



Australian
National
University

ANU COLLEGE OF LAW
RESEARCH OVERVIEW
2022



We acknowledge and celebrate the First Australians on whose traditional lands we meet, and whose cultures are among the oldest continuing cultures in human history.

ANU Bachelor of Laws (Hons) students pose with a painting, 'Broken Law' by Anangu Pitjantjatjara Yankunytjatjara artist, Freda Teamay (1978 -), at Uluru in the Northern Territory. In April 2022, 16 students participated in the inaugural offering of 'Legal Education for True Justice: Indigenous Perspectives and Deep Listening on Country'. This intensive course, jointly delivered by the North Australian Aboriginal Justice Agency and the ANU College of Law, aims to equip students with knowledge to critically assess law's history, characteristics and impacts from the perspectives of Aboriginal and Torres Strait Islander peoples.



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Welcome



Professor Anthony Connolly
Dean, ANU College of Law



Associate Professor Will Bateman
Associate Dean (Research),
ANU College of Law

Welcome to the ANU College of Law Research Overview 2022, which highlights a sample of the impressive research at the College. Our research continued making an impact on the most challenging and complex problems facing throughout Australia and the world in fulfilment of our important responsibility as Australia's national law school.

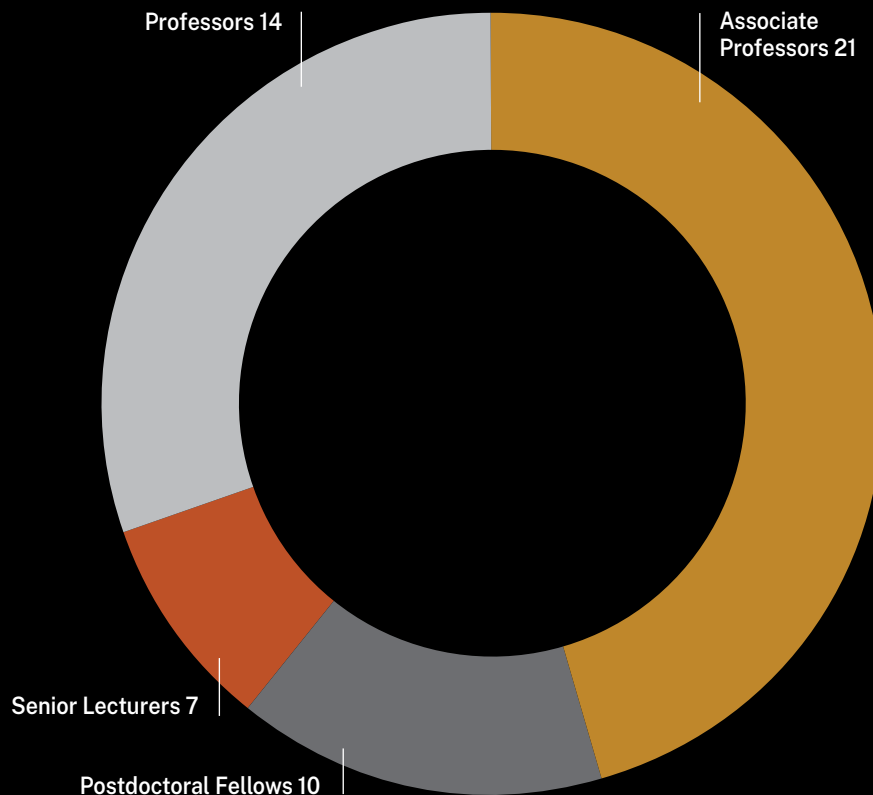
There is much for us to be proud of in 2022. We consolidated our place as a top 20 law school globally (Times Higher Education World University Rankings by Subject 2023), reaffirming the strength of our research strategy and dedication. We continued to celebrate outstanding milestones in publications and research funding, reflected by ground-breaking monographs and articles in field-leading journals in addition to Australian Research Council grants for innovative, multidisciplinary projects. And we welcomed to our community new scholars from around the world, whose contributions to our research culture have been immediate and impressive.

In 2022, we also hosted a dynamic series of events that celebrated our scholarly impact and ushered a much-anticipated return to networking with colleagues across our region. The past few years have involved large amounts of disruption, distress and change, but we have kept producing world-leading research that is challenging, intriguing and ambitious.

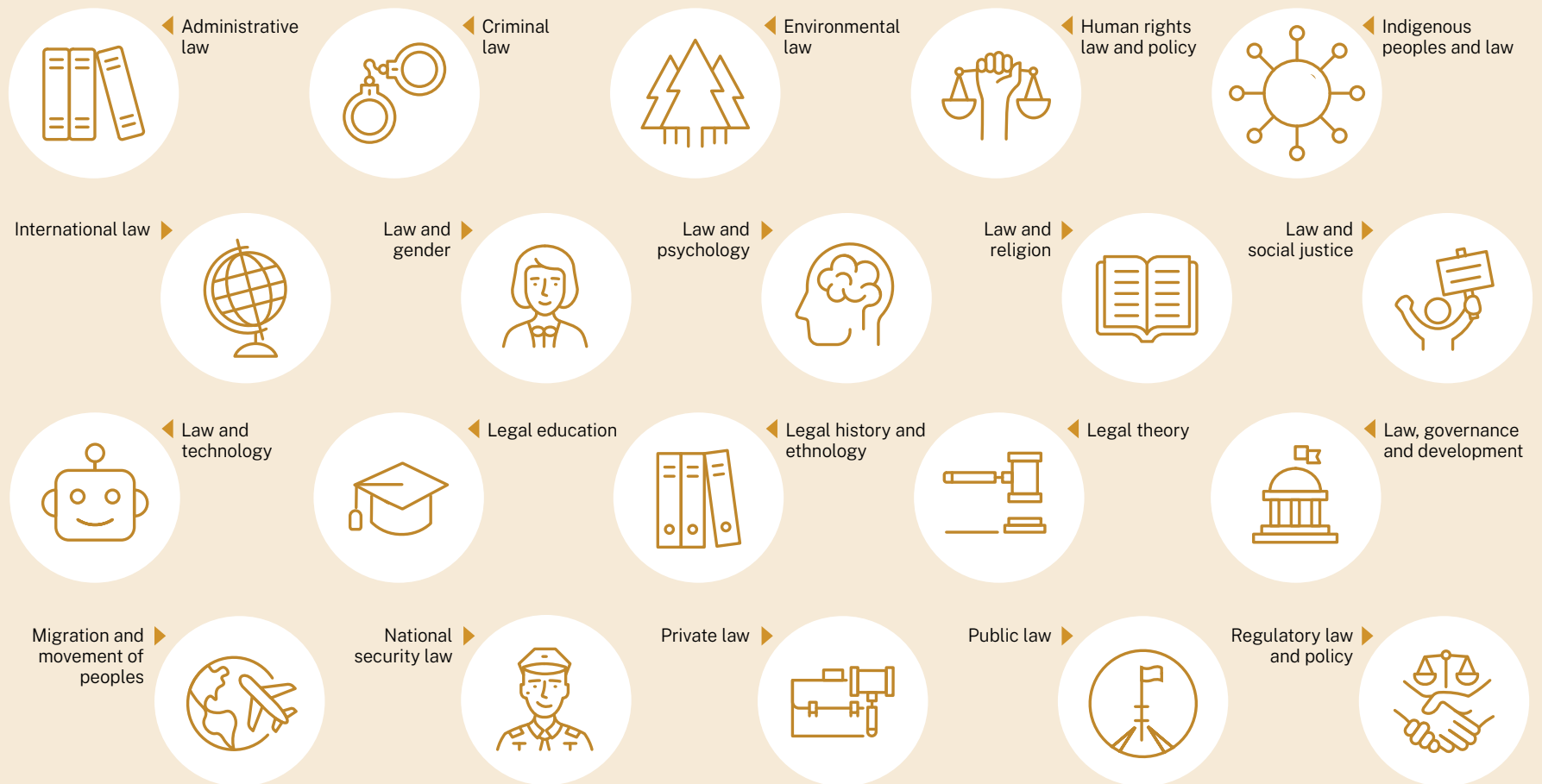
We are particularly proud of our hardworking, talented researchers and teachers who have continued to deliver world-leading scholarship and education across diverse fields of law. We are also very fortunate to have industry-leading professional staff support from our research management, finance and human resources teams who catalyse and enable our success.

We encourage you to take the time to read through this research overview and to learn more about the impactful work that is being done at our university. We are committed to continuing to support and promote research that makes a positive difference in the world, and we look forward to seeing the impact that our work will have in the coming years.

2022 by the numbers



Our research strengths



Monographs

Rebecca Monson
*Gender, Property and
Politics in the Pacific:
Who Speaks for Land?*



Professor Rebecca Monson

Rights to land and other natural resources are a contested issue across the Pacific region, and often provide a flashpoint for social tensions and political instability. In her monograph, Professor Rebecca Monson sheds new light on the overlapping contests over land that emerge in the context of extractive industries, urbanisation, international aid and the imposition of Western conceptions of property in Solomon Islands.

Gender, Property and Politics in the Pacific: Who Speaks for Land? (Cambridge University Press, 2023) is the first extended study of gender, law and property in the region. It builds on Professor Monson's research in Solomon Islands as well as her experience as a development consultant providing advice on customary and informal justice systems.

One of the impulses for her book is the UN's Sustainable Development Goals, which earmark land rights for women as a core priority. In many parts of the world, people's rights to land are primarily regulated by customary rather than constitutional or statutory law. Lawyers, economists and international development practitioners often see legal recognition of customary rights as central to strengthening women's land rights, and therefore to achieving gender equality, sustainable development, and peace and security for all.

However Professor Monson suggests that in Solomon Islands, the processes that transform access to land into legalised property have often worked to disrupt Indigenous relationships, exacerbate gender inequality and promote insecurity.

Solomon Islander researchers, including Tarcisius Kabutaulaka and Ruth Maetala, have often drawn attention to the fact that women rarely appear as signatories on logging licenses or as trustees of customary land. Professor Monson also notes that aid donors in the Global North, including Australia, have been particularly concerned with the fact that women are rarely elected as Members of Parliament.

“The book makes an argument that struggles over property and the nature of political institutions are intimately connected. We can’t understand one without the other.”

Understanding land relations is therefore central to understanding what some contemporary feminist movements refer to as ‘intersectionality’, and the ways in which people experience, navigate and contest systems of power and privilege.

Professor Monson argues that historically, women and other groups in the Solomon Islands held authority and various responsibilities related to land tenure and property rights.

For example, Cliff Bird has explained that the burial of the placenta in the soil in Marovo embodies the connection between women, land and the generations of people that belong to it. However, the authority of the chief has been increasingly buttressed under the influence of colonisation, and in particular through the regulation of property.

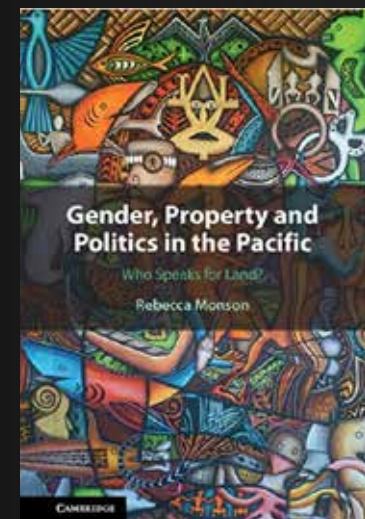
Professor Monson also draws attention to the role of Christian missionaries, who were intimately involved in early colonial struggles over land as they sought to embed themselves in communities and establish their churches.

These ‘layered’ or ‘multi-scalar’ processes often reinforced the authority of chiefs, explained Professor Monson.

“The people who manage land disputes and resource rents at the local level tend to be a small number of men leaders. Many other people may be involved, but I show that as agreements or debates about land progress into realms that are more clearly understood to be state institutions, a very small number of men leaders become most prominent,” she says.

Professor Monson points to the unrest experienced in November–December 2021 as an example. Australian media tended to interpret the protests as response to the central government’s 2019 diplomatic ‘switch’ to recognise China over Taiwan. However a number of academics have emphasised that the riots emerged from very long-term concerns and debates regarding land rights, extractive industries, and the political influence wielded by logging and mining companies.

In 2020, Professor Monson was one of three socio-legal researchers at The Australian National University (ANU) College of Law awarded a Discovery Early Career Researcher Awards (DECRA) fellowship. Her research project investigates a number of campaigns around natural resource rights in the Pacific, with particular attention to discussions around women’s rights.



Associate Professor
Akshaya Kamalnath
with her monograph,
*The Corporate Diversity
Jigsaw* (Cambridge
University Press, 2022)



Diversity in the workplace has been a hot topic in recent years, generating wide-ranging discussions about its implications for law, regulations and policies. However, debate in academic and policymaking circles has tended to focus on a narrow range of aspects related to diversity—notably gender and race at the board level—to the detriment of the age, professional experience, cognitive abilities and many other factors at the board and at various levels of the corporate hierarchy.

Now, a new book by Associate Professor Akshaya Kamalnath presents a holistic analysis of the complex topic of diversity with nuanced justification of what types of diversity are most useful for corporations. *The Corporate Diversity Jigsaw* (Cambridge University Press, 2022) builds on Dr Kamalnath's PhD thesis, which examined board gender diversity and argued future work on the topic should encompass the bigger picture.

The ever-changing dynamics of corporate diversity and their consequences, both intended and unintended, are rigorously investigated in Dr Kamalnath's monograph.

"After my PhD, I began to explore some of this through articles. But I really decided to write a book when I saw that although diversity was becoming more and more talked about in law, policy, management, and business circles, the conversation was missing a number of important pieces," she said.

These 'missing pieces' are vital to understanding the diversity 'jigsaw', Dr Kamalnath noted, adding her book aims to facilitate "more informed conversations, policies, and business practices" in academia and beyond.

"My book and its ideas are timely because there is a great push from lawmakers, investors, activists, and the general public to act on diversity. #MeToo, Black Lives Matter, and the effects of COVID-19 have all highlighted issues pertinent to diversity. It is important that our actions on this issue are well-informed because good intentions alone are not enough."

Comprising three sections, the book opens by defining diversity as it applies in the context of corporations and the importance of long-term, proactive commitments by organisations over short-term measures in response to social movements.

Its second section unpacks the legal and market initiatives across jurisdictions to increase diversity in addition to the influence of corporate culture. The final section provides a theoretical framework—a deliberate choice by the author to be 'free of one theory or the other.'

"If I play my cards about which theory I favour at the beginning, then I would be kind of wedded to that in my entire discussion on diversity. So, I decided to keep that until the end," Dr Kamalnath explained.

The book argues that diversity quotas for the board and quantitative disclosure requirements regarding the board's diversity are ineffective for a number of reasons.

One major reason is that these measures encourage short-term fixes without compelling companies to take actions that help attract and retain diverse candidates at all levels, and in the long-term. Dr Kamalnath proposes that firm-specific measures will be more effective and could encourage social justice innovation at the firm level.

The Corporate Diversity Jigsaw has generated praise from esteemed scholars in the field including Professor Alex Edmans (London Business School), who described it as "a breath of fresh air, drawing on evidence based on its rigour rather than its claims, and highlighting the nuances and shades of grey in issues that often portrayed as black-and-white."

Sergio Alberto Gramitto Ricci (New York University School of Law) said the book is "set to become a canonical read for scholars and experts who want to investigate diversity in corporate governance."

Over the past year, Dr Kamalnath has given talks about her book at ANU College of Law, University College London Faculty of Laws, Peking University School of Transnational Law, and Kings College London generating further praise from researchers for her articulation of how complicated the issue of diversity is.

"I think one of the biggest implications of finding and clarifying the different pieces of the diversity jigsaw is to highlight that there are no easy fixes," said Dr Kamalnath, whose current research projects include a study into the implications of technology on corporations and corporate law, and regulation of corporations in the space sector.

"Some well-meaning solutions can have adverse costs for the very people that we are trying to help. So, a lot more thought must go into figuring out diversity solutions."

Protection from Refuge: From Refugee Rights to Migration Management

Associate Professor Kate Ogg's interest in courts' roles in determining refugees' access to places of sanctuary began with her examinations of forced encampment litigation in Kenya.



The places in which refugees seek sanctuary are often as dangerous and bleak as the conditions they fled. In response, many continue to travel within and across borders in search of safety.

As part of these journeys, refugees are increasingly turning to courts to ask for protection, not from persecution in their homeland, but from a place of 'refuge'.

Protection from Refuge: From Refugee Rights to Migration Management (Cambridge University Press, 2022) by Associate Professor Kate Ogg is the first global and comparative study of 'protection-from-refuge' litigation, examining whether courts facilitate or hamper refugee journeys with a particular focus on gender.

Drawing on jurisprudence from Africa, Europe, North America and Oceania, Dr Ogg shows that courts have transitioned from adopting robust ideas of refuge to rudimentary ones. This trajectory indicates that courts can play a powerful role in creating more just and equitable refugee protection policies, but have, ultimately, compounded the difficulties inherent in finding sanctuary, perpetuated global inequities in refugee responsibility and rendered refuge elusive.


"While there are myriad studies of how courts interpret refugee definitions, I examine how judges approach the remedy: refuge," she said.

"I provide an account of how adjudicative decision-makers conceptualise refuge through a variety of legal prisms and arbitrate the clash between the search for sanctuary and the different ways states constrain refugees' mobility."

An expert in refugee law, human rights, litigation, access to justice and feminist legal theory, Dr Ogg's interest in courts' roles in determining refugees' access to places of sanctuary began with her examinations of forced encampment litigation in Kenya.

In 2012, the Kenyan government ordered all refugees in the country to relocate to refugee camps. This decision would have forced refugees who had rebuilt their lives and families in urban centres, such as Nairobi, to pack up and move to a camp on the outskirts of Kenya. A group of refugees based in Nairobi subsequently challenged the order in court and were successful at first instance and on appeal.

"The first instance and appeal judgments were fascinating and very rich. My view was that they were pushing international refugee law in new and important directions and were, in many respects, feminist judgments, despite no female refugees formally appearing as petitioners before the court in this initial case," she said.



“The High Court of Kenya continued to hear forced encampment cases but no-one was taking any notice of these judgments. There was no in-depth scholarly analysis of these cases emerging.”

Almost a decade on, Dr Ogg is still the only refugee law scholar to have written about these cases in depth.

“There is now a growing recognition in the field that refugee law scholars have for too long ignored jurisprudence from lower- and middle-income countries. I am delighted that my research has been part of an emerging push to rectify this lacuna,” she said.

In her monograph, Dr Ogg broadened her study by examining similar cases brought by refugees in other parts of the world. Her analysis was informed by anthropological literature about ‘fragmented’ refugee journeys, which highlights how refugee journeys are ‘rarely linear’, rendering some groups especially vulnerable by being unable to travel onwards or return home.

“Refugees are increasingly coming to courts seeking orders that would enable them to continue their

journeys. They may start a court case seeking an order to leave the confines of a refugee camp or permission to travel from an offshore processing centre (for example, in Nauru) to Australia. I wanted to know whether courts around the world were facilitating or hampering refugees’ ‘fragmented’ journeys through how they were deciding these cases,” she said.

“As a feminist scholar, I was particularly interested in this question from a gender lens. Were women more likely to be successful in these claims? Were courts being sensitive to children’s particular protection needs? And what about refugees with disabilities?”

While people fleeing persecution and conflict have been granted asylum in foreign lands for thousands of years, the findings in Dr Ogg’s book are particularly timely. In 2021, the United Nations High Commissioner for Refugees (UNHCR) estimated 89.3 million people worldwide had been forcibly displaced, with 27.1 million of these people classified as refugees.

One of the greatest global dilemmas in refugee policy is the lack of equitable responsibility-sharing, which results in most of the world’s refugees being hosted by the countries least able to do so, according to Dr Ogg.

“UNHCR statistics indicate that there are now more displaced people than any time in human history. With these increasing numbers and states deploying more and more creative means to prevent refugees arriving on their shores as well as to send them elsewhere, the role of courts in adjudicating refugee journeys, such as whether or not a refugee can cross a border or can resist removal to another state, will not abate,” said Dr Ogg.

Since 2012, asylum seekers arriving in Australia by boat without valid visas have been subject to ‘offshore’ or ‘third country’ processing either in the Republic of Nauru or on Manus Island, Papua New Guinea. Despite drawing condemnation nationally and internationally, Dr Ogg observes similar models have emerged in other parts of the world—notably, the United Kingdom’s plan to send refugees to Rwanda.

“While my research informs these contemporary legal and policy debates, I think it is important to remember that when and why a community will give protection to a person fleeing danger and deprivation, and the scope and nature of protection given, are ancient and enduring questions,” she said.

“My research shows that refugee law is developing in an asymmetrical fashion by widening the categories of people entitled to international protection, but diminishing the protection to which they are entitled. This is a trajectory that must be addressed. That decision-makers have shifted from broad and comprehensive to minimalist understandings of refuge suggests that courts and other adjudicative bodies are becoming less inclined to counter states’ positions on appropriate standards of refugee protection.

“What has occurred through this transition is the loss of a powerful conflicting vision or alternative narrative on how a state or the international community should respond to those who come in search of sanctuary.”

Dr Ogg is currently working on an Australian Research Council Discovery project with Professor Susan Kneebone (University of Melbourne) and Dr Anthea Vogl (University of Technology Sydney). It is the first comprehensive study of Australia’s community or ‘private’ refugee sponsorship schemes with comparisons to Canada, New Zealand, the UK and Ireland.



Chapters



Associate Professor Esmé Shirlow published a chapter, 'Investment Protection in the AEUFTA: Missed Opportunities or Strategic Exclusions?', in a special issue of the *European Yearbook of International Economic Law*, entitled 'The Australia-European Union Free Trade Agreement'.

Associate Professor Esmé Shirlow wrote a chapter, 'The Role of International Law in Enhancing Urban Climate Resilience', published in *Urban Climate Resilience: The Role of Law* (Edward Elgar Publishing, 2022) edited by Dr Angela van der Berg (University of Western Cape) and Professor Jonathan Verschuuren (Tilburg University).



Dr Dominique Dalla-Pozza and Professor Donald Rothwell FAAL co-authored a new book chapter, 'Constitutional issues in Australia's subnational relations with China'. This chapter was published in the new book, *Taking the low road: China's influence in Australian states and territories* (Australian Strategic Policy Institute/Konrad Adenauer Stiftung, 2022).



The Ombudsman in the Modern State (Bloomsbury, 2022) examines the challenges facing ombudsmen and the governance systems within which they operate. Professor Greg Weeks wrote a chapter on maladministration; Emeritus Professor John McMillan AO explored complaint handling effectiveness; and Dr Stephen Thomson focused on the enforceability of ombudsman remedies and competition with judicial review.

Other publications



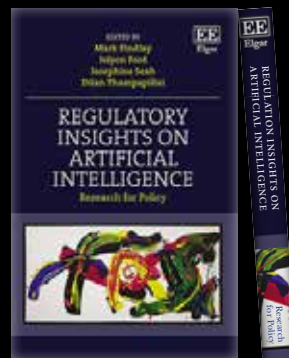
Islands and International Law (Bloomsbury, 2022) by Professor Donald Rothwell FAAL offers an authoritative overview of how public international law operates in relation to islands. Key issues such as artificial islands, archipelagos, sovereignty, territorial rights, maritime entitlements, and governance are explored in depth.

Gender and Careers in the Legal Academy (Hart Publishing, 2021; Bloomsbury, 2022) by Emerita Professor Margaret Thornton FASSA FAAL uncovers fascinating accounts of the careers of the academic pioneers as well as exploring broader theoretical issues relating to gender and culture.

Judicial Review of Administrative Action and Government Liability (7th edition) (Thomson Reuters, 2021), co-authored by Professor Greg Weeks, includes the addition of new chapters analysing Australia's distinctive approach to judicial review and the obligation to support administrative decisions with statements of reasons.

Property Law in New South Wales, 5th edition (LexisNexis Butterworths, 2022) co-authored by Associate Professor Heather Roberts SFHEA closely examines current issues in property law in New South Wales, including the latest judicial and legislative reforms and the impact of the move to electronic conveyancing in the state.

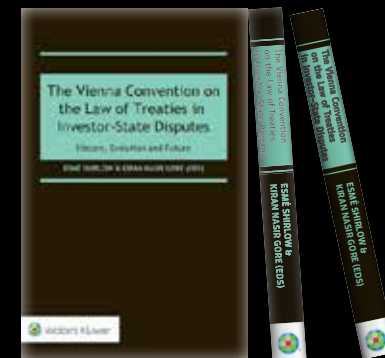
Zines and Stellios's The High Court and the Constitution, 7th edition (Federation Press, 2022) by Professor James Stellios FAAL, contains analysis and critique of the High Court's jurisprudence since the last edition seven years ago. Revisions have been made to almost all chapters to update the existing law.



Regulatory Insights on Artificial Intelligence (Edward Elgar Publishing, 2022), co-edited by Professor Jolyon Ford SFHEA, seeks to examine the relationship between law and AI, particularly the need for law-based regulation that goes beyond market concerns and looks to sustainability and ‘social good’.



Civil Procedure: Commentary and Materials, 8th edition, (LexisNexis 2022) co-written by Emerita Professor Peta Spender FAAL, provides students and practitioners with a comprehensive analysis of the practical and theoretical issues encountered in Australian civil procedure, including alternative dispute resolution.



The Vienna Convention on the Law of Treaties in Investor-State Disputes: History, Evolution and Future (Kluwer, 2022), co-edited by Associate Professor Esmé Shirlow, is the first consolidated analysis of how the Vienna Convention on the Law of Treaties has informed the interpretation, application and development of international investment law and the resolution of investor-state disputes.

Funding highlights

Professor Johanna Weaver | Telecommunications Sector Risk Profile

Conducted by the ANU Tech Policy Design Centre, this first-of-its kind project aims to holistically map the resilience of Australia's telecommunications sector. The project will engage stakeholders from across governments, industry, utility providers, emergency services, the risk and disaster management community and academia to develop a comprehensive risk and resilience profile of Australia's telecommunications sector.

\$ 298,275



Professor Johanna Weaver | Shaping blockchain technical standards consistent with Australia and India's shared vision of an open, free, rules-based Indo-Pacific

The Australia-India Cyber and Critical Technology Partnership program promotes Australian and Indian Organisations working together to contribute to the global development of ethical standards around critical and emerging technologies such as Artificial Intelligence (AI), next generation telecommunications (5G/6G), Internet of Things (IoT), quantum computing, synthetic biology, blockchain and big data to promote a stable and prosperous Indo-Pacific.

\$ 372,444

Professor Johanna Weaver | Specialist advice on Australia's engagement in the International Telecommunications Union

A program of four workshops to assist the Australian Government preparation of the Plenipotentiary Conference of the International Telecommunication Union (ITU) in September 2022.

\$ 142,000



Associate Professor Emma Aisbett | Embedded emissions accounting: frameworks for trade in a net-zero world

This ARC Linkage project aims to inform government on potential accounting frameworks for greenhouse emissions embedded in tradable products. Public frameworks are urgently needed given the emergence internationally of trade-related climate policies such as carbon border adjustment mechanisms. The project expects to contribute to global knowledge on embedded emissions frameworks by combining economic, engineering, science and policy perspectives.

Expected outcomes include: improved capability within government; understanding among Australian stakeholders; and integration with international approaches. Expected benefits include lower regulatory barriers to global emissions reductions, and fairer access to international markets for Australian producers.

\$367,070



Professor Andrew Macintosh | National Stewardship Trading Platform Phase 2

Over the past two decades, opportunities have emerged for farmers to earn money by providing environmental services related to biodiversity and carbon. This platform aims to help farmers participate in emerging environmental markets.

\$9,500,000

Professor Andrew Macintosh | Designing a stewardship payment program for private protected areas in Queensland

This contract is for the supply of consultancy services to explore and innovate in the social and economic realms of perpetual private land conservation in Queensland. The consultancy will inform establishment of a self-sustaining stewardship payment program to support landholders of private protected areas declared under Queensland's *Nature Conservation Act 1992*; and options to attract and leverage third-party investment in the program.

\$213,500



Dr Wenting Cheng | Green finance regulation in China: ESG standard-setting and disclosure

China is in the process of climate transition, setting its carbon neutrality goal in 2060 and carbon peaking in 2030. In the overarching climate '1+n' policy framework, green finance has been identified as an important supporting pillar. Different from the divestment movement led by consumers and investors globally, government plays an important role in Chinese green finance regulation. Chinese born NGOs, and foreign NGOs such as the Paulson Institute, the Climate Bond Initiative have also engaged actively in shaping China's green finance regulation. Chinese regulatory intermediaries such as SynTao Green Finance are also collaborating with their international counterparts in providing ESG ratings in China. This project proposed to understand important aspects of the green finance regulation in China — environmental, social and governance (ESG) standard-setting and disclosure.

\$4,978



Associate Professor Faith Gordon FRSA FHEA | New possibilities: Student climate action and democratic renewal

Healthy democracies require generational renewal as norms, values and cultures evolve. This project is a systematic study of the mass mobilisation of school-age students in the climate change movement in Australia. Examining who the students are, why they participate, how they organise, how they represent themselves and are represented by others in social and mainstream media the study ethically advances ways of researching school students' participation in offline and online settings. Expected outcomes include improved capacity for researching student political action, new knowledge of the motivations, norms and practices that characterise student climate politics and frameworks for democratic renewal through engagement with young people.

\$332,915



Scott Chamberlain | XRPL grants

Evernode brings layer 2 smart contracts to the XRP Ledger. This grant was for the development of legal technology (a mix of blockchain, smart contracts, and digital assets) to become a new institution for social scaling and a new way to collaborate without traditional intermediaries. Expected outcomes include better matching legal rights to real-world outcomes and improving access to justice by scaling how people meet their obligations and safeguard their rights.

\$200,000



Associate Professor Kate Ogg | The role of community sponsorship for refugee resettlement in Australia

This ARC Discovery project aims to conduct the first large-scale comparative study of community or private sponsorship of refugee resettlement in Australia and other jurisdictions. It will generate ground-breaking insights into Australia's role historically in community sponsorship of refugee resettlement and identify the legal and policy background of current successful community sponsorship programs. Expected outcomes include: clarity and policy guidance about how community or private sponsorship is understood, conceived and implemented globally; and better knowledge about the motives of community sponsors. This project will position Australia as a world leader in practice and research on community or private sponsorship for refugee resettlement.

\$330,000

Scholar spotlights



Professor Asmi Wood

Professor Asmi Wood's current research and publications have centred around two main topics: constitutional recognition of Indigenous people in Australia; and Indigenous participation in higher education.

The Australian Parliament, government agencies, community organisations, schools and Indigenous groups have all used Professor Wood's research to clarify key issues, and invited him to speak at public events and make contributions to their literature. Professor Wood has presented several keynote addresses to large conferences interested in Indigenous issues including on issues such as 'recognition'.

In late 2022, it was announced that Professor Wood would establish the Australian Research Council (ARC) Centre of Excellence for Indigenous Futures.

Worth \$35 million over seven years, this ARC-funded Centre of Excellence aims to transform the lives of Indigenous Australians through innovative Indigenous-led research focusing on inequality as the most critical and enduring social, cultural and economic challenge. Conceptually guided by Indigenous survivance and a fundamental desire for self-determination, Indigenous knowledges between five partner institutions in Australia, the United States, New Zealand and Canada.



Associate Professor Emma Aisbett

Associate Professor Emma Aisbett is the Associate Director (Research) for the Zero-Carbon Energy for the Asia Pacific Grand Challenge at ANU. Her previous research spanned economic globalisation, environmental policy, developing countries, and political economy. She combines her interdisciplinary understanding with extensive government and industry engagement to develop solutions to problems at the intersection of international economic regulation and the environment.

Best known for her work on international investment agreements where she has influenced both academic debate and policy, Associate Professor Aisbett has been an invited expert at both the OECD and the UNCTAD. Her current research focuses on trade and investment-related climate policies, and their intersection with green industrial policy. She is currently leading the Australian side of the certification work in the Germany-Australia HySupply project, is lead chief investigator on an ARC linkage project on Public Embedded Emissions Accounting to Support Net Zero Trade, and is theme lead for market activation on the recently announced ARC Industrial Transition Research Hub on Carbon Utilisation and Recycling.



Dr Alvin Hoi-Chun Hung

Dr Alvin Hoi-Chun Hung is a postdoctoral fellow at the ANU College of Law. He is primarily interested in private law, specifically property law, labour law, corporate law, and legally-oriented phenomena such as labour disputes and cross-border trafficking, comparing Asian-Pacific jurisdictions from socio-legal and cross-cultural perspectives. Dr Hung's research involves examining different legal cultures, and he has extensive experience in qualitative particularly ethnographic methods. The current focus of his research is to examine and possibly reform legal principles in light of technological advancements, and to explore law as a vast body of knowledge intertwined with language, image, and visual culture.

Dr Hung's work has appeared in peer-reviewed journals such as the *Asian Journal of Law and Society*, *Journal of Human Trafficking*, *Asian Journal of Comparative Law*, *Law and Humanities*, *Qualitative Research Journal*, and *Journal of Law, Technology and Policy*. He has been invited to speak at numerous international conferences, including the Law and Society Association Annual Meeting, Socio-Legal Studies Association Annual Conference, and Biennial Conference for Nordic Association for China Studies.



Dr Anton Moiseienko

Dr Anton Moiseienko is a lecturer at the ANU College of Law whose work focuses on transnational crime, economic crime and cybercrime, as well as legal and policy aspects of targeted sanctions. He is the author of *Corruption and Targeted Sanctions* (Brill, 2019), a monograph on the legal and policy implications of 'Magnitsky' laws. He has also co-edited four books on transnational crime.

Dr Moiseienko's articles have appeared in leading journals, including the *American Journal of International Law*, *Criminal Law Review*, *International and Comparative Law Quarterly*, and *Leiden Journal of International Law*.

He was previously a Research Fellow at the Centre for Financial Crime and Security Studies of the Royal United Services Institute (RUSI), a UK defence and security think-tank. While at RUSI, he led major multi-year research projects that explored the impact of technology on financial crime, as well as illicit trade risks in free-trade zones. He also published on a wide array of subjects including beneficial ownership transparency; corruption and fraud in the UK; and the financial footprint of cybercrime, cyber-enabled fraud and online IP piracy.

Dr Moiseienko gave testimony to the Australian Senate's Standing Committee on Foreign Affairs, Defence and Trade; the UK House of Commons' International Trade Committee; and Canada's Commission of Inquiry into Money Laundering in British Columbia. He also presented before multiple other UK agencies, including the Joint Money Laundering Intelligence Taskforce and the All-Party Parliamentary Group on Illicit Trade, as well as the EU's Freeze and Seize Task Force.



Dr Clement Chen

Dr Clement Chen's research focus is in the areas of public law and law and technology. His research interests have two pillars: one seeks to understand the changing role of public law in China's party-state governance and market-based reform, and the other explores the impact of data-driven decision-making for individual autonomy and the system of law. He has published on topics related to freedom of information in China, privacy in the big data environment, the implications of a social credit system in data-driven regulation, and the use of artificial intelligence to inform the application of the law.

Dr Chen has been awarded a grant of the competitive General Research Fund in Hong Kong (2021–2023, HK\$705,920 [approx. AU\$126,400]) to explore the accountability issues of data-driven profiling and sanction in China's social credit system. He is also a co-investigator in two interdisciplinary and competition-funded projects that examine the prospects and limitations of using machine learning to predict judicial decisions and enhance legal knowledge sharing.

Before joining ANU, Dr Chen was a research assistant professor at the University of Hong Kong's Faculty of Law. He has a strong interest in comparative law and received his legal training from Sun Yat-sen University, University of Paris 1 Panthéon-Sorbonne, and the University of Hong Kong. He has also been a visiting professor at the University of Turin's Department of Law and a visiting fellow at the Centre of Genomics and Policy, McGill University.



Dr Wenting Cheng

Dr Wenting Cheng is Grand Challenge Research Fellow for the Grand Challenge Project Zero-Carbon Energy for the Asia-Pacific. She undertook her PhD project 'China: Rule-taker or Rule-maker in the International Intellectual Property System?' at the ANU School of Regulation and Governance (RegNet).

Prior to joining ANU, Dr Cheng was a researcher at the Development and Research Center think tank under the auspices of the State Intellectual Property Office of China. In this role, she participated in more than 20 research projects and submitted policy briefs related to China's intellectual property laws, policies and national strategies, especially focusing on the patent system. Wenting obtained her MPhil degree from Peking University in 2009 and has published extensively in the area of intellectual property and the global governance of knowledge.

Research articles

ENVIRONMENTAL LAW



Integrity problems in Australia's carbon market

Professors Andrew Macintosh and Donald Butler co-authored a series of articles exposing integrity problems with Australia's carbon market, which led to a review of the scheme by Professor Ian Chubb. The scholars argued the growing carbon credit market was 'largely a sham' and a fraud on taxpayers and the environment.

Fixed constitutional commitments: Evaluating environmental constitutionalism's 'new frontier'

Associate Professor Ron Levy wrote an article, 'Fixed constitutional commitments: Evaluating environmental constitutionalism's "new frontier"', published in the *Melbourne University Law Review*.

HISTORY AND LAW



Escaping criticism

Professor Desmond Manderson FAAL FASSA FRSC wrote an article in *The Journal of Legal Philosophy*. The article analysed Pere Borrell del Caso's well-known 1874 painting, 'Escaping Criticism', which features on the cover of *Artefacts of Legal Inquiry* (Bloomsbury, 2021) by Professor Maks Del Mar (Queen Mary University).

The God of the 'God Powers'

Dr Eve Lester and ANU alumnus Dr Peter Prince (MLegStudies '97, LLB (Hons), GDLP '00, PhD '16) co-authored an essay, 'The God of the 'God powers': The gaps between history and law', published in the *Griffith Review*.

INTERNATIONAL LAW



Article for session of Völkerrechtsblog on uniting for peace

Honorary Professor Robert McLaughlin FAAL co-authored an article for Völkerrechtsblog on the Uniting for Peace session providing important insights on legal issues arising from the Russia-Ukraine war.

Research article on international law and the critique of political economy

Associate Professor Ntina Tzouvala wrote a research article, 'International Law and (the Critique of) Political Economy', published in the *South Atlantic Quarterly*.

INTERNATIONAL LAW



Associate Professor Ntina Tzouvala is an expert on political economy, history and theory of international law, historical materialism, deconstruction, feminist and queer legal theory.



Report for the International Institute for Sustainable Development

Associate Professor Esmé Shirlow authored a report, 'Approaches of International Courts and Tribunals to the Award of Compensation in International Private Property Cases and Implications for the Reform of Investor-State Arbitration', for the *International Institute for Sustainable Development*.

Article in *ICSID Review*

Associate Professor Esmé Shirlow co-authored an article published in the *ICSID Review – Foreign Investment Law Journal*. Her article explored key trends concerning the use of the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts in investor-state arbitration.

Article in *Journal of Law and Political Economy*

Associate Professor Ntina Tzouvala wrote an article, 'Invested in Whiteness: Zimbabwe, the von Pezold Arbitration, and the Question of Race in International Law', published in the *Journal of Law and Political Economy*.

Article in *The International Journal of Constitutional Law*

Associate Professor Ntina Tzouvala wrote an article, 'Global capitalism and law, and where to find them: Afterword to the foreword by Karen Alter', published in *The International Journal of Constitutional Law*.

Article in *American Journal of International Law*

Associate Professor Ntina Tzouvala has written an article published in the *American Journal of International Law*, examining Russia and the transmutations of imperialism in international law.

INTERNATIONAL LAW



Article on the future of EU sanctions against Russia

Dr Anton Moiseienko wrote an article, 'The future of EU sanctions against Russia: Objectives, frozen assets, and humanitarian impact', published by *Eucrim*.

Article for *Just Security*

Dr Anton Moiseienko wrote an article for *Just Security* about the political feasibility of confiscating Russia's Central Bank assets.

Article in *The Hague Yearbook of International Law*

PhD candidate Gemmo Fernandez wrote an article published in *The Hague Yearbook of International Law*, which examined the Philippines' denunciation of the Rome Statute from the perspective of both Philippine municipal law and international law.

Articles in Volume 116 of the *American Journal of International Law*

Three scholars from the ANU College of Law authored articles in Volume 116 of the *American Journal of International Law*. Dr Anton Moiseienko examined sanctions and historical 'trading-with-the-enemy' laws; Associate Professor Ntina Tzouvala explored the transmutations of imperialism in international law; and Honorary Professor Robert McLaughlin analysed Beijing's gray-zone operations in the South China Sea.

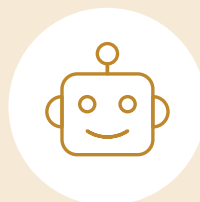
LAW AND GENDER



Article in *Affilia*

Associate Professor Faith Gordon FHEA FRSA co-authored an article, 'Australia—A land for young women? Exploring young women's positioning in contemporary Australian family violence discourses', published in *Affilia*.

LAW AND TECHNOLOGY



Article for *Pursuit*

Dr Damian Clifford co-authored an article for *Pursuit* (University of Melbourne) examining what's behind tech and start-up companies' quest to make robots more lifelike and interactions with virtual bots more naturalistic or 'seamless'.

Article in the *European Journal of Communication*

Associate Professor Faith Gordon FHEA FRSA co-authored an article, 'Can social media help end the harm? Public information campaigns, online platforms, and paramilitary-style attacks in a deeply divided society', published in the *European Journal of Communication*.

PRIVATE LAW



Article in the *International Insolvency Review*

Associate Professor Akshaya Kamalnath co-authored an article published in the *International Insolvency Review* that studies delays under India's new insolvency law by looking at the application of the law and providing an alternative feminist assessment.

Article in *Minnesota Journal of Law & Inequality*

Associate Professor Akshaya Kamalnath wrote an article titled 'Strengthening Boards Through Diversity: A Two-Sided Market That Can Be Effectively Served By Intermediaries', published in the *Minnesota Journal of Law & Inequality*.

Article in the *Georgetown Journal of Gender and the Law*

Associate Professor Akshaya Kamalnath authored an article, 'Social Movements, Diversity, and Corporate Short-Termism', published in the *Georgetown Journal of Gender and the Law*.

Article in the *Santa Clara Law Review*

Associate Professor Akshaya Kamalnath co-authored an article, 'Regulation of Corporate Activity in the Space Sector', in the *Santa Clara Law Review*, which examined regulation of corporate activity in the space sector.

Article in the *Griffith Law Review*

Dr Michelle Worthington and Emeritus Professor Peta Spender FAAL wrote an article, 'Constructing legal personhood: corporate law's legacy', published in a special issue of the *Griffith Law Review*.

Article in the *Asian Journal of International Law*

Dr Wenting Cheng authored an article in the *Asian Journal of International Law*, entitled 'Intellectual Property and International Clean Technology Diffusion: Pathways and Prospects.'

PROPERTY LAW



Article in *Regulation & Governance*

Professor Rebecca Monson co-authored an article, entitled 'Property rights and climate migration: Adaptive governance in the South Pacific', published in the prestigious academic journal, *Regulation & Governance*.



Article in the *Australian Book Review*

Associate Professor Faith Gordon FHEA FRSA co-authored an article for the *Australian Book Review* about political interference in research funding following the ministerial veto of six research proposals.

Article in the *Griffith Law Review*

Dr Michelle Worthington published an article, entitled 'Legal personality as licence' in the *Griffith Law Review*.



Submissions

Associate Professor Faith Gordon
FHEA FRSA was one of the lead authors of a government submission on a proposed law to reduce the voting age to 16 in the ACT.

Dr Dominique Dalla-Pozza and **Dr William Stoltz** (ANU National Security College) made a submission to the Department of Home Affairs in response to its Reform of Australia's electronic surveillance framework discussion paper.

Associate Professor Jonathan Liljeblad and colleagues from the American Society of International Law (ASIL) co-authored an amicus curiae brief submitted to the Inter-American Court of Human Rights.

Media engagement



10 NEWS



THE AUSTRALIAN



Bloomberg

The Canberra Times



THE CONVERSATION

The Guardian

GriffithReview

the interpreter

Los Angeles Times

Lawyers Weekly



The New York Times



The Washington Post

Research Showcase Series

This virtual and in-person series acknowledged and promoted the outstanding research by ANU College of Law academics.

- Associate Professor Moeen Cheema
- Dr Akshaya Kamalnath
- Associate Professor Esmé Shirlow



ANU Law and Philosophy Forum

The ANU Law and Philosophy Forum promotes research, discussion, and exchanges on various topics in law and philosophy, covering aspects of both private law and public law, and issues within both legal and political philosophy.

- Reflections on Death
- Deepfakes, Pornography and Consent
- Probability and Algorithmic Fairness
- Moral Personhood as Legal Personhood
- The Nature of Evil

Looking Back to the Future in the Law of the Sea: UNCLOS III and the LOSC at 40

Webinar series presented by the Centre for International and Public Law (CIPL, ANU) and the Australian and New Zealand Society of International Law (ANZSIL).

- Australian and New Zealand Perspectives on the Negotiations at UNCLOS III
- Pacific Perspectives on the Negotiations at UNCLOS III
- Global Perspectives on the Negotiations at UNCLOS III
- UNCLOS III and the LOSC institutions and implementing agreements
- UNCLOS III and the LOSC Dispute Settlement Framework

Visitors Seminar Series

Visiting scholars and honorary professors play a vital role in the ANU College of Law's vibrant intellectual community, including contributing to research and education, facilitating connections with partner institutions and organisations, and providing mentoring opportunities for academic staff.

- Dr Cait Storr, Chancellor's Postdoctoral Research Fellow (Faculty of Law, University of Technology Sydney)
- Dr Grégoire Webber (Canada Research Chair in Public Law and Philosophy of Law)
- Professor Katherine Biber (University of Technology Sydney)
- Professor Melissa Crouch (UNSW)
- Professor Ron Krotoszynski (University of Alabama)
- Dr Madelaine Chiam (La Trobe University)
- Dr Lisa Strelein PSM
- Professor Fiona De Londras (Birmingham Law School)

Research events

Each year the ANU College of Law hosts more than 100 events, many of which are dedicated to showcasing our research impact to the public and building on our relationships with peer institutions. In 2022, we held a wide variety of seminars, webinars, book launches, symposiums and conferences that celebrated our faculty's scholarship and innovation within their research interests.

FEBRUARY

ANU Law Conference: Public Law and Inequality
Delivered in a hybrid format, this three-day conference presented by the ANU Centre for International and Public Law sought to examine how public law concepts, institutions and norms frame or contribute to political and material inequality.

Parenting and work in a post-COVID context was a one-day conference that aimed to explore the challenges arising from the intersection of parenthood and paid work.

Guest seminar: Prof Lee Bygrave ANU College of Law alumnus Professor Lee Bygrave (Norwegian Research Center for Computers and Law - Law Faculty, University of Oslo) presented some of his recent work on 'cognitive sovereignty' in a machine learning (ML) context.

Twenty-third Geoffrey Sawyer Lecture: Modern Australian Federalism and the Uluru Statement
Professor Megan Davis presented the 23rd Geoffrey Sawyer Lecture, reflecting on the Uluru Statement from the Heart in the context of modern federalism and specifically the practice of Australian federalism.

Humanity in conflict: exploring IHL in action
Co-hosted by the International Committee of the Red Cross and the ANU Centre for Military and Security Law, the event explored international humanitarian law in action. Director of International Law and Policy, Dr Helen Durham, delivered the keynote address.

MARCH

Creating a safe parliamentary workplace for women: Next steps for the Jenkins report
Following the Respect@Work report by Sex Discrimination Commissioner Kate Jenkins

that examined sexual harassment and assault in parliament, this panel focused on women in parliament and the introduction of a code of conduct for parliamentarians.

APRIL

Book launch: 'The Laws of Yesterday's Wars'
This event celebrated the launch of *The Laws of Yesterday's Wars* (Brill, 2022), edited by Sam White and hosted by ANU's Centre for Military and Security Law.

MAY

Creative thinking: a tradition of international legal scholarship at ANU
Judge Hilary Charlesworth AM FASSA, Professor Anthea Roberts and Associate Professor Ntina Tzouvala discussed matters of creative legal scholarship, women in academia, legacies, and prospects.

JUNE

Annual Kirby Lecture in International Law: Why It's Time to Terminate the TRIPS Agreement
Hosted by the ANU Centre for Public and International Law, the 2022 Annual Kirby Lecture in International Law was delivered by Professor Anne Orford (Melbourne Law School).

Book launch: 'The Responsible Shareholder'
The ANU College of Law hosted the launch of *The Responsible Shareholder* (Edward Elgar Publishing, 2021) by Emeritus Professor Stephen Bottomley FAAL. The event was jointly presented by the Australian Academy of Law, with The Hon Chief Justice Lucy McCallum, Professor Sally Wheeler OBE and The Hon Mary Finn FAAL among speakers.



Book launch: Global Regulatory Standards in Environmental and Health Disputes
Professor Caroline Foster (University of Auckland) discussed her latest book *Global Regulatory Standards in Environmental and Health Disputes: Regulatory Coherence, Due Regard, and Due Diligence* (Oxford University Press, 2021).



JULY

Economic Crime Law Conference This one-day conference was hosted by the ANU College of Law and Transparency International Australia. It brought experts together to discuss Australia's response to economic crime, especially money laundering and terrorist financing.

AUGUST

Japan-Australia relations: human rights and environmental protection Hosted by ANU Law Reform and Social Justice (LRSJ), this panel discussion explored Australia-Japan relations with a focus on the death penalty, environmental protection and maritime law. The discussion centred around the Reciprocal Access Agreement between Australia and Japan, especially its related international, legal and ethical issues.

OCTOBER

World Day Against the Death Penalty: The Fragility of Abolition in Asia and the Pacific Marking the World Day against the Death Penalty (10 October), this panel discussion brought together academics and experts to debate the politics of death penalty abolition from a number of perspectives.

Private Vices and Public Virtues: Market Misconduct and the Limits of the Criminal Law Professor Lindsay Farmer (University of Glasgow School of Law) examined the relationship between private and public by looking at some developments in the criminalisation of market misconduct.

DECEMBER

Schools, Blood, Guns, & Bombs: Education in Myanmar's Pro-Democracy Struggle Moderated by Associate Professor Jonathan Liljeblad, this event presented the perspectives of experiences in the country's education system amid its pro-democracy struggle.

Twenty-fourth Geoffrey Sawer Lecture: Human Rights: Beyond Tragedies and Atrocities Philip Alston AO presented the 24th Annual Geoffrey Sawer Lecture, 'Human Rights: Beyond Tragedies and Atrocities'.

Reconceiving engagement with international law in a populist era Professor Peter Danchin (University of Maryland), Professor Shruti Rana (Indiana University) and Professor Philip Alston AO (New York University) took part in panel discussion.

SEPTEMBER

Shareholder Protection in Close Corporations: Book discussion The Private Law Research Group at the ANU College of Law hosted a discussion of the book, *Shareholder Protection in Close Corporations* (Cambridge University Press, 2022) by Alan Koh.

Book launch: 'Towards the Environmental Minimum' Launch of *Towards the Environmental Minimum: Environmental Protection through Human Rights* (Cambridge University Press, 2021) by Stefan Theil.

NOVEMBER

Book launch: Coastal state jurisdiction over living resources in the exclusive economic zone This event celebrated the launch of Dr Camille Goodman's book, *Coastal state jurisdiction over living resources in the exclusive economic zone* (Oxford University Press, 2021).

The power to go to war Honorary Professor Ernst Willheim discussed some of the history of decisions to go to war and the many arguments against any requirement for parliamentary approval.

AYBIL Highlights: An MH17 Roundtable Discussion *The Australian Year Book of International Law* General Editor, Associate Professor Esmé Shirlow, was joined in conversation by Associate Professor Amy Maguire, co-author of 'Delivering International Criminal Justice through Domestic Law? The Case of Flight MH17' in Volume 40 of the *Australian Yearbook of International Law*.



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