland, New Zealand, 24 May 2010.

'International Legal Options to halt Japanese Whaling in the Southern Ocean' presented at Legislative Council Chamber, Parliament Buildings, Wellington, New Zealand, 25 May 2010.

'International Legal Options to halt Japanese Whaling in the Southern Ocean' presented at International Law Association (New Zealand Branch), Wellington, New Zealand, 25 May 2010.

'International Legal Options to halt Japanese Whaling in the Southern Ocean' presented at University of Canterbury, Christchurch, New Zealand, 26 May 2010.

'Pirates in the Southern Ocean? The Southern Ocean clashes between the Sea Shepherd Conservation Society and the Japanese whaling fleet' presented at Faculty of Law, University of Canterbury, Christchurch, New Zealand, 26 May 2010.

'International Legal Options to halt Japanese Whaling in the Southern Ocean' presented at University of Otago, Dunedin, New Zealand, 27 May 2010.

Panelist 'UN Convention on the Law of the Sea – 28 years later' at 'Northern Exposure: International Law and the Challenge of the Arctic' 39th Annual CCIL Conference, Ottawa, Canada, 28–30 October 2010.

'Arctic Ocean Choke Points and the Law of the Sea' presented at 'Northern Exposure: International Law and the Challenge of the Arctic' 39th Annual CCIL Conference, Ottawa, Canada, 28–30 October 2010.

'Arctic Governance: Is there a need for a new legal regime?' lecture presented at Faculty of Law, Université de Montréal, Montreal, Quebec, Canada, 1 November 2010.

KIM RUBENSTEIN

Appeared in the Commonwealth Administrative Appeals Tribunal before Tamberlin J on behalf of a child seeking Australia citizenship.

Presented a lecture to the U3A South Canberra group on Citizenship in Australia.

Chaired a session at the CIGJ (Reg Net) Feminist Internationalisms: Celebrating feminist engagements with international law and politics.

Kim's work on citizenship policy reform (as consultant to the Department of Immigration and Multicultural Affairs (as it then was) on *The Australian Citizenship Act 2007*, and her position as a member of the Independent Committee that

reviewed the Citizenship Test, was specifically mentioned in the Inaugural Address on Immigration and Citizenship, delivered by Professor Ian Chubb at the Museum of Australian Democracy on 17 March 2010.

Cited in a news story regarding migration issues. <http://www.brisbanetimes.com.au/national/oceans-apart-over-brutal-reality-20100402-rjy2.html>

Participated in and delivered a paper on Citizenship and Gender at the international workshop 'Rethinking the Dynamics of Political Institutions: Integrating Gender and Neo-Institutionalist Perspectives' from 23–25 March 2010 in Sydney.

Attended a public briefing on Monday 31st May which was convened by the Department of Foreign Affairs and Trade (DFAT) together with the Department of Defence and Austrade, on the Autonomous Sanctions Bill currently before Parliament. A copy of the presentation from the information sessions can be accessed at http://www.dfat.gov.au/un/unsc_sanctions/aasb.html DFAT is inviting comments or questions on the Bill at: sanctions@dfat.gov.au. Submissions can also be made to the Senate Inquiry on the Bill.

Presented a paper on the Trailblazing Women and the Law project she is running with Dr Heather Roberts and the National Library of Australia to the Biennial Australian Women Lawyers Conference in Brisbane in August 2010.

Kim is one of five academics named as amicus in a Brief amici curiae of 'Scholars on Statelessness' filed on June 24 2010 in the US Supreme Court in the matter Ruben Flores-Villar, Petitioner v. United States. The issue in the case is whether the US Supreme Court's decision in *Nguyen v. Immigration and Naturalisation Service (2001)* permits gender discrimination (regarding the passing on of citizenship to children) that has no biological basis? All public documents about the case are available at <http://www.scotusblog.com/case-files/cases/flores-villar-v-united-states/>

Presented a paper on Valerie French to a University of Melbourne Women and Leadership conference, November 2010.

JAMES STELLIOS

Presented a CIPL seminar at the ANU College of Law on 21 May titled Section 75(v) of the Constitution: A Complex Mechanism of Federal Government.

'The Separation of Judicial Power', paper presented at ACL Seminar, Sydney, 20 October 2010.

Published a casenote in The Australian Centre for Military Law and Justice Newsletter, Issue 2, June 2010 with the title, 'The Dismantling of The Australian Military Court'.



FIONA WHEELER

Conference Paper

Michael Coper, Fiona Wheeler and John Williams, 'The Private Life of a Public Institution: Oral History and the High Court of Australia', paper presented at the XVIth International Oral History Conference, Prague, Czech Republic, 9 July 2010.

Other

In 2010 I accepted an invitation to become a Fellow of The Australian Academy of Law.

ERNST WILLHEIM

Conferences

Amici curiae and access to Constitutional Justice in the High Court of Australia, presented at Bond University Research Centre for Law, Governance and Public Policy, Access to Justice Symposium, 4 June 2010.

Media

Radio interview, ABC Country Hour, 24 February 2010, concerning constitutional powers of the Federal Government to regulate, and the NT Government to prevent, dumping of nuclear waste at Muckaty Station in the Northern Territory.

Article on provision of Commonwealth legal services ('The Mounting Legal Bills of an Ideological War'), *The Public Sector Informant*, March 2010.

Article in April edition, Public Sector Informant, *A Federation in these Seas: An Account of the Acquisition by Australia of its External Territories*.

Radio interviews, ABC, WA, concerning constitutional powers of the Commonwealth to legislate to impose a proposed mineral resources rent tax and the implications of a possible constitutional challenge by Western Australia.

Radio interview, indigenous radio network, concerning the legal significance of the Mabo decision for Aboriginal people.

Numerous post election interviews for Australian and international media concerning a wide range of issues arising out of the elections, including the legal significance of a hung parliament, the role of the Governor-General in the appointment of a Prime Minister, whether the Governor-General was in a conflict of interest situation, the role of the Speaker and the propriety of proposed arrangements relating to pairs, the legal significance of a new preamble to the Constitution referring to Indigenous people.

A Federation in these Seas: an Account of the Acquisition by Australia of its External Territories (2010) 21 PLR 44.

Submissions

Contribution on Racial Discrimination Act aspects to the College's Submission to the Senate Committee's inquiry on the NTER legislation.

Written submission to, and oral evidence to, Senate Community Affairs Legislation Committee–Inquiry into the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009.

Presentations

USA presentation on the Brennan Report on Human Rights consultations.

25 May 2010: presentation to ANU College of Law workshop: The High Court's approach to amicus applications in constitutional cases is fundamentally flawed.

Article in April edition, Public Sector Informant, *A Federation in these Seas: An Account of the Acquisition by Australia of its External Territories*.

KATIE YOUNG

Conferences

'Courts as catalysts for economic and social rights: South African revisions on a New Governance Theme', Transatlantic Conference on New Governance and the Transformation of Law, 21 November 2009.

'Movements in Constitutionalism' Constitutional Theory Colloquium, Melbourne Law School, 26 November 2009.



CENTRE STAFF & MEMBERS

- Kim Rubenstein, *Professor and Director*
- COAST, *Administration & Events*
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- Hilary Charlesworth, *Professor & ARC Federation Fellow, Director of Centre for International Governance & Justice (RegNet CIGJ)*
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- Lynn Du Moulin, *Lecturer (Part Time)*
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- Peter Prince, *PhD Candidate*
- Simon Rice OAM, *Associate Professor*
- Heather Roberts, *Lecturer*
- Donald R Rothwell, *Professor of International Law*
- Gabrielle Simm, *PhD Candidate (RegNet)*
- Amelia Simpson, *Senior Lecturer (on leave)*
- Achmad Gusman Catur Siswandi, *PhD Candidate*
- Adérito Soares, *PhD (RegNet)*
- James Stellos, *Associate Professor*
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- Matthew Zagor, *Lecturer*
- Leslie Zines, *Visiting Fellow and Emeritus Professor*

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