For Your Diary

International Law Discussion Group Evening Seminar

Legal Aspects Of The Middle East Peace Process
Professor Yehuda Blum
Hersch Lauterpacht Professor of International Law
Hebrew University of Jerusalem

Tuesday 3 April
5.30 pm – 6.30 pm
Staff Library (first floor) Law School
(cnr Fellows and East Roads)
Professor Blum was Ambassador Extraordinary and
Plenipotentiary, Permanent Representative of Israel to the
United Nations, New York 1978-84. He was a member of the
Israel negotiating team on the peace treaty with Egypt (Camp
David, February 1979; Blair House, March 1979) and a
member of the Israel legal team, Taba Arbitration (Israel-
Egypt, 1986-8). Professor Blum is visiting Canberra as a
guest of the Embassy of Israel and will give an informal
seminar at the Law School. He will speak for 30 minutes and
then is happy to take questions.

Please contact the Centre if you would like
to attend this seminar

ANZSIL Annual Conference

13 & 14 June 2001
The Centre’s annual International Law Conference and the
Annual General Meeting of the Australian and New Zealand
Society of International Law (ANZSIL) will be held 13-14 June
2001 at University House, ANU. The theme of the conference is
‘Antipodean Contributions to the Development of International
Law’.

The conference brochure will shortly be available on the web at

A brochure will be sent out to all those registered with the Centre
as having an interest in international law, which includes all those
who have attended the ANZSIL conference since 1998.
Public Law Weekend
2 & 3 November 2001

This will be the sixth Public Law Weekend organised by the Centre for International and Public Law and the third devoted to constitutional law. The weekend will follow the usual format of a half-day theme seminar on Friday and an update on recent developments on the Saturday. This year the theme seminar will consider the intersections of constitutional law with other branches of law (administrative, common and international law). The Saturday sessions 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. At this stage the conference program is still being developed. Further information will appear in the next newsletter. 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.

Proceedings of the Annual Public Law Weekend
10-11 November 2000

The proceedings will be published in a special edition of the Federal Law Review during 2001. All participants will be informed when it is available.

Current research projects in the Centre

ARC Extra-territoriality Research Project

Deborah Senz and Hilary Charlesworth have recently completed the first of a series of papers concerning the implications of extra-territorial legislation for Australia. This research is funded by the Australian Research Council. It has involved consultation with both the Attorney-General’s Department and the Department of Foreign Affairs and Trade. The article discusses the nature of extra-territorial legislation and the use of ‘blocking’ legislation to counter its effects. It examines the history of Australia’s blocking legislation and the effects of foreign extra-territorial legislation on Australia. The article examines strategies for responding to the use of foreign extra-territorial legislation against Australian nationals and corporations and considers how useful the current Australian blocking legislation is. Given the increasing resort to extra-territorial legislation as a means of fostering foreign policy objectives, and the inadequacies of the Australian blocking legislation, Senz and Charlesworth argue that Australia needs to develop a coherent policy and legislative framework for responding to the effects of foreign extra-territorial legislation.

Research for a second article on extra-territoriality is also underway. The second paper will seek to widen the international focus on extra-territorial legislation and challenge the perception that extra-territorial legislation is intrinsically dangerous and subversive. The preoccupation with extra-territorial legislation as a problem is focused on relatively narrow forms of extra-territorial legislation such as US antitrust laws and trade sanctions targeting Cuba, Iran and Libya. This preoccupation obscures the fact that other manifestations of extra-territorial legislation have been embraced by the international community in the fight against transnational problems including child sex tourism and the bribery of foreign officials. The paper will examine the transformative potential of extra-territorial legislation. It will also consider the role of moral and legal global standards or norms in determining the legitimacy of extra-territorial legislation.

Centre publications
Occasional Papers

Available at: <http://law.anu.edu.au/centres/CIPL/WEB22-08.htm>

Recent papers published by the Centre are:

Constitutional Changes after 1975 by Gough Whitlam
The text of his address at the Dismissal Dinner held 11 November 2000 to mark the 25th anniversary of the dismissal of the Whitlam Government.

The Electronic Revolution — Is the Nation State Redundant? by John Broome (former head of the National Crimes Authority)
The text of a talk delivered for the Public Law Discussion Group on 23 November 2000.

Australian Year Book of International Law

Volume 20 published in December 2000 is a festschrift for our esteemed colleague, Professor Don Greig. Contributors include Dame Rosalyn Higgins (International Court of Justice), Professor Vaughan Lowe (Oxford), Professor Malgosia Fitzmaurice (London) and Professor R St J Macdonald (Dalhousie). It was launched by Sir Gerard Brennan (former Chief Justice of Australia) on 18 December at the Law School. Please contact the Centre if you would like to order a copy.

Don Greig

Law and Policy Papers 2000

Law and Policy Papers can be purchased from The Federation Press:

Telephone: 02 9552 2200
Facsimile: 02 9552 1681
Email: sales@federationpress.com.au

Paper 14


A survey of Australia’s involvement with the United Nations and an analysis of the future challenges in light of this relationship.

Paper 15

The Resurrection of the Republic by George Winterton (Professor, Faculty of Law, UNSW. Paper available April 2001.)

A discussion of the 1999 Republic Referendum and the prospects for future constitutional change.

Paper 16

Administrative Review in Transition by Justice Deirdre O’Connor (President of the Administrative Appeals Tribunal), Susanne Tongue (Principal Member of the Migration Review Tribunal), Dr Peter Nygh (Acting Principal Member of the Refugee Review Tribunal), Bill Rolfe (Principal Member of the Veterans’ Review Board) and Margaret Carstairs (Acting Principal Member of the Social Security Appeals Tribunal) (Paper available April 2001.)

Five 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.

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 will follow the theme of ‘Problems of Federalism and Administrative Law’ to reflect 100 years of Federation. The first seminar for 2001 was held on 21 February.

Ian Govey, Deputy Secretary, Attorney-General’s Department spoke on Corporations Law. The second seminar will be held on 5 April. Pat Brazil, Special Counsel, Phillips Fox Lawyers will speak on the 1980 Offshore Constitutional Settlement.

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.

The first seminar for 2001 will be held on Tuesday 3 April, by Professor Yehuda Blum — see front cover for details.

The next two seminars are:
‘Sovereignty still rules: Refugees in Australia’
Thursday 26 April: Dr Pene Mathew will speak on Australia’s law and policy regarding refugees since the 1990s.

Tuesday 1 May: Annemarie Devereux, Robin Warner and Mary Wood will speak on ‘The establishment of the rule of law in East Timor’.
Congratulations

Robin Creyke has been appointed Vice-President of the National Executive of the Australian Institute of Administrative Law.

Pene Mathew’s doctorate was conferred by Columbia University, New York on 14 February 2001. The title of her thesis was: ‘Sovereignty and the Right to Seek Asylum: A study of restrictive measures against asylum-seekers, with particular reference to the practice of Australia’. The degree was awarded after publication of the thesis as a series of three articles and an oral defence of the thesis in January 2000.


Pene has also been awarded $14,000 through the Faculty Research Grants Scheme to research the right to property in East Timor.

Zoe Pearson has been granted a scholarship to attend a workshop on humanitarian intervention organised by the American Society of International Law and the American Council on the United Nations to be held in Windhoek, Namibia in August. The scholarship process is very selective and brings great credit to Zoe.

Amelia Simpson has been awarded a prestigious teaching fellowship at Columbia Law School commencing in August 2001. The fellowship will allow Amelia both to teach and complete her LLM.

Arrivals and departures in the Centre

Dr Ann Kent has now taken up residence in the Centre. Ann was recently awarded an ARC Australian Research Fellowship to be held in the Centre. She has written two books on China and human rights: Between Freedom and Subsistence: China and Human Rights (Hong Kong, OUP, 1993 and 1995); and China, the United Nations and Human Rights: The Limits of Compliance (Philadelphia, University of Pennsylvania Press, 1999). In CIPL she will initially work to complete her book manuscript on ‘China, International Organisations and Compliance’ and will then proceed to her new ARC project, a study of China’s use of international law in its foreign policy. This year she is also publishing articles on Australia’s international human rights policy and on the bilateral monitoring of China’s human rights.

Ann Kent

Mary Wood, who took leave from the Attorney-General’s Department to work with Hilary Charlesworth on the Macarthur Foundation-funded project on women and international dispute resolution, has returned to the Office of International Law in the Department. Mary’s work was focused on East Timor and she...
made two field trips there. Mary will report on some aspects of her research at the ILDG meeting on May 1 (see p 3).

**Mary Wood on field trip to East Timor**
February 2001

### Summer Scholars at CIPL

This year, the Law Faculty hosted two ANU Summer Scholars for the first time — undergraduates selected in a competitive process to develop research skills. Both scholars worked with CIPL members.

**Ingrid Barnsley**, a fourth-year law student at UNSW, worked under the supervision of Hilary Charlesworth on the issue of corporations and human rights. Ingrid’s research resulted in a submission to the Joint Parliamentary Committee on Securities and Corporations which is inquiring into a Bill creating a Corporate Code of Conduct. Ingrid will continue this work at UNSW for an honours paper.

**Dorothy Pawlukowski**, a third-year law student at the ANU, under the supervision of Dr Pene Mathew, Dorothy worked on two projects in international refugee law. Dorothy developed her own research project on the rights of child refugee claimants with a view to achieving a change in Australia’s mandatory detention policy. Dorothy also assisted Pene with ongoing research into the treatment of gender issues in Australia’s refugee status determination procedure. Dot achieved a great deal of progress on both projects in a very short space of time. In her report to the Dean, Dot expressed her gratitude for a ‘worthwhile and rewarding experience’.

### Staff and members' conference papers and addresses

**Hilary Charlesworth**
- ‘The Possibilities and Perils of Feminist Analysis in International Law’, keynote address at Feminist Legal Academics Workshop Conference, Queensland University of Technology, 15 February 2001

**Robin Creyke**

**John McMillan**
- Address on the High Court and Administrative Law to a visiting group of students from Michigan State University, Canberra, 8 February 2001

**Pene Mathew**
- ‘Safe for whom? The safe third country concept finds a home in Australia’, paper given at the International Association for the Study of Forced Migration’s 7th International Research and Advisory Panel, Johannesburg, South Africa, 8 January 2000. This conference marked the 50th Anniversary of the Refugee Convention

**Adrienne Stone**
- ‘The Bill of Rights Debate in Australia: The Case for Bottom Up Constitutional Reform’, presented at University of Texas Law School, Constitutional Law Colloquium, March

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### Staff and members' publications

Please contact CIPL members directly for further information on their publications

**Peter Bailey** (with Rachel Callinan)
- ‘How the Courts treat the tribunals: a longitudinal study on treatment by the Courts of equal opportunity tribunals’, Feature article in *Equal Opportunity*, CCH Newsletter No 117, January 2001
Hilary Charlesworth
- ‘Martha Nussbaum’s Feminist Internationalism’ (2000) 111 Ethics 64

Michael Coper

Robin Creyke
- Sample Examination Question and Answers for Administrative Law, in R Krever, Mastering Law Studies and Law Exam Techniques (5th ed) (Sydney, Butterworths, 2001) with John McMillan (eds)
- Administrative Justice — The Core and the Fringe (Canberra, AIAL, 2000)

Amelia Simpson and Mary Wood
- Forthcoming in (2001) 29 (1) Federal Law Review is a case comment by CIPL members Amelia Simpson and Mary Wood on the High Court's recent decision in Cheng v The Queen, the latest case to consider the s 80 ‘trial by jury’ provision in the Constitution. The comment provides an overview of the decision and a critique of the reasoning which led a majority again to reject a rights-protective interpretation of s 80.

Adrienne Stone

Adrienne Stone and George Williams

Members’ consultations with government
Hilary Charlesworth
- Gave evidence before the UN Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Parliament House, Canberra, 21 March 2001

Robin Creyke

John McMillan
- Participant in a project being undertaken by the Public Service Merit Protection Commission to produce a book for the Centenary of Federation on the history of the Australian Public Service — contributing to the chapter on Accountability
- Member of the judging panel for the Annual Reports Awards for Commonwealth Agencies Reporting under the CAC Act, conducted by the Institute for Public Administration Australia, ACT Branch

Members’ media contributions
Hilary Charlesworth
- ‘President Clinton and the International Criminal Court’, The Australian, 15 January 2001

Penelope Mathew
2001 staff and members of the Centre

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Hilary Charlesworth, Professor and Director
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The Hon. Justice Susan Kenny, Federal Court of Australia

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

From left to right: Robert Cornall, John Braithwaite, Hilary Charlesworth, Justice Michael Kirby, Miles Kupa, Justice Susan Kenny, Michael Coper
Press:

Read about it!

The Centre’s Annual Report for 2000 is available at
complete with colour photographs.