# 2014 ANZSIL Conference Program

## Towards International Peace through International Law

### Thursday 3 July

<table>
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<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>8.30 am</td>
<td><strong>Registration</strong> (Torrance Room)</td>
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<tr>
<td></td>
<td><strong>Welcome Tea/Coffee</strong> (Hall Foyer)</td>
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<tr>
<td>9 am</td>
<td><strong>Conference Opening</strong></td>
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<td></td>
<td>Location: Main Hall</td>
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<td></td>
<td>&gt; Anne Orford, ANZSIL President</td>
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<td>&gt; Kim Rubenstein, Director, Centre for International &amp; Public Law, ANU College of Law</td>
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<tr>
<td>9.10 – 10.30 am</td>
<td><strong>Plenary</strong></td>
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<td><strong>Keynote Speakers</strong></td>
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<td>Location: Main Hall</td>
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<td></td>
<td>Chair: Anne Orford, ANZSIL President, University of Melbourne</td>
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<td></td>
<td>Hilary Charlesworth, Laureate Fellow, The Australian National University</td>
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<tr>
<td></td>
<td>&gt; The International Court of Justice and the role of the Judge Ad Hoc</td>
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<td>Joseph Weiler, President, European University Institute</td>
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<td>&gt; Has International Law failed the Middle East peace process?</td>
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<tr>
<td>10.30 – 11 am</td>
<td><strong>Moring Tea</strong> (Hall Foyer)</td>
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<tr>
<td>11 am – 12.30 pm</td>
<td><strong>Panel 1</strong></td>
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<td><strong>Internationalism and the Inter-War Period</strong></td>
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<td>Location: Main Hall</td>
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<td>Chair: Rebecca La Forgia, University of Adelaide</td>
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<td></td>
<td>Daniel Joyce, University of New South Wales</td>
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<td></td>
<td>&gt; E.H. Carr’s Utopian Realism and the critique of international society in the Inter-War Period: a reappraisal?</td>
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<td>James Upcher, Volterra Fietta</td>
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<td>&gt; Collective security and sovereign equality: the debates over a discriminating concept of war and the limits of non-participation</td>
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<td>Guy Fiti Sinclair, Victoria University of Wellington</td>
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<td>&gt; The ILO and the birth of development</td>
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<td>Jane McAdam, University of New South Wales</td>
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<td>&gt; Rethinking the origins of ‘persecution’ in Refugee Law</td>
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<tr>
<td>11 am – 12.30 pm</td>
<td><strong>Panel 2</strong></td>
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<td><strong>Commerce, Investment and the Values of International Law</strong></td>
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<td>Location: Common Room</td>
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<td>Chair: John Reid, Commonwealth Attorney-General’s Department</td>
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<td>Lucas Bastin, London Bar</td>
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<td>&gt; Who took the ‘F’ out of ‘FCN’: does the modern BIT system promote or hinder international peace?</td>
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<td>Caroline Henckels, University of New South Wales</td>
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<td>&gt; Balancing commercial and non-commercial values in international investment treaties</td>
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<td>Rishi Gulati and William Brydie-Watson, Commonwealth Attorney-General’s Department</td>
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<td>&gt; The utilisation of private International Law to promote development, growth and legal harmony in the Asia-Pacific region</td>
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<td>Time</td>
<td>Session</td>
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<td>11 am–12.30 pm</td>
<td><strong>PANEL 3</strong>&lt;br&gt;<strong>ADJUDICATION, ARBITRATION, AND THE PEACEFUL SETTLEMENT OF DISPUTES</strong>&lt;br&gt;<strong>Location:</strong> Scarth Room&lt;br&gt;<strong>Chair:</strong> Amokura Kawharu, University of Auckland&lt;br&gt;<strong>Dai Tamada,</strong> Kobe University&lt;br&gt;&gt; <strong>Legal interests of parties and third parties before the ICJ: contributions by Australia, New Zealand and Japan</strong>&lt;br&gt;<strong>Daniel Kalderimis,</strong> Chapman Tripp&lt;br&gt;&gt; <strong>National courts and international investment arbitration: where do we stand?</strong>&lt;br&gt;<strong>Ryan Goss,</strong> The Australian National University&lt;br&gt;&gt; <strong>Critiquing the role of a supra-national human rights court: does the ECtHR’s ‘Fourth Instance Doctrine’ hold water?</strong></td>
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<td>12.30–2 pm</td>
<td><strong>LUNCH</strong></td>
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<td>1–2 pm</td>
<td><strong>LUNCH-TIME PLENARY</strong>&lt;br&gt;<strong>WHALING IN THE ANTARCTIC</strong>&lt;br&gt;<strong>Location:</strong> Main Hall&lt;br&gt;<strong>Chair:</strong> Timothy Stephens, University of Sydney&lt;br&gt;&gt; <strong>Bill Campbell PSM QC,</strong> Commonwealth Attorney-General’s Department&lt;br&gt;&gt; <strong>Penelope Ridings,</strong> Ministry of Foreign Affairs and Trade, New Zealand&lt;br&gt;&gt; <strong>Donald Rothwell,</strong> The Australian National University</td>
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<td>2–3.30 pm</td>
<td><strong>PANEL 4</strong>&lt;br&gt;<strong>PANEL DISCUSSION: UKRAINE, CRIMEA, AND INTERNATIONAL LAW</strong>&lt;br&gt;<strong>Location:</strong> Main Hall&lt;br&gt;<strong>Chair:</strong> Stephen Bouwhuis, Commonwealth Attorney-General’s Department&lt;br&gt;&gt; <strong>Keynote Speaker: Lori Damrosch,</strong> Columbia University, ASIL President&lt;br&gt;&gt; <strong>Greg French,</strong> Australian Government Department of Foreign Affairs and Trade&lt;br&gt;&gt; <strong>Christopher Michaelsen,</strong> University of New South Wales&lt;br&gt;&gt; <strong>Alberto Costi,</strong> Victoria University of Wellington (TBC)</td>
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### PANEL 6

**PEACE, JUSTICE, AND INTERNATIONAL CRIMINAL LAW**

Location: Scarth Room

Chair: Jennifer Cavenagh, Commonwealth Attorney-General's Department

Lyma Nguyen, Lawyer

- Participation of minorities in genocide trials: ethnic Vietnamese civil parties at the ECCC

Christoph Sperfeldt, The Australian National University

- Reparations and internationalised criminal tribunals: the experience of the ECCC

Catherine Renshaw, The Australian Catholic University

- Nuremberg’s shadow

Sarah Williams, University of New South Wales

- The amicus in international criminal tribunals: an impartial adviser or a new frontier for ‘lawfare’?

### 3.30 pm

**AFTERNOON TEA**

### 4–5.30 pm

**YEAR IN REVIEW**

Location: Main Hall

Chair: Jane McAdam, University of New South Wales

- Katrina Cooper, Australian Government Department of Foreign Affairs and Trade
- John Reid, Commonwealth Attorney-General's Department
- Penelope Ridings, Ministry of Foreign Affairs and Trade, New Zealand

### 6 pm

**ANNUAL KIRBY LECTURE RECEPTION**

Location: China in the World Building, Fellows Road, The Australian National University

### 6.30–7.30 pm

**ANNUAL KIRBY LECTURE ON INTERNATIONAL LAW**

**THE MEANING OF INTERNATIONAL LAW: GOVERNMENT MONOPOLY, EXPERT PRECINCT OR THE PEOPLE'S LAW?**

Andrew Byrnes, University of New South Wales

Location: China in the World Building, Fellows Road, The Australian National University

### FRIDAY 4 JULY

#### 8.30 am

**REGISTRATION** (Torrance Room)

**WELCOME TEA/COFFEE** (Hall Foyer)

#### 9–10.30 am

**PLENARY**

**KEYNOTE SPEAKERS**

Location: Main Hall

Chair: Anna Hood, University of Melbourne

Dino Kritsiotis, University of Nottingham

- Intertemporality and the Great War

B S Chimni, Jawaharlal Nehru University

- Peace through law: lessons from 1914

#### 10.30 am

**MORNING TEA** (Hall Foyer)
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<thead>
<tr>
<th>Time</th>
<th>Panel 7: International Humanitarian Law and the Changing Nature of War</th>
<th>Panel 8: Expressive Dimensions of World War I</th>
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</table>
| 11 am – 12.30 pm | **INTERNATIONAL HUMANITARIAN LAW AND THE CHANGING NATURE OF WAR**  
**Location:** Main Hall  
**Chair:** Leonard Blazeby, International Committee of the Red Cross  
Rain Liivoja, University of Melbourne  
> **Occupation by remote control?**  
David McBride, Australian Army Legal Corps  
> **Getting it right before it’s too late: clarifying targeting and detention of transnational non-state actors**  
Carrie McDougall, Australian Government Department of Foreign Affairs and Trade  
> **Blue helmet combatants: peace enforcement and IHL**  
Bridget Dunne, University of Tasmania  
> **Vulnerability vs Legality: child soldiers as victims of sexual violence** | **EXPRESSIVE DIMENSIONS OF WORLD WAR I**  
**Location:** Common Room  
**Chair:** Fleur Johns, University of New South Wales  
James Parker, University of Melbourne  
> **The jurisprudence of sonic warfare**  
Madelaine Chiam, University of Melbourne  
> **International Law and the language of protest in Australia**  
Jacqueline Mowbray, University of Sydney  
> **International Law and Esperanto: the language of peace?** |

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<tr>
<th>Time</th>
<th>Panel 9: New Security Issues</th>
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| 11 am – 12.30 pm | **NEW SECURITY ISSUES**  
**Location:** Scarth Room  
**Chair:** David Leary, University of Technology, Sydney  
Hitomi Kimura, Otsuma Women's University  
> **Climate security and International Law**  
Vernon Rive, Auckland University of Technology  
> **Climate change displacement in the South Pacific: a New Zealand perspective on the International Law framework**  
Teneille Elliott  
> **Applying just war theory as a framework to assess the moral legitimacy of Australia’s counter-terrorism laws** |

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<th>Time</th>
<th>New Activities</th>
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<tr>
<td>12.30 pm</td>
<td><strong>LUNCH</strong> (Hall Foyer) &amp; <strong>ANNUAL GENERAL MEETING OF ANZSIL</strong> (Common Room)</td>
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### PANEL 10
**HUMAN RIGHTS**

**Location:** Main Hall  
**Chair:** Dianne Otto, University of Melbourne  
Adam McBeth, Monash University

- All care, no responsibility: the current state of extraterritorial human rights obligations  
  Ursula Tracy Doyle, Salmon P Chase College of Law

- 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  
  Sarah Joseph, Monash University

- Tintin and representations of self-determination (or lack of it)  
  Colin Milner

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### PANEL 11
**THE INFLUENCE OF WAR ON THE DEVELOPMENT OF INTERNATIONAL LAW**

**Location:** Common Room  
**Chair:** Treasa Dunworth, University of Auckland  
Geoffrey Skillen, The Australian National University

- The influence of World War I on the development of IHL  
  Imogen Saunders, The Australian National University

- 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  
  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  
  Colin Milner

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### PANEL 12
**USE OF FORCE AND AGGRESSION**

**Location:** Scarth Room  
**Chair:** Carrie McDougall, Australian Government Department of Foreign Affairs and Trade  
Jure Vidmar, University of Oxford

- Illegal but legitimate: excusing an unlawful use of force  
  Sean Richmond, University of Western Australia

- At the vanishing point of law? International Law and the use of force by Canada in the Korean War  
  Kirsten Sellars, National University of Singapore

- Mr Litvinov’s legacy: definitions of aggression as the harbingers of change in international law arrangements  
  Jure Vidmar

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### 3–3.30 pm
**AFTERNOON TEA** (Hall Foyer)
### 3.30–5 pm
#### PANEL 13
**THE UN SECURITY COUNCIL AND INSTITUTIONAL INNOVATION**

**Location:** Main Hall  
**Chair:** Ben Saul, University of Sydney  
Alberto Alvarez-Jimenez, University of Waikato  
> *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?*

Jeremy Farrall, The Australian National University  
> *Strengthening the rule of law through the United Nations Security Council*

Joanna Harrington, University of Alberta  
> *The United Nations Security Council, its working methods, and institutional change*

#### PANEL 14
**PEACE NEGOTIATIONS AND PEACE BUILDING**

**Location:** Common Room  
**Chair:** William Brydie-Watson, Commonwealth Attorney-General's Department  
David Leary, University of Technology, Sydney  
> *Hikiwake? Prospects for an end to WWII and a settlement of the northern territories dispute between Japan and Russia*

Philipp Kastner, University of Western Australia  
> *Negotiating peace and justice: the legal agency of civil society actors*

Victor Kattan, National University of Singapore  
> *International Law and the Middle East peace process – a post-mortem*

### 3.30–5 pm
#### PANEL 15
**TRADE AND SECURITY**

**Location:** Scarth Room  
**Chair:** Camille Goodman, Commonwealth Attorney-General’s Department  
Jadranka Petrovic, Monash University  
> *Regulation of international arms trade: Australia’s role*

Keith Wilson, University of Adelaide  
> *When international trade and disarmament regimes add value to international security (and peace) through International Law*

Holly Cullen, University of Western Australia  
> *Conflict minerals and the promotion of peace: an examination of cause and effect*

Sanjiva de Silva, De Silva Mackay  
> *The promise of development at the WTO: development at the core and the periphery of the Global Trade Liberalisation Project*

### 5.15–6.30 pm
#### PANEL DISCUSSION
**INTERNATIONAL LAWYERS AS PUBLIC INTELLECTUALS**

**Location:** Main Hall  
**Chair:** Madelaine Chiam, University of Melbourne  
Hilary Charlesworth, The Australian National University  
> *Ben Saul, University of Sydney*

Dino Kritsiotis, University of Nottingham  
> *Sarah Joseph, Monash University*

### 7.30 pm
**CONFERENCE DINNER** (Great Hall, University House, The Australian National University)
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<th>Time</th>
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<tr>
<td>9 am</td>
<td>WELCOME TEA/COFFEE (Hall Foyer)</td>
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| 9.15–11 am   | PANEL 16 ARMS CONTROL AND DISARMAMENT                                | Location: Main Hall  
Chair: Rain Liivoja, University of Melbourne  
Treasa Dunworth, University of Auckland  
Disarmament in the Cold War: interrogating the silences  
The pursuit of nuclear disarmament without the P5  
Maria de la Fuente, Pontifical Catholic University of Argentina  
1540 at 10  
Robert Mathews, University of Melbourne  
Efforts to strengthen the prohibition of use of chemical and biological weapons: Australia's contribution |
|              | PANEL 17 INTERNATIONAL LAW AND THE POLITICS OF PEACE                 | Location: Common Room  
Chair: Hilary Charlesworth, The Australian National University  
Cecilia Bailliet, University of Oslo  
Defining peace within International Law: from peaceful co-existence to the right to peace – a utopian or realistic vision?  
The supra-politics pacifist law  
Thomas Gregory, Department of the House of Representatives  
Towards international peace through parliamentary debate  
Dianne Otto, University of Melbourne  
Reflections on a century of feminist advocacy for peace through international law |
| 11 am        | MORNING TEA (Hall Foyer)                                             |                                                                        |
| 11.30 am–1 pm| PRESIDENT’S FOUR SOCIETIES PLENARY                                   | INTERNATIONAL PEACE THROUGH INTERNATIONAL LAW: PAST, PRESENT, AND FUTURE  
Location: Main Hall  
Chair: Anne Orford, ANZSIL President, University of Melbourne  
Joanna Harrington, University of Alberta  
Yuji Iwasawa, University of Tokyo  
Fleur Johns, University of New South Wales  
Sir Kenneth Keith, International Court of Justice  
Chantal Thomas, Cornell University |
| 1–1.15 pm    | CLOSE                                                                |                                                                        |