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The Annual Kirby Lecture on International Law

The Meaning of International Law: Government monopoly, expert precinct or the people's law?

Thursday 3 July 2014 6.30 – 7.30pm (refreshments from 6pm)

Professor Andrew Byrnes, University of New South Wales

Australian Centre on China in the World Building 188, Fellows Lane
The Australian National University



Historically and in established positive law the power to make international law and to interpret it authoritatively has been a prerogative claimed and exercised primarily by States. It is commonplace to note that the formal and informal participation of non-State actors (including civil society actors) in the making of international law is to be seen in many areas. However, less attention has been given to the significance of the interpretative work in which non-State actors engage as they monitor and critique the implementation by States of their international treaty obligations. While States may not have lost control of the interpretation of international law, they are no longer the sole arbiters of its meaning. This lecture will explore through a number of examples taken mainly from

the field of human rights how non-State actors – including formal expert bodies, parliamentary bodies, civil society organisations and peoples' tribunals – challenge State interpretations of obligations. It will examine the significance of such interventions in a formal sense but also beyond the realm of positive law. Are we all international lawyers now and, if so, is that something to celebrate?

Andrew Byrnes is Professor of Law at the University of New South Wales and Chair of the Australian Human Rights Centre based in the UNSW Law School. He teaches and writes in the fields of public international law, human rights, and international criminal/humanitarian law. He has served as co-rapporteur of the International Law Association's Committee on International Human Rights Law and Practice, and as a member of the Asian Development Bank's Forum on Gender and Development. He was President of the Australian and New Zealand Society of International Law from 2010–13. Since November 2012 he has been part-time external legal adviser to the Commonwealth Parliamentary Joint Committee on Human Rights. **The Annual Kirby Lecture on international Law is an initiative of the Centre for International and Public Law, established to recognise The Hon Michael Kirby, AC CMG's long passion and service to International Law.**

The views expressed in this lecture are those of the presenter and do not necessarily represent the views of The Australian National University.

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