

# 2014 ANZSIL CONFERENCE PROGRAM

## Towards International Peace through International Law

### THURSDAY 3 JULY

<b>8.30 am</b>	<b>REGISTRATION</b> (Torrance Room) <b>WELCOME TEA/COFFEE</b> (Hall Foyer)		
<b>9 am</b>	<b>CONFERENCE OPENING</b> Location: Main Hall > <b>Anne Orford</b> , ANZSIL President > <b>Kim Rubenstein</b> , Director, Centre for International & Public Law, ANU College of Law		
<b>9.10 – 10.30 am</b>	<b>PLENARY</b> <b>KEYNOTE SPEAKERS</b> Location: Main Hall Chair: <b>Anne Orford</b> , ANZSIL President, University of Melbourne <b>Hilary Charlesworth</b> , Laureate Fellow, The Australian National University > <i>The International Court of Justice and the role of the Judge Ad Hoc</i> <b>Joseph Weiler</b> , President, European University Institute > <i>Has International Law failed the Middle East peace process?</i>		
<b>10.30 – 11 am</b>	<b>MORNING TEA</b> (Hall Foyer)		
<b>11 am – 12.30 pm</b>	<table><tr><td><b>PANEL 1</b> <b>INTERNATIONALISM AND THE INTER-WAR PERIOD</b> Location: Main Hall Chair: <b>Rebecca La Forgia</b>, University of Adelaide <b>Daniel Joyce</b>, University of New South Wales &gt; <i>E H Carr's Utopian Realism and the critique of international society in the Inter-War Period: a reappraisal?</i> <b>James Upcher</b>, Volterra Fietta &gt; <i>Collective security and sovereign equality: the debates over a discriminating concept of war and the limits of non-participation</i> <b>Guy Fiti Sinclair</b>, Victoria University of Wellington &gt; <i>The ILO and the birth of development</i> <b>Jane McAdam</b>, University of New South Wales &gt; <i>Rethinking the origins of 'persecution' in Refugee Law</i></td><td><b>PANEL 2</b> <b>COMMERCE, INVESTMENT AND THE VALUES OF INTERNATIONAL LAW</b> Location: Common Room Chair: <b>John Reid</b>, Commonwealth Attorney-General's Department <b>Lucas Bastin</b>, London Bar &gt; <i>Who took the 'F' out of 'FCN': does the modern BIT system promote or hinder international peace?</i> <b>Caroline Henckels</b>, University of New South Wales &gt; <i>Balancing commercial and non-commercial values in international investment treaties</i> <b>Rishi Gulati and William Brydie-Watson</b>, Commonwealth Attorney-General's Department &gt; <i>The utilisation of private International Law to promote development, growth and legal harmony in the Asia-Pacific region</i></td></tr></table>	<b>PANEL 1</b> <b>INTERNATIONALISM AND THE INTER-WAR PERIOD</b> Location: Main Hall Chair: <b>Rebecca La Forgia</b> , University of Adelaide <b>Daniel Joyce</b> , University of New South Wales > <i>E H Carr's Utopian Realism and the critique of international society in the Inter-War Period: a reappraisal?</i> <b>James Upcher</b> , Volterra Fietta > <i>Collective security and sovereign equality: the debates over a discriminating concept of war and the limits of non-participation</i> <b>Guy Fiti Sinclair</b> , Victoria University of Wellington > <i>The ILO and the birth of development</i> <b>Jane McAdam</b> , University of New South Wales > <i>Rethinking the origins of 'persecution' in Refugee Law</i>	<b>PANEL 2</b> <b>COMMERCE, INVESTMENT AND THE VALUES OF INTERNATIONAL LAW</b> Location: Common Room Chair: <b>John Reid</b> , Commonwealth Attorney-General's Department <b>Lucas Bastin</b> , London Bar > <i>Who took the 'F' out of 'FCN': does the modern BIT system promote or hinder international peace?</i> <b>Caroline Henckels</b> , University of New South Wales > <i>Balancing commercial and non-commercial values in international investment treaties</i> <b>Rishi Gulati and William Brydie-Watson</b> , Commonwealth Attorney-General's Department > <i>The utilisation of private International Law to promote development, growth and legal harmony in the Asia-Pacific region</i>
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<p><b>11 am–12.30 pm</b></p>	<p><b>PANEL 3</b>  <b>ADJUDICATION, ARBITRATION, AND THE PEACEFUL SETTLEMENT OF DISPUTES</b>  <b>Location:</b> Scarth Room  <b>Chair:</b> Amokura Kawharu, University of Auckland  <b>Dai Tamada</b>, Kobe University  &gt; <i>Legal interests of parties and third parties before the ICJ: contributions by Australia, New Zealand and Japan</i>  <b>Daniel Kalderimis</b>, Chapman Tripp  &gt; <i>National courts and international investment arbitration: where do we stand?</i>  <b>Ryan Goss</b>, The Australian National University  &gt; <i>Critiquing the role of a supra-national human rights court: does the ECtHR's 'Fourth Instance Doctrine' hold water?</i></p>	
<p><b>12.30–2pm</b></p>	<p><b>LUNCH</b></p>	
<p><b>1–2pm</b></p>	<p><b>LUNCH-TIME PLENARY</b>  <b>WHALING IN THE ANTARCTIC</b>  <b>Location:</b> Main Hall  <b>Chair:</b> Timothy Stephens, University of Sydney  &gt; <b>Bill Campbell PSM QC</b>, Commonwealth Attorney-General's Department  &gt; <b>Penelope Ridings</b>, Ministry of Foreign Affairs and Trade, New Zealand  &gt; <b>Donald Rothwell</b>, The Australian National University</p>	
<p><b>2–3.30pm</b></p>	<p><b>PANEL 4</b>  <b>PANEL DISCUSSION: UKRAINE, CRIMEA, AND INTERNATIONAL LAW</b>  <b>Location:</b> Main Hall  <b>Chair:</b> Stephen Bouwhuis, Commonwealth Attorney-General's Department  &gt; <b>Keynote Speaker: Lori Damrosch</b>, Columbia University, ASIL President  &gt; <b>Greg French</b>, Australian Government Department of Foreign Affairs and Trade  &gt; <b>Christopher Michaelson</b>, University of New South Wales  &gt; <b>Alberto Costi</b>, Victoria University of Wellington (TBC)</p>	<p><b>PANEL 5</b>  <b>IN CONVERSATION WITH ERIKA FELLER: THE PARTICIPATION OF WOMEN IN INTERNATIONAL LAW</b>  <b>Location:</b> Common Room  <b>Kim Rubenstein</b> (The Australian National University) in conversation with <b>Erika Feller</b> (former Assistant High Commissioner of the United Nations Refugee Agency)</p>

<b>2–3.30 pm</b>	<p><b>PANEL 6</b>  <b>PEACE, JUSTICE, AND INTERNATIONAL CRIMINAL LAW</b>  <b>Location:</b> Scarth Room  <b>Chair:</b> <b>Jennifer Cavenagh</b>, Commonwealth Attorney-General's Department  <b>Lyma Nguyen</b>, Lawyer</p> <ul style="list-style-type: none"> <li>&gt; <i>Participation of minorities in genocide trials: ethnic Vietnamese civil parties at the ECCC</i></li> </ul> <p><b>Christoph Sperfeldt</b>, The Australian National University</p> <ul style="list-style-type: none"> <li>&gt; <i>Reparations and internationalised criminal tribunals: the experience of the ECCC</i></li> </ul> <p><b>Catherine Renshaw</b>, The Australian Catholic University</p> <ul style="list-style-type: none"> <li>&gt; <i>Nuremberg's shadow</i></li> </ul> <p><b>Sarah Williams</b>, University of New South Wales</p> <ul style="list-style-type: none"> <li>&gt; <i>The amicus in international criminal tribunals: an impartial adviser or a new frontier for 'lawfare'?</i></li> </ul>
<b>3.30 pm</b>	<b>AFTERNOON TEA</b>
<b>4–5.30 pm</b>	<p><b>YEAR IN REVIEW</b>  <b>Location:</b> Main Hall  <b>Chair:</b> <b>Jane McAdam</b>, University of New South Wales</p> <ul style="list-style-type: none"> <li>&gt; <b>Katrina Cooper</b>, Australian Government Department of Foreign Affairs and Trade</li> <li>&gt; <b>John Reid</b>, Commonwealth Attorney-General's Department</li> <li>&gt; <b>Penelope Ridings</b>, Ministry of Foreign Affairs and Trade, New Zealand</li> </ul>
<b>6 pm</b>	<b>ANNUAL KIRBY LECTURE RECEPTION</b> <b>Location:</b> China in the World Building, Fellows Road, The Australian National University
<b>6.30–7.30 pm</b>	<p><b>ANNUAL KIRBY LECTURE ON INTERNATIONAL LAW</b>  <b>THE MEANING OF INTERNATIONAL LAW: GOVERNMENT MONOPOLY, EXPERT PRECINCT OR THE PEOPLE'S LAW?</b>  <b>Andrew Byrnes</b>, University of New South Wales  <b>Location:</b> China in the World Building, Fellows Road, The Australian National University</p>

## FRIDAY 4 JULY

<b>8.30 am</b>	<p><b>REGISTRATION</b> (Torrance Room)  <b>WELCOME TEA/COFFEE</b> (Hall Foyer)</p>
<b>9–10.30 am</b>	<p><b>PLENARY</b>  <b>KEYNOTE SPEAKERS</b>  <b>Location:</b> Main Hall  <b>Chair:</b> <b>Anna Hood</b>, University of Melbourne  <b>Dino Kritsiotis</b>, University of Nottingham</p> <ul style="list-style-type: none"> <li>&gt; <i>Intertemporality and the Great War</i></li> </ul> <p><b>B S Chimni</b>, Jawaharlal Nehru University</p> <ul style="list-style-type: none"> <li>&gt; <i>Peace through law: lessons from 1914</i></li> </ul>
<b>10.30 am</b>	<b>MORNING TEA</b> (Hall Foyer)

<p><b>11 am – 12.30 pm</b></p>	<p><b>PANEL 7</b></p> <p><b>INTERNATIONAL HUMANITARIAN LAW AND THE CHANGING NATURE OF WAR</b></p> <p><b>Location:</b> Main Hall</p> <p><b>Chair: Leonard Blazeby</b>, International Committee of the Red Cross</p> <p><b>Rain Liivoja</b>, University of Melbourne</p> <ul style="list-style-type: none"> <li>&gt; <i>Occupation by remote control?</i></li> </ul> <p><b>David McBride</b>, Australian Army Legal Corps</p> <ul style="list-style-type: none"> <li>&gt; <i>Getting it right before it's too late: clarifying targeting and detention of transnational non-state actors</i></li> </ul> <p><b>Carrie McDougall</b>, Australian Government Department of Foreign Affairs and Trade</p> <ul style="list-style-type: none"> <li>&gt; <i>Blue helmet combatants: peace enforcement and IHL</i></li> </ul> <p><b>Bridget Dunne</b>, University of Tasmania</p> <ul style="list-style-type: none"> <li>&gt; <i>Vulnerability vs Legality: child soldiers as victims of sexual violence</i></li> </ul>	<p><b>PANEL 8</b></p> <p><b>EXPRESSIVE DIMENSIONS OF WORLD WAR I</b></p> <p><b>Location:</b> Common Room</p> <p><b>Chair: Fleur Johns</b>, University of New South Wales</p> <p><b>James Parker</b>, University of Melbourne</p> <ul style="list-style-type: none"> <li>&gt; <i>The jurisprudence of sonic warfare</i></li> </ul> <p><b>Madelaine Chiam</b>, University of Melbourne</p> <ul style="list-style-type: none"> <li>&gt; <i>International Law and the language of protest in Australia</i></li> </ul> <p><b>Jacqueline Mowbray</b>, University of Sydney</p> <ul style="list-style-type: none"> <li>&gt; <i>International Law and Esperanto: the language of peace?</i></li> </ul>
<p><b>11 am – 12.30 pm</b></p>	<p><b>PANEL 9</b></p> <p><b>NEW SECURITY ISSUES</b></p> <p><b>Location:</b> Scarth Room</p> <p><b>Chair: David Leary</b>, University of Technology, Sydney</p> <p><b>Hitomi Kimura</b>, Otsuma Women's University</p> <ul style="list-style-type: none"> <li>&gt; <i>Climate security and International Law</i></li> </ul> <p><b>Vernon Rive</b>, Auckland University of Technology</p> <ul style="list-style-type: none"> <li>&gt; <i>Climate change displacement in the South Pacific: a New Zealand perspective on the International Law framework</i></li> </ul> <p><b>Teneille Elliott</b></p> <ul style="list-style-type: none"> <li>&gt; <i>Applying just war theory as a framework to assess the moral legitimacy of Australia's counter-terrorism laws</i></li> </ul>	
<p><b>12.30 pm</b></p>	<p><b>LUNCH</b> (Hall Foyer) <b>&amp; ANNUAL GENERAL MEETING OF ANZSIL</b> (Common Room)</p>	

<p><b>1.30–3pm</b></p>	<p><b>PANEL 10</b></p> <p><b>HUMAN RIGHTS</b></p> <p><b>Location:</b> Main Hall</p> <p><b>Chair: Dianne Otto</b>, University of Melbourne</p> <p><b>Adam McBeth</b>, Monash University</p> <ul style="list-style-type: none"> <li>&gt; <i>All care, no responsibility: the current state of extraterritorial human rights obligations</i></li> </ul> <p><b>Ursula Tracy Doyle</b>, Salmon P Chase College of Law</p> <ul style="list-style-type: none"> <li>&gt; <i>Killing them with kindness: why US courts should solicit input from the most interested country before denying jurisdiction over corporate human rights abuse cases on the basis of international comity</i></li> </ul> <p><b>Sarah Joseph</b>, Monash University</p> <ul style="list-style-type: none"> <li>&gt; <i>Tintin and representations of self-determination (or lack of it)</i></li> </ul>	<p><b>PANEL 11</b></p> <p><b>THE INFLUENCE OF WAR ON THE DEVELOPMENT OF INTERNATIONAL LAW</b></p> <p><b>Location:</b> Common Room</p> <p><b>Chair: Treasa Dunworth</b>, University of Auckland</p> <p><b>Geoffrey Skillen</b>, The Australian National University</p> <ul style="list-style-type: none"> <li>&gt; <i>The influence of World War I on the development of IHL</i></li> </ul> <p><b>Imogen Saunders</b>, The Australian National University</p> <ul style="list-style-type: none"> <li>&gt; <i>General principles of law from 1875 to 1920 and beyond: tracing a legacy of war and peace through the development of the third source of International Law</i></li> </ul> <p><b>Colin Milner</b></p> <ul style="list-style-type: none"> <li>&gt; <i>Robert Randolph Garran and the Paris Peace Conference of 1919: reflections on Australia's experience of International Law and diplomacy during and after the First World War</i></li> </ul>
<p><b>1.30–3pm</b></p>	<p><b>PANEL 12</b></p> <p><b>USE OF FORCE AND AGGRESSION</b></p> <p><b>Location:</b> Scarth Room</p> <p><b>Chair: Carrie McDougall</b>, Australian Government Department of Foreign Affairs and Trade</p> <p><b>Jure Vidmar</b>, University of Oxford</p> <ul style="list-style-type: none"> <li>&gt; <i>Illegal but legitimate: excusing an unlawful use of force</i></li> </ul> <p><b>Sean Richmond</b>, University of Western Australia</p> <ul style="list-style-type: none"> <li>&gt; <i>At the vanishing point of law? International Law and the use of force by Canada in the Korean War</i></li> </ul> <p><b>Kirsten Sellars</b>, National University of Singapore</p> <ul style="list-style-type: none"> <li>&gt; <i>Mr Litvinov's legacy: definitions of aggression as the harbingers of change in international law arrangements</i></li> </ul>	
<p><b>3–3.30pm</b></p>	<p><b>AFTERNOON TEA</b> (Hall Foyer)</p>	

<p><b>3.30–5pm</b></p>	<p><b>PANEL 13</b></p> <p><b>THE UN SECURITY COUNCIL AND INSTITUTIONAL INNOVATION</b></p> <p><b>Location:</b> Main Hall</p> <p><b>Chair: Ben Saul</b>, University of Sydney</p> <p><b>Alberto Alvarez-Jimenez</b>, University of Waikato</p> <ul style="list-style-type: none"> <li>&gt; <i>The post 9/11 practices of the United Nations Security Council related to the right to self-defence against non-state actors: has anything changed after resolutions 1368 and 1373?</i></li> </ul> <p><b>Jeremy Farrall</b>, The Australian National University</p> <ul style="list-style-type: none"> <li>&gt; <i>Strengthening the rule of law through the United Nations Security Council</i></li> </ul> <p><b>Joanna Harrington</b>, University of Alberta</p> <ul style="list-style-type: none"> <li>&gt; <i>The United Nations Security Council, its working methods, and institutional change</i></li> </ul>	<p><b>PANEL 14</b></p> <p><b>PEACE NEGOTIATIONS AND PEACE BUILDING</b></p> <p><b>Location:</b> Common Room</p> <p><b>Chair: William Brydie-Watson</b>, Commonwealth Attorney-General's Department</p> <p><b>David Leary</b>, University of Technology, Sydney</p> <ul style="list-style-type: none"> <li>&gt; <i>Hikiwake? Prospects for an end to WWII and a settlement of the northern territories dispute between Japan and Russia</i></li> </ul> <p><b>Philipp Kastner</b>, University of Western Australia</p> <ul style="list-style-type: none"> <li>&gt; <i>Negotiating peace and justice: the legal agency of civil society actors</i></li> </ul> <p><b>Victor Kattan</b>, National University of Singapore</p> <ul style="list-style-type: none"> <li>&gt; <i>International Law and the Middle East peace process – a post-mortem</i></li> </ul>
<p><b>3.30–5pm</b></p>	<p><b>PANEL 15</b></p> <p><b>TRADE AND SECURITY</b></p> <p><b>Location:</b> Scarth Room</p> <p><b>Chair: Camille Goodman</b>, Commonwealth Attorney-General's Department</p> <p><b>Jadranka Petrovic</b>, Monash University</p> <ul style="list-style-type: none"> <li>&gt; <i>Regulation of international arms trade: Australia's role</i></li> </ul> <p><b>Keith Wilson</b>, University of Adelaide</p> <ul style="list-style-type: none"> <li>&gt; <i>When international trade and disarmament regimes add value to international security (and peace) through International Law</i></li> </ul> <p><b>Holly Cullen</b>, University of Western Australia</p> <ul style="list-style-type: none"> <li>&gt; <i>Conflict minerals and the promotion of peace: an examination of cause and effect</i></li> </ul> <p><b>Sanjiva de Silva</b>, De Silva Mackay</p> <ul style="list-style-type: none"> <li>&gt; <i>The promise of development at the WTO: development at the core and the periphery of the Global Trade Liberalisation Project</i></li> </ul>	
<p><b>5.15–6.30pm</b></p>	<p><b>PANEL DISCUSSION</b></p> <p><b>INTERNATIONAL LAWYERS AS PUBLIC INTELLECTUALS</b></p> <p><b>Location:</b> Main Hall</p> <p><b>Chair: Madelaine Chiam</b>, University of Melbourne</p> <ul style="list-style-type: none"> <li>&gt; <b>Hilary Charlesworth</b>, The Australian National University</li> <li>&gt; <b>Ben Saul</b>, University of Sydney</li> <li>&gt; <b>Dino Kritsiotis</b>, University of Nottingham</li> <li>&gt; <b>Sarah Joseph</b>, Monash University</li> </ul>	
<p><b>7.30pm</b></p>	<p><b>CONFERENCE DINNER</b> (Great Hall, University House, The Australian National University)</p>	

## SATURDAY 5 JULY

9 am	<b>WELCOME TEA/COFFEE</b> (Hall Foyer)	
9.15–11 am	<p><b>PANEL 16</b></p> <p><b>ARMS CONTROL AND DISARMAMENT</b></p> <p><b>Location:</b> Main Hall</p> <p><b>Chair:</b> Rain Liivoja, University of Melbourne</p> <p><b>Treasa Dunworth</b>, University of Auckland</p> <ul style="list-style-type: none"><li>&gt; <i>Disarmament in the Cold War: interrogating the silences</i></li></ul> <p><b>Anna Hood</b>, University of Melbourne</p> <ul style="list-style-type: none"><li>&gt; <i>The pursuit of nuclear disarmament without the P5</i></li></ul> <p><b>Maria de la Fuente</b>, Pontifical Catholic University of Argentina</p> <ul style="list-style-type: none"><li>&gt; <i>1540 at 10</i></li></ul> <p><b>Robert Mathews</b>, University of Melbourne</p> <ul style="list-style-type: none"><li>&gt; <i>Efforts to strengthen the prohibition of use of chemical and biological weapons: Australia's contribution</i></li></ul>	<p><b>PANEL 17</b></p> <p><b>INTERNATIONAL LAW AND THE POLITICS OF PEACE</b></p> <p><b>Location:</b> Common Room</p> <p><b>Chair:</b> Hilary Charlesworth, The Australian National University</p> <p><b>Cecilia Bailliet</b>, University of Oslo</p> <ul style="list-style-type: none"><li>&gt; <i>Defining peace within International Law: from peaceful co-existence to the right to peace – a utopian or realistic vision?</i></li></ul> <p><b>Deborah Whitehall</b>, University of Melbourne</p> <ul style="list-style-type: none"><li>&gt; <i>The supra-politics pacifist law</i></li></ul> <p><b>Thomas Gregory</b>, Department of the House of Representatives</p> <ul style="list-style-type: none"><li>&gt; <i>Towards international peace through parliamentary debate</i></li></ul> <p><b>Dianne Otto</b>, University of Melbourne</p> <ul style="list-style-type: none"><li>&gt; <i>Reflections on a century of feminist advocacy for peace through international law</i></li></ul>
11 am	<b>MORNING TEA</b> (Hall Foyer)	
11.30 am–1 pm	<p><b>PRESIDENT'S FOUR SOCIETIES PLENARY</b></p> <p><b>INTERNATIONAL PEACE THROUGH INTERNATIONAL LAW: PAST, PRESENT, AND FUTURE</b></p> <p><b>Location:</b> Main Hall</p> <p><b>Chair:</b> Anne Orford, ANZSIL President, University of Melbourne</p> <ul style="list-style-type: none"><li>&gt; <b>Joanna Harrington</b>, University of Alberta</li><li>&gt; <b>Yuji Iwasawa</b>, University of Tokyo</li><li>&gt; <b>Fleur Johns</b>, University of New South Wales</li><li>&gt; <b>Sir Kenneth Keith</b>, International Court of Justice</li><li>&gt; <b>Chantal Thomas</b>, Cornell University</li></ul>	
1–1.15 pm	<b>CLOSE</b>	