For Your Diary

The Centre for International and Public Law and the ANU Public Lecture Series presents the fourth Geoffrey Sawer Lecture

One Hundred Years On: Strengths and Strains in the Constitution

to be given by
The Hon Sir Gerard Brennan AC KBE, former Chief Justice of Australia

Wednesday 18 July 2001
6.00pm
Ian Wark Theatre, the Shine Dome Gordon Street, Acton, ACT (opposite Screen Sound Australia)

Sir Gerard Brennan, former Chief Justice of the High Court of Australia, will propose the amendment of some provisions in the Constitution that have failed in their purpose, the deletion of obsolete provisions and additions to federal power to cope with changes in science and technology. He will suggest some implications of a move to a Republic for the system of responsible government. The lecture is free and interested members of the public are invited to attend.

6th Public Law Weekend
2 & 3 November 2001

The weekend will be a half-day seminar on Friday and an update on recent developments on the Saturday. The theme of the seminar will be intersections of constitutional law with administrative, common and international law. The Saturday sessions will focus on recent developments in four specific areas of Australian public law including the judicial system, contemporary federalism, elections and parliamentarians, and state constitutional law. The dinner on Friday night at Old Parliament House will mark the 50th anniversary of the Communist Party Case. The conference brochure will be sent out to all those registered with the Centre as having an interest in public law, which includes all those who have attended the Public Law Weekend since 1998.

International Law Discussion Group

Tony Regan from the Department of Political and Social Change, Research School of Pacific and Asian Studies, ANU will speak on self-determination and autonomy in Bougainville. This presentation will be held in the Staff Library, Faculty of Law, ANU at 5.30 pm on Tuesday 31 July.
ANZSIL Annual Conference

The Centre’s 9th annual international law conference of the Australian and New Zealand Society of International Law was held 13 and 14 June 2001 at University House, ANU. The conference attracted 125 international lawyers from Australia, New Zealand and the US. This year’s theme — in recognition of the federation of Australia’s anniversary — was ‘International law down under: antipodean contributions and challenges’. The keynote address was given by Elizabeth Evatt AC, who reflected on her personal experience of the UN human rights treaty bodies. It was a wonderful launch of the conference and also prefigured a recurring concern at the conference about Australia’s relationship with the UN human rights system. Ann Kent, a member of CIPL, made an excellent contribution to this debate also, examining the history of Australia’s human rights foreign policy.

The conference dinner, held at Old Parliament House, featured the traditional game of international law trivial pursuit, which brought out rather aggressive tendencies in the otherwise mild-mannered international lawyers. Peter Bailey’s table won this event. Sir Kenneth Keith of the NZ Court of Appeal acted as the quiz show host with aplomb.

A new initiative of ANZSIL is to encourage international law students in Australia and New Zealand to attend the annual conference by providing financial assistance for travel and accommodation. This year, six students received this assistance. The day following the conference, Don Anton chaired an international law teachers’ workshop, with 20 participants. He demonstrated his own course web site to great acclaim, and not a little envy.

Thanks to all those colleagues who chaired, spoke and attended.


Shelley Wright and Hilary Charlesworth

Current research projects in the Centre


Elizabeth Evatt AC

Centre publications

Law and Policy Paper Series

Subscription enquiries for the Law and Policy Papers series:
The Federation Press
tel: 02 9552 2200
fax: 02 9552 1681
email sales@federationpress.com.au

Published 2001

Paper 15
The Resurrection of the Republic by George Winterton

This paper deals with a major political and legal issue facing Australia, the prospect of an Australian republic. George Winterton is the Professor of Law at the University of New South Wales. He was a member of the Republic Advisory Committee (1993) and was an appointed Delegate to the Constitutional Convention (1998).
Paper 16 (in press)

Administrative Review in Transition by
Justice Deirdre O'Connor, President of the Administrative
Appeals Tribunal
 Susanne Tongue, formerly Principal Member of the
Migration Review Tribunal
 Dr Peter Nygh, formerly Principal Member of the Refugee
Review Tribunal
 Margaret Carstairs, formerly Principal Member of the Social
Security Appeals Tribunal.

Four essays by the principal members of the existing tribunals on the
proposed changes in the Commonwealth tribunal system discussing
the features of the existing system that could be preserved within the
new structure.

Occasional Papers

Offshore Constitutional Settlement 1980: A Case Study in
Federalism by Pat Brazil AO, Special Counsel, Phillips Fox
Lawyers. Paper presented to the Public Law Discussion
Group at the Faculty of Law, ANU on 5 April 2001. (Available
on web: <http://law.anu.edu.au/CIPL/Publications/Brazil
formatted.pdf>).

Professions and Federation: The Emergence of a
National Market in Legal Services and a National Legal
Profession by Terry Connolly, Master, Supreme Court of the
ACT. The text of a talk presented to the Public Law Discussion

Discussion groups

Public Law and Public Administration
Discussion Group
evening seminars

The PLDG seminars are convened by Pam O’Neil and
membership is by invitation only

In 2001 these seminars are following the theme of Issues of
Federalism and Administrative Law to reflect 100 years of
Federation.

The second seminar for 2001 was held on 5 April. Pat Brazil
AO, Special Counsel, Phillips Fox Lawyers spoke on the

The third seminar was held on 22 May. Terry Connolly, Master of
the Supreme Court of the ACT spoke on Occupational
Regulations: Lawyers, a Case Study

Both these presentations have been published as Centre
Occasional Papers and are available from the Centre or on the
web at <http://law.anu.edu.au/CIPL/index.htm> (click on
publications).

The next seminar will take place on 17 July with Barry Moore and
Kirsty McIntyre of the National Road Transport Commission.
There will be a seminar with Patricia Lane, Sydney Bar in August.

International Law Discussion Group
evening seminars

Please contact the Centre if you would like to be placed on the
ILDG mailing list to receive invitations

Three seminars have been held recently.
The first was on 26 April with speaker Penelope Mathew, ANU
Law School, who spoke on ‘Sovereignty Still Rules: Refugees in
Australia’. Pene critiqued the jurisprudential basis and practice of
Australia's refugee policy.

The second, held on 1 May attracted over 100 people. This was a
seminar organised by Peter Bailey, ANU Law School, with the
International Commission of Jurists and Amnesty International.
Annemarie Devereux, Office of Principal Legal Adviser,
UNTAET, Commander Robin Warner, Royal Australian
Navy/Environment Australia and Mary Wood, Office of
International Law, Attorney-General's Department spoke on the
establishment of the rule of law in East Timor.

Professor Michael Scharf, Director of the Center for
International Law and Policy at the New England School of Law in
Boston, was visiting the Law School briefly to present an intensive
course for graduate students. Professor Scharf, who has worked
in the US State Department, gave an amusing and informed
analysis of the complex interests at stake in the US reluctance to
participate in the International Criminal Court. This seminar was held on 5 June.

Michael Scharf

See page 1 for the notice of the next seminar.

---

Visitors to the Centre

Professor Yehuda Blum, Hersch Lauterpacht Professor of International Law, Hebrew University of Jerusalem (3 April).

Mr Hitoshi Mise (UNHCR representative in Australia), Ms Ellen Hansen (UNHCR) and M. Francois Fouinat (UNHCR Geneva) (4 May).

Professor Jonatan Thormundsson, University of Iceland (8-9 May).

An Indonesian Human Rights Group visited the Law School on 8 June and met with human rights lawyers from the Law Faculty’s staff.

Indonesian Human Rights Group

Arrivals in the Centre

Andrew Byrnes is joining the Centre and the Law Faculty as a Professor. Andrew is a graduate of the ANU and of Harvard and Columbia Law Schools. He has been teaching at the University of Hong Kong for the last 15 years. Andrew is internationally recognised for his work in human rights law, both as a scholar and as an influential participant in the negotiation of international instruments. We are very much looking forward to Andrew’s involvement in the Centre.

We welcome back Adrienne Stone after her six-month sojourn in New York where she was a visiting scholar at Columbia Law School.

---

Congratulations

Robin Creyke has been appointed to the ACT Independent Competition and Regulatory Commission. On the Commission’s immediate agenda is an examination of Canberra taxi fares!

---

Staff and members’ conference papers and addresses

Hilary Charlesworth

‘The History of Human Rights in Australia’, talk to ANU Amnesty Group, 10 May 2001

‘Democracy and International Law’, paper for conference on Deterring and Preventing Coups in the Asia-Pacific Region, 11 May 2001 (organised by Griffith University, the Australian Defence Force Academy and the Australian War Memorial, Canberra)

‘One Hundred Years of Solitude: Australia and Human Rights’, Kathleen Fitzpatrick Memorial Lecture, 17 May 2001 (University of Melbourne)

‘Recent Developments: Human Rights in Australia’, Legal Update seminar series, ANU, 29 May 2001

‘The Silences of Human Rights’ (keynote address to Conference of Directors of Humanities Research Centres, Canberra, 1 June)

‘Women’s Health and Human Rights’ (keynote address at Centre for Research for Women, Edith Cowan University’s conference on Women’s Health, Perth, 22 June)

‘Australia and the UN Human Rights Treaty System’ (address to the UN Association of Australia National Conference, Canberra, 23 June)

Participant in round table discussion on Australian policy in relation to the Philippines for the visit by Philippine-Australian Young Leaders Program, 27 June

Speaker at JAWSS (Junior Academic Women in the Social Sciences) discussion group on Academic Housework: Individuality vs Collegiality, 27 June
Ann Kent
‘Australia’s Contribution to International Human Rights Law: From Multilateralism to Regional Bilateralism, and Back?’ at the ANZSIL conference 13-14 June, ANU.

Pene Mathew

Participated in panel discussion of human rights on ‘Sunday Spectrum’ on 3 June.

Safe for whom? The safe third country concept finds a home in Australia, delivered at the Workshop on the Refugees Convention 50 Years On: Globalisation and International Law, Monash Centre, Melbourne, 8-9 June.

Invited by UNHCR to be part of an expert panel on refugees meeting in San Remo in September. The panel is part of UNHCR’s global consultations on International Protection in the context of the 50th anniversary of the 1951 Convention Relating to the Status of Refugees, and will convene in parallel session concurrently with the 25th Round Table of the International Institute of Humanitarian Law.

Centre book wins award
The Boundaries of International Law written by Hilary Charlesworth and Christine Chinkin was awarded the American Society of International Law’s 2001 Certificate of Merit as a ‘preeminent contribution to creative scholarship’. The book is published by Manchester University Press and can be purchased through the website: <http://catalogue.mup.man.ac.uk>

Departures (temporary)
Hilary Charlesworth will take leave from the Centre to take up the position of Manley O. Hudson Visiting Professor of International Law at Harvard Law School from September to December 2001. She will teach two courses at Harvard: ‘Democracy and International Law’ and ‘Sex, Gender and Human Rights’. John McMillan will be Acting Director of the Centre during this time. In January and February 2001, Hilary will teach a human rights course at New York University School of Law.

2001 Advisory Board
Professor John Braithwaite
Law Program, Research School of Social Sciences, ANU

Professor Michael Coper
Dean, Faculty of Law, ANU (Chair)

Mr Robert Cornall
Secretary, Attorney-General’s Department

Mr John Dauth
Deputy Secretary, Department of Foreign Affairs and Trade

Professor Meredith Edwards
Deputy Vice Chancellor, University of Canberra

The Hon. Justice Susan Kenny
Federal Court of Australia

The Hon. Justice Michael Kirby AC, CMG
High Court of Australia

Staff and members’ publications
Please contact CIPL members directly for further information on their publications

Hilary Charlesworth
‘Gender Mainstreaming: The Case of East Timor’ (2001) Yale Journal of International Law (with Mary Wood)


Jennifer Clarke
2001 staff and members of the Centre

Staff
Hilary Charlesworth, Professor and Director
Cathy Hutton, Administrator
Jenny Braid, Publications

Academic Members: Public Law
Peter Bailey, Adjunct Professor
Peter Bayne, Reader
Tony Blackshield, Adjunct Professor
Jennifer Clarke, Lecturer
Michael Coper, Professor and Dean
Robin Creyke, Reader
Judith Jones, Lecturer
John McMillan, Professor
John Seymour, Adjunct Professor
Amelia Simpson, Lecturer
Daniel Stewart, Lecturer
Adrienne Stone, Senior Lecturer
Fiona Wheeler, Senior Lecturer
Phillipa Weeks, Professor

Academic Members: International Law
Andrew Byrnes, Professor
J-P Fonteyne, Senior Lecturer
Penelope Mathew, Senior Lecturer

Visiting Fellows
Don Greig, Emeritus Professor
Pam O’Neil
Dennis Pearce, Emeritus Professor
Tom Sherman
Ernst Willheim

PhD Candidates
Annemarie Devereux
Zoe Pearson
Helen Watchirs

Research Fellow
Deborah Senz

Research Assistants
Jill Caldwell
Esther James
Dai Lee
Beth Morris
Alex Owens
Dorothy Pawlukowski