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It is my great pleasure to report on the activities of the Centre for International and Public Law (CIPL).

2018 has been a very busy year for the Centre and its members. We continue to connect with our CIPL community through a range of events. Our flagship annual lectures saw Justice Melissa Perry of the Federal Court of Australia deliver the Annual Kirby Lecture on International Law, speaking on the importance of water management, blending history and domestic and international law perspectives into a wonderfully rich lecture. The Hon Michael Kirby AC OMG was unable to join us this year, but sent his warm wishes through a recorded video message. We were also extremely fortunate to have The Hon Margaret Stone deliver the Twenty-first Geoffrey Sawer Lecture, sharing her unique insights and perspectives on her important role as Inspector-General of Intelligence and Security. These lectures added considerably to the Centre’s intellectual engagement with important current issues of domestic and international law.

Our two-day Public Law Weekend saw a stunning line-up of speakers celebrate administrative law at the ANU Law School, particularly the stellar careers of Emeritus Professors Robin Creyke AO and John McMillan AO. From the mysteries of jurisdictional error to the accountability of automated decision-making, the program was filled with thought-provoking and insightful analyses and reflections by Australia’s leading administrative law jurists, academics and practitioners. A special thanks to Associate Professor Greg Weeks for his hard work in putting the conference program together, and to the student volunteers for assisting with the conference: Madeleine Castles, Sebastian King, Sarah Lim and Jacqueline Turner.

The Centre’s other major event for 2018 was the second annual International Law Workshop that was run on 8 March and considered two specific issues in the interaction between treaty and customary. We look forward to the third workshop to be held in February 2019, which will focus on ‘international law-making away from the public gaze’.

Our regular events program is highlighted by our monthly seminar series organised in association with the Attorney-General’s Department and the Department of Foreign Affairs and Trade. We value our collaborations with our government partners, and are grateful to Marie-Charlotte McKenna, Kirsten Storey, Katie McBryde, Lauren Burke and Honorary Prof Richard Rowe for their assistance in organising that seminar series. Our events program was rich and diverse again this year, with far too many seminars and lectures to mention here. The details of those events may be found in this Newsletter. I thank in particular CIPL member, Associate Professor Jeremy Farrall, for organising a number of CIPL events to run in collaboration with the Academic Network of the United Nations Association of Australia.

Our CIPL community is greatly enriched by our Centre visitors. In 2018, Dr Paul Taylor continued work on his Commentary to the International Covenant on Civil and Political Rights. Dr Susan Priest from the University of Canberra spent time with the Centre in the latter part of the year to research archival material from the papers of High Court Justice Richard O’Connor. Dr Julian Wyatt became a CIPL Visitor in September. Dr Wyatt recently returned to Australia after being a long-term resident of Geneva where he worked at the University of Geneva and for a leading international arbitration firm in investor-State disputes and international commercial arbitration. We were also honoured to have a short visit from Emerita Prof Catherine Kessedjian from the University Panthéon-Assas Paris II, who delivered a public lecture on the reform of investor-State dispute resolution. Sadly, we said farewell to Dr Etienne Henry who joined the Centre for 15 months to conduct research into the current challenges to International Law on the Use of Force. The Centre’s members wish him well.

The Centre is fortunate to have so many research active members in international and public law, and their rich body of research is listed at the end of this Newsletter.

In 2018 we welcomed Professor Sally Wheeler OBE to the deanship at the ANU College of Law and as Chair of the Centre’s Advisory Board. I am very grateful for Prof Wheeler’s support of the Centre and its activities. I have benefited considerably from the advice and guidance of the Advisory Board and I thank the Board members for their continuing support: Prof Sally Wheeler OBE (ANU), Chris Moraitis PSM (Attorney-General’s Department), James Larsen (Department of Foreign Affairs and Trade), Louise Vardanega PSM (Australian Government Solicitor), Richard Rowe PSM (Honorary Prof, ANU), Prof William Maley (ANU), The Hon Justice Melissa Perry (Federal Court of Australia) and The Hon Justice Richard Refshauge (ACT Supreme Court).

I am greatly indebted to the Centre’s Deputy Director, Associate Professor Sarah Heathcote, for her considerable contribution to the Centre and its activities. The Centre is served exceptionally well by Sarah Parker in the CIPL Secretariat, and I thank Sarah for her ongoing professionalism and efficiency in organising all aspects of the Centre’s academic program. I also recognise the important contribution made over many years by Claire Atteia, the College’s Design Consultant, to the success of the Centre’s events program. Claire is leaving the College in December. She will be greatly missed.

This will be my last Newsletter as Director of the Centre, with Associate Professor Heathcote to act as Director into the new year. It has been a richly rewarding experience steering the Centre over the last three years and as Acting Director in 2013. CIPL remains the College’s flagship research Centre, directed by an ethos of inclusion, intellectual rigour and debate, engaging the judiciary, academia, government, legal practice, and the broader community. It has a long and bright future ahead.

James Stellios
CIPL Staff

Centre Staff 2018

- Professor James Stellios, CIPL Director
- Associate Professor Sarah Heathcote, CIPL Deputy Director
- Sarah Parker, CIPL Secretariat

Advisory Board

Many thanks to the members of the CIPL Advisory Board for their contribution and guidance over the last twelve months. The direction and support of the Advisory Board has been invaluable in expanding our research and engagement and enhancing CIPL’s activities.

Advisory Board 2018

- Professor Sally Wheeler OBE, Chair
- Professor James Stellios, CIPL Director
- Associate Professor Sarah Heathcote, CIPL Deputy Director
- James Larsen, Department of Foreign Affairs and Trade
- Professor William Maley, Australian National University
- Chris Moraitis PSM, Attorney-General’s Department
- The Hon Justice Melissa Perry, Federal Court of Australia
- The Hon Justice Richard Refshauge, Supreme Court of the ACT
- Richard Rowe PSM, Honorary Professor, Australian National University
- Louise Vardanega PSM, Australian Government Solicitor
The ANU Law School has a long tradition of excellence in administrative law scholarship and of engagement with government and the private profession in public law. Its reputation was established by successive generations of administrative law scholars who have taught generations of judges, government lawyers and decision-makers, private practitioners and academics about legal and political accountability of government decision-making.

The Public Law Weekend, hosted by the ANU Centre for International and Public Law, is one of Australia’s pre-eminent public law conferences. This year’s program focussed primarily on administrative law with a special emphasis on celebrating administrative law at the ANU, particularly the stellar careers of Emeritus Professors Robin Creyke AO and John McMillan AO.

Speakers included: the Hon Justice Stephen Gageler, the Hon Justice John Basten, the Hon Justice John Griffiths, the Hon Justice Rachel Pepper, the Hon Justice Janine Pritchard, Gabrielle Appleby, Mark Aronson, Judith Bannister, Will Bateman, Janina Boughey, Lisa Burdon Crawford, Robin Creyke, Matthew Groves, Graeme Hill, Leighton McDonald, John McMillan, Dennis Pearce, Kim Rubenstein, Kristina Stern SC, Daniel Stewart and Greg Weeks.

The conference enjoyed the support of major sponsor, the Australian Government Solicitor, as well as the sponsorship of the Australian Institute of Administrative Law.
The possible interactions between treaty and custom are generally considered by reference to the well-established framework set out by the International Court of Justice in the North Sea Continental Shelf Cases of 1969; namely, the declaratory, crystallising and generating effects of a treaty (as for a resolution) on a customary rule. The impact of codification on the time it takes for a customary rule to develop, as well as the nature of the substantive rules that treaty codification might generate are also well canvassed. But other issues relative to the treaty-custom interplay warrant consideration today.

With the International Law Commission focussed on the proper identification of customary international law, and separately on the role of subsequent practice in treaty interpretation, one question that arises is how do we differentiate between what might be practice for the purposes of custom as opposed practice for the purposes of treaty interpretation?

Second, some codification issues stand out as being of particular contemporary relevance, even if they are not new. For instance, in relation to the ever-flourishing field of international investment law, how does one know when and whether an investment treaty operates to derogate from or generate customary rules ("Baxter’s paradox"). Other issues of codification pose practical dilemmas, such as the out-sourcing of codification projects today.
The duality of water: Conflict or co-operation

The Hon Justice Melissa Perry, Federal Court of Australia

Water is key to the existence of life. From the nourishment of our physical selves, to sanitation, health, agriculture, and energy production our existence and way of life depends upon access to adequate and reliable supplies of fresh-water. Yet population growth, climate change, industrial and agricultural consumption, water pollution, demographic changes, and urbanisation, are contributing to a global fresh-water crisis. These stressors in turn have created a real and increasing risk of conflict not only over control of water sources, but also for equitable access to fresh-water, and through vulnerability to attacks on water systems as a weapon of war or terror.

While their intensity and scale have varied, these risks have confronted integrated state systems since antiquity. Themes of universal relevance to inform the international responses can be drawn from classical Greek systems of water management and for the pacific settlement of disputes. Using ancient history to illuminate the issues of today, the lecture explored principles of international law as they relate to fresh-water resources and the mechanisms by which water may be a cause for co-operation as opposed to conflict.

Justice Melissa Perry was appointed to the Federal Court of Australia in 2013. Her Honour graduated in Law from Adelaide University with 1st Class Honours, and was awarded a prize-winning PhD in public international law from Cambridge University. She practiced at the Bar in Australia from 1992 to 2013, being appointed Queen's Counsel in 2004, and was admitted to the Bar of England and Wales in 2012.

Her Honour’s areas of expertise in practice included environmental law, native title, constitutional law, and international law. Justice Perry serves as a Squadron Leader with the Royal Australian Air Force Legal Specialist Reserves. She is also a member of the Judicial Council on Cultural Diversity and chaired the specialist committee which prepared the Recommended National Standards for Working with Interpreters in Courts and Tribunals (2017).

Among other roles, her Honour is a Fellow and former director of the Australian Academy of Law, and a member of the advisory boards for the Centre for International and Public Law (ANU), the Gilbert + Tobin Centre of Public Law (UNSW), and the Research Unit for Military Law and Ethics (University of Adelaide). Her Honour recently co-edited Australian Native Title Law (2nd ed) (2018).
Eyes on the spies: Why and how?

The Hon Margaret Stone FAAL, Inspector-General of Intelligence & Security

Over the centuries, governments, whether royal sovereigns or sovereign states, have relied on spies to reinforce their power and security.

In a liberal democracy such as Australia, there is inevitable tension between the formidable powers of the intelligence agencies and the protection of civil liberties, such as individual privacy, and religious, political and intellectual freedoms. The challenge faced by intelligence agencies in meeting diverse and complex threats whilst respecting the proper bounds of government encroachment is greater than ever before.

The lecture explored the legal and ethical framework in which the Australian Intelligence Community operates, the oversight of those operations and the structural and cultural features essential to success.

The Hon Margaret Stone was appointed as Inspector-General of Intelligence and Security in 2015. From 2000 to 2012 she was a judge of the Federal Court of Australia, prior to which she was a partner in the commercial law firm, Freehill Hollingdale & Page (now Herbert Smith Freehills). Between December 2012 and August 2015 she was Australia’s first Independent Reviewer of ASIO’s Adverse Security Assessments.

Her career also included 15 years in the Law Faculty of the University of New South Wales where she is now an adjunct professor. She is a foundation fellow of the Australian Academy of Law and holds degrees from Yale University, the University of Sydney and the Australian National University.
MONTHLY SEMINAR SERIES

In partnership with the Attorney-General’s Department and the Department of Foreign Affairs and Trade, the Centre for International and Public Law held a very successful series of Monthly Seminars. Covering a range of contemporary and topical public and international law issues, the 2018 seminars featured speakers from the public sector, academia and international organisations.

February (hosted by AGD)

Peace amongst public and private players

> Judith Levine, Senior Legal Counsel, Permanent Court of Arbitration in the Hague

Over the course of the 20th century, the PCA’s mandate evolved to handle disputes involving a mix of private and public parties. Its docket today includes State to State disputes, over 80 cases between foreign investors and host States under bilateral and multilateral investment treaties, and around 50 cases under a variety of agreements involving individuals, companies, State-owned enterprises, States and IGOs.

PCA Senior Legal Counsel, Judith Levine, reflected on some of the key developments in this evolution, including the boom in investment treaty arbitrations, the first intra-State arbitration (Abyei); the first UNCLOS arbitrations involving non-participating respondents and non-party participants (Arctic Sunrise and South China Sea); the first conciliation under UNCLOS (Timor Sea); the first publicly known business and human rights arbitrations (Bangladesh Accord); and a growing number of disputes stemming from the global threat of climate change. In the context of this recent PCA experience, she reflected on how arbitration is adapting to address expectations of efficiency and legitimacy.

March (hosted by ANU)

Hague Choice of Court Convention and Judgments Project update

> Melissa Ford, Commonwealth Attorney-General’s Department
> Paul Taylor, CIPL Visiting Fellow

Both Melissa and Paul have served on delegations to the Hague Conference on Private International Law and in this seminar provided an update on:
- the Hague Convention of 30 June 2005 on Choice of Court Agreements, now attracting ratifications at a quickening pace with significance for Australia, and
- the Hague ‘Judgments Project’, which began in 1992 and is heading towards its conclusion to establish a broader set of common rules on the recognition and enforcement of foreign judgments.

Both initiatives aim to meet the difficulties presented by the fragmented operation of national rules, but with differing degrees of ambition.
April (hosted by AGD)
The International Committee of the Red Cross: Operations to Law

Leonard Blazeby, Head of Mission – ICRC Canberra

Leonard Blazeby is the Head of the ICRC’s Mission in Australia, leading a team working with the Australian government, the Australian Defence Force, think tanks, academics and the media to foster a greater understanding of the ICRC and its global operations, and engage in a dialogue on international humanitarian law and humanitarian issues.

This seminar saw Leonard discuss the mandate of the ICRC, how the ICRC works in the field and in the realm of international law, and why is it useful to understand the ICRC and its work.

May (hosted by ANU)
Budget and policy analysis for gender equality

Miranda Stewart, Fellow at the Tax and Transfer Policy Institute, Australian National University and Professor at Melbourne Law School

Professor Stewart presented on the effects of budgets and public policy for gender equality, with a particular focus on tax and social policy and the impact on wellbeing of women and families. The presentation covered new research on the position of women at the top and bottom of the income distribution and discussed how tax and social policy intersect to produce unequal outcomes. The talk also considered how we can best incorporate a gender equality analysis into budget and policy processes.

August (hosted by DFAT)
Prospects for a new convention on the prevention and punishment of crimes against humanity

Sean Murphy, Manatt/Ahn Professor of International Law at George Washington University Law School

In 2014, the UN International Law Commission embarked on the drafting of articles for what may become a new Convention on the Prevention and Punishment of Crimes against Humanity. In 2017, the Commission completed a first draft of the project, consisting of a preamble, fifteen articles, and an annex, with commentary.

After receiving views from governments and other actors, the Commission is expected to complete the final draft of the project in 2019, at which point it will be submitted to the UN General Assembly.

The Commission’s Special Rapporteur for the project, Professor Sean Murphy, addressed the need for a new convention, the content of the draft articles, and the prospects for a successful outcome for the initiative.
October (hosted by ANU)

The suffering of female victims and the criminalisation of gendered family and domestic violence in the Northern Territory

Dr Sarah Holcombe, Senior Fellow, University of Queensland and Visiting Fellow at Australian National University

The criminalisation of gender violence, though enormously important in validating women's rights as human rights, has had particular and unintended effects in Aboriginal communities. In Alice Springs, Aboriginal women are known as 'non-compliant' and often discouraged from attending court by the prosecutors of domestic violence cases; being regarded as a hindrance to proceedings.

This seminar explored some of the intersections between legal rights, local perceptions of social justice, and gender violence. Spousal or intimate partner violence exposes multiple sites of articulation with formal rights via the legal system while revealing, often in contradistinction, Aboriginal (Anangu) responsibilities in customary terms. By exploring the inter-subjectivity in these familial encounters, this seminar makes ethnographically visible why Aboriginal women tend to be 'bad victims' and why framing violence against women solely as a criminal issue, rather than a civil rights, human rights or public health issue, narrows the framework for understanding the scope, causes, consequences and remedies for violence against women. The seminar ultimately addressed the question; does the criminalisation of gendered family and domestic violence in the NT reduce the suffering of female victims?

November (hosted by AGD)

Incremental, systemic, and paradigmatic reform of investor-State dispute settlement

Associate Professor Anthea Roberts, School of Regulation and Global Governance

The legitimacy of investor-State dispute settlement (ISDS) has come under fire due to cases like Philip Morris’s challenge of Tobacco Plain Packaging. However, States have not (yet) converged on which reforms to pursue. Three main camps have emerged to date: incrementalists; systemic reformers; and paradigm shifters.

Against this backdrop, the United Nations Commission on International Trade Law (UNCITRAL) gave one of its working groups a mandate to investigate the possible reform of ISDS. This talk by an academic member on Australia’s delegation to UNCITRAL analysed these reform dynamics in light of the strategies and risks of the different reform champions, as well as those of States that are currently sitting on the fence.
INTERNATIONAL LAW LUNCH SERIES

Building on the successful launch of the International Law Lunch series in 2017, the Centre followed up with a vibrant series in 2018, with attendees treated to lunch-time seminars on current issues in international law. CIPL is grateful to the Attorney-General’s Department and the Department of Foreign Affairs & Trade for allowing CIPL to use their premises for these events.

February

International Law and the High Court
Part 1: The constitutional framework and theoretical foundations

> Dr Christopher Ward SC, Adjunct Professor, ANU College of Law

This discussion considered the constitutional framework within which international law can be brought before the High Court of Australia, the early consideration by the High Court of international law issues, and the development by the High Court of a uniquely Australian approach to the concepts of monism and dualism.

March

International Law and the High Court
Part 2: The practical applications of international law before the High Court

> Dr Christopher Ward SC, Adjunct Professor, ANU College of Law

Following on from the first discussion, this talk considered some particular topics of international law that have been raised before the High Court of Australia, including human rights, extradition, self-incrimination and extraterritorial criminal law and State and diplomatic immunities.

April

Interpreting international law with a special focus on international trade and investment schedules

> Dr Sarah Heathcote, Associate Professor and Deputy Director, Centre for International and Public Law, ANU College of Law

> Simon Brinsmead, Senior Legal Officer, Office of International Law, Attorney-General’s Department

After a survey by Sarah of the various methods of interpretation, whether of treaty instruments or different types of unilateral acts, Simon discussed interpretation within the context of International Trade and Investment Law, focussing on the interpretation of services commitments in the WTO Agreement and of investment and services commitments in preferential trade agreements. Whilst the cases revealed a painstaking application of the general interpretive principles outlined in Articles 31 and 32 of the 1969 Vienna Convention, broader normative insights may also be warranted from customary international law principles concerning the interpretation of unilateral acts.
May

Some reflections on regional maritime confidence building activities

David Letts, Associate Professor, ANU College of Law

At present there are a number of confidence building measures underway, led by different organisations, that seek to address regional tensions in the maritime domain in South East Asia. During this presentation David outlined three of the projects he has been involved with during the past few years and highlighted the key characteristics of each, assessed their success/failure and speculated on prospects for the future.

August

Leveraging power and influence on the UN Security Council: The role of elected members

Dr Jeremy Farrall, Associate Dean (Research), ANU College of Law

In this seminar, Jeremy presented initial findings from a 5-year Australian Research Council Discovery Project on why and when non-permanent Security Council members have succeeded in influencing the Council’s decision-making process, despite lacking the veto power.

October

Islands, statehood, archipelagic states and their entitlements

Professor Donald R Rothwell, ANU College of Law

The status of islands and their peoples has raised a series of issues for international law over time. From the 1921 Åland Islands case to the current Chagos Archipelago Advisory Opinion, islands and their peoples have occupied governments, the League of Nations, the United Nations, and international courts and tribunals. Self-determination for island peoples remains a live issue in international law which Australia is familiar with given its history with Papua New Guinea and Nauru, and external territories such as Norfolk Island. In 2018 a self-determination referendum was held in New Caledonia which if successful would have impacted upon the legal landscape of the region. This paper revisited some of these modern challenges faced by international law with respect to the status of islands and islanders. Attention was given to the significance of independent island States to declare themselves as ‘archipelagic States’ under the 1982 United Nations Convention on the Law of the Sea and the implications this has for maritime entitlements and maritime boundaries.
OTHER LECTURES, SEMINARS AND WORKSHOPS

14 March
High Court judges and political loyalties

In association with the United Nations Association of Australia

> Dr Raul Sanchez-Uribarri, La Trobe University

What are judicial loyalties, and how do they condition the exercise of judicial power? This talk explored the informal dimension of judicial politics and its implications for our understanding of judicial power in weakly institutionalised democracies.

It further explored how loyalty commitments influence judicial behaviour, particularly in politically important cases, and reflected on the complex relationship between the presence and pervasiveness of informal connections between judges and politicians and the rise of judicial power, especially in Latin America.

The paper also discussed the research strategy employed by the speaker to investigate these issues in Venezuela, across different types of regime, with special attention to the Supreme Court during the late democratic period (1989-1998), and after the onset of Chavismo (post-1999). Finally, the paper considered the challenges associated with exploring informal judicial dynamics in comparative perspective.

15 March
The Federal Court and the Constitution

At its inception, the role of the Federal Court in the development of constitutional law was not entirely clear, nor was its relationship to other courts such as the High Court and the State Supreme Courts.

Forty years on, the Federal Court has come to play a significant role, as explained in a joint paper by Federal Court Justice John Griffiths and ANU Law Professor James Stellios. Justice Griffiths presented the paper at a conference in Sydney last year to mark the 40th anniversary of the Federal Court, Professor Stellios presenting it in Canberra under the auspices of the Australian Academy of Law and with the support of the Australian Association of Constitutional Law.

Former High Court and Federal Court Justice Professor William Gummow AC, provided comment on the paper.

19 April
The Trump Muslim ban: Litigating international human rights before US courts

Immediately after assuming office, President Donald Trump issued blanket suspensions on immigration from seven Muslim countries, including refugees, valid visa holders, and lawful permanent residents. A series of legal challenges ensued, resulting in restraining orders against the bans and prompting Trump to revise the bans twice.

In his lecture, Professor Fellmeth explained the Trump Muslim Ban, the litigation surrounding it, and how these fit into the larger problem of U.S. legislative, executive, and judicial marginalization of international human rights law.

In association with ANU Law Reform & Social Justice

> Professor Aaron Fellmeth, Sandra Day O’Connor College of Law, Arizona State University

Professor James Stellios, Director, Centre for International and Public Law, ANU College of Law

Professor William Gummow AC, ANU College of Law and Sydney Law School
26 April

Gender dilemmas in stabilisation missions: the NATO ISAF mission and the practice of bacha bazi

In association with the United Nations Association of Australia

> Associate Professor Susan Harris-Rimmer, Griffith Law School

Dr Harris-Rimmer's paper analysed the layers of legal protection in post-conflict Afghanistan for sexual assault by Afghan armed forces, with a focus on US, Canada, The Netherlands and Australian forces as part of ISAF. The paper surveyed the organisational and policy changes related to gender equality since 2001. It demonstrates that gender issues inherent in the Afghan intervention were not properly understood and to this day were poorly responded to, due to the culmination of four ‘blind spots’ in human rights law, military law and IHL.

14 May

The Timor Sea conciliation

> H.E Abel Guterres, Ambassador Extraordinary and Plenipotentiary of Timor-Leste
> Amelia Telec, Senior Lawyer, Australian Government Solicitor
> Justin Whyatt, Assistant Secretary, Transnational and Sea Law Branch, Department of Foreign Affairs and Trade

On 6 March 2018, Australia's then Minister for Foreign Affairs, the Hon Julie Bishop MP, and Timor-Leste’s Minister in the Office of the Prime Minister for the Delimitation of Borders and the Agent in the Conciliation, His Excellency Mr Hermenegildo Pereira, signed the Treaty Between Australia and the Democratic Republic of Timor-Leste establishing their maritime boundaries in the Timor Sea. The treaty was the result of the first ever compulsory conciliation under Annex V of the UN Convention on the Law of the Sea. It represented a landmark in dispute resolution under UNCLOS and marks a new chapter in the relationship between the two countries.

21 May

Syria, chemical weapons and international law

> Dr Jeremy Farrall, Associate Professor, ANU College of Law
> Dr Phillip Drew, Associate Professor, ANU College of Law
> Jane McCosker, Senior Legal Officer, Office of International Law, Commonwealth Attorney-General’s Department
> Dr Etienne Henry, Fellow, Swiss National Science Foundation and CIPL Visiting Fellow, ANU College of Law

The 14 April 2018 military strikes against Syria by France, the United Kingdom and the United States in response to the use of chemical weapons by the Assad regime raised a number of issues of international law. This panel of international law specialists considered some of these; specifically, the roles of both the United Nations Security Council and the Organization for the Prohibition of Chemical Weapons (OPCW), as well as issues of international criminal law, and the prohibition on the use of force and its exceptions.

19 June

Defining ‘disaster’: exploring the boundaries of international disaster law

> Dr Marie Aronsson-Storrier, University of Reading

On 6 March 2018, Australia's then Minister for Foreign Affairs, the Hon Julie Bishop MP, and Timor-Leste’s Minister in the Office of the Prime Minister for the Delimitation of Borders and the Agent in the Conciliation, His Excellency Mr Hermenegildo Pereira, signed the Treaty Between Australia and the Democratic Republic of Timor-Leste establishing their maritime boundaries in the Timor Sea. The treaty was the result of the first ever compulsory conciliation under Annex V of the UN Convention on the Law of the Sea. It represented a landmark in dispute resolution under UNCLOS and marks a new chapter in the relationship between the two countries.
Focusing particularly on the requirement of an event ‘seriously disrupting the functioning of society’, this seminar explored what this requirement can tell us about the management of disruption across legal and political boundaries. Unpacking the emerging international legal definition of Disaster through the lens of sanitation, the seminar further considered the extent to which it excludes the everyday suffering of already marginalised members of society, which in turn illuminates the limits of and relationship between human rights, development, and disaster management discourses.

5 July

The role of international human rights law in the prevention of ethnic conflicts

Dr Fernand de Varennes, United Nations Special Rapporteur on Minority Issues

It is sometimes forgotten that one of the premises of the United Nations’ Universal Declaration of Human Rights is that it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

This presentation contextualised why international human rights are acknowledged as an important dimension to addressing the prevention against tyranny and oppression, and demonstrate the link between human rights standards and the prevention of ethnic conflicts in more modern contexts, with concrete references to recent situations in the Asia-Pacific region. It also examined a few of the UN’s efforts in the area of conflict prevention.

24 July

Australia’s role within the international refugee protection system: lessons, challenges and opportunities

In association with the United Nations High Commissioner for Refugees and ANU Law Reform & Social Justice

Dr Thomas Albrecht, Regional Representative, UNHCR Regional Representation in Canberra

Australia was a founding signatory of the 1951 Refugee Convention which remains the cornerstone of international protection for displaced persons. Almost 70 years later, while the Convention has proved adaptable to modern conflicts and challenges, there remains an imperative for Australia to also uphold these principles and standards domestically. UNHCR Regional Representative, Mr Thomas Albrecht, discussed key recent developments and positive examples worldwide, as well as the impact and implications of Australia’s Operation Sovereign Borders in the context of ‘offshore processing.’

26 July

New respect for old rules: turning traditional rules of warfare into modern law in PNG’s Highlands

In association with the International Committee of the Red Cross

Ahmad Hallak, Deputy Head of Mission Papua New Guinea, International Committee of the Red Cross

Bal Kama, PHD Candidate, ANU College of Law
In June 2018, 36 councillors from the Western Highlands Province of PNG signed agreements to respect and implement 15 traditional rules of fighting, transforming these documents into local Government laws.

The laws are drawn from traditional rules of warfare in the Highlands and mirror fundamental principles of international humanitarian law. They include prohibitions against the destruction of public infrastructure and the targeting of civilians or neutral tribes, and call for respect for women, children and health-care providers. The signing ceremony marked the culmination of over 18 months of discussions between tribal leaders and provincial authorities, facilitated by the ICRC’s Mission in PNG.

This lecture discussed these laws and how the ICRC is working in different stages to replicate this success in other provinces. PhD candidate Bal Kama provided a response and generated discussion.

30 July

Is the UN fit for purpose? The challenge of uniting nations in divisive times

In association with the United Nations Association of Australia
> David Malone, Rector of the United Nations University

In this Distinguished Visitor Public Conversation, David Malone, Rector of the United Nations University and renowned United Nations practitioner and analyst, shared his insights on the strengths and weaknesses of the UN system and the many challenges it currently faces, including maintaining international peace and security, reinforcing the rules based international order, and promoting the Sustainable Development Goals.

8 August

Conversations About: Becoming a Judge’s Associate

> Will Bateman, ANU College of Law
> Pauline Bomball, ANU College of Law
> Stephen Priest, Department of Infrastructure, Regional Development and Cities
> Jennifer Darmody, King & Wood Mallesons
> Radhika Chaudhri, ANU College of Law

Becoming an Associate to a Judge is very competitive and highly coveted. Five ANU Law alumni shared their experiences of working as Associates at the High Court, Federal Court and the Supreme Courts of the ACT and NSW.

21 August

Tech and the public sector: reality check

> Dr Julia Powles, New York University School of Law
> Will Bateman, ANU College of Law

Artificial intelligence and automation have been spruiked as critical parts of public sector reform. Public health bodies, social security departments and tax agencies have jumped at the opportunity to adopt automated and datadriven systems as replacements for human administrators. The planning and functioning of cities, law enforcement and judicial decision-making have also been targeted as ripe for reform using AI.

Behind the hype, a complex picture emerges, involving issues of privatisation, privacy, accountability and technological capability that are overlooked or concealed in the push to automate government. It’s time for public sector tech to get a reality check.
23 August

**Wither academic freedom in Thailand?**

The criminal case against Dr Chayan and four others

Presented by the Department of Political & Social Change, ANU College of the Asia & the Pacific, in association with the Centre for International & Public Law

> Dr Craig Reynolds, Honorary Professor, School of Culture, History and Language, ANU College of the Asia and the Pacific

> Professor Anthony Connolly, ANU College of Law

> Sarah Bishop, PhD Candidate, ANU College of Law

The criminal trial of a senior Thai academic along with four others that commenced this July 2018 has thrown a sharp spotlight on conditions in Thailand's universities since the military seized government there in 2014.

What does this criminal case indicate about the state of academic freedom under military dictatorship in Thailand today? What part can scholars abroad, including in Australia, play in supporting embattled counterparts in Thailand? The speakers at this roundtable addressed these questions, and also discussed and welcomed audience members’ ideas on the role of the Australian university in response to threats to academic freedom at home and overseas, with special reference to the recent ANU Statement on Academic Freedom.

27 August

**The reform of investor-State dispute resolution: challenges and prospects**

Catherine Kessedjian, Professor Emerita of the University Panthéon-Assas Paris II

The UNCITRAL has launched negotiations for the reform of investor-State dispute resolution to address States’ concerns over a process that they feel has gotten out of hand. Professor Kessedjian reflected on some of the criticisms and discussed what solutions could be crafted to address them.

10 September

**Strengthening human rights accountability**

In association with the United Nations Association of Australia

> Dr Annemarie Devereux

Ensuring accountability for human rights violations is a central tenet of the international human rights framework. Strong statements concerning accountability, in particular calls for the investigation and prosecution of those responsible for gross violations of IHRL and serious violations of IHL amounting to crimes under international law, are to be found in inter alia, Security Council deliberations and resolutions, as well as those of specialised human rights bodies.

Despite some heartening advances, particularly in the field of international criminal justice, significant challenges to achieving accountability remain. In this discussion, Dr Devereux analysed some of the recent initiatives at the international level to address...
the ‘accountability deficit’, with particular reference to responses to violations committed in Syria. She also asked questions about broadening our understanding of ‘accountability’ in order to fully realise intended human rights outcomes and reflect accountability’s individual and collective elements.

4 October

**Bringing order to the final frontier: Space and the rules based on order.**

In association with the United Nations Association of Australia

- Frances Adamson, Secretary, Department of Foreign Affairs and Trade
- Professor Anna Moore, Director of the Advanced Instrumentation and Technology Centre (Mount Stromlo Observatory)
- Professor Sally Wheeler OBE, Dean of the ANU College of Law

In this distinguished Public Lecture, co-sponsored by the United Nations Association of Australia and the ANU Centre for International and Public Law, Frances Adamson, Secretary of the Department of Foreign Affairs and Trade, discussed the need to extend the rules-based international order to Space. The Australian Government’s 2017 Foreign Policy White Paper predicts that Australia’s economic and security interests in Space will increase considerably in coming decades. This will create exciting opportunities, but it will also present risks. As the White Paper warns, ‘potential adversaries’ might exploit Space to ‘threaten our defence networks’ and ‘obtain sensitive information about our security’. The Paper thus stresses the need for ‘robust rules and norms’ to maximise opportunities and minimise the risks of increased access to Space.

Following the lecture, Professor Anna Moore and Professor Sally Wheeler reflected on the regulatory challenges posed by increased access to Space.

10-14 December

**Cyber Law International Workshop**

In the week of 10-14 December, CIPL was delighted to host a DFAT sponsored training course for Pacific countries on the application of international law in cyber operations. The course was delivered by Cyber Law International. The group was welcomed by Australia’s Cyber Ambassador, Dr Tobias Feakin and attendees also included a representative from the Dutch Ministry of Foreign Affairs.

11 December

**An Archival prelude to original Australian High Court Justice Richard Edward O’Connor, 1851-1912**

- Dr Susan Priest, University of Canberra

On December 11 2018, Dr Susan Priest, as a Visiting Fellow to CIPL, presented her paper as a lunch time seminar, ‘An Archival prelude to original Australian High Court Justice Richard Edward O’Connor, 1851-1912’. The presentation focused on the contents of a little known collection of archival materials known as the O’Connor Papers located in the NLA. Susan addressed the absence of an extensive and detailed biography on Justice Richard O’Connor to-date and used the findings of her research, based on these papers, to reveal some unique and original insights into the extraordinary contributions Justice O’Connor’s life made to both the politics and law in colonial NSW and the first decade of a newly formed Australian Commonwealth.
BOOK LAUNCHES

In December 2016, the Centre hosted a conference in honour of Prof Michael Coper AO. A collection of papers from that conference, edited by Prof James Stellios, was published by The Federation Press in early 2018, and the Centre was greatly honoured to have the book launched by the Hon Robert French AC, Distinguished Honorary Professor at the ANU and former Chief Justice of the High Court.

Encounters with Constitutional Interpretation and Legal Education: Essays in honour of Michael Coper

Edited by James Stellios and published by the Federation Press

Launched by The Honourable Robert French AC, Distinguished Honorary Professor at ANU College of Law and former Chief Justice of the High Court of Australia.

What do constitutional interpretation and legal education have in common?

For one thing, they share the same tension between theory and practice, between form and substance, between process and outcomes, between constancy and change, and between local and comparative perspectives. Each also has a substratum of fundamental underlying values that demand, but do not always receive, clear articulation. For another thing, they have both been the subject of illuminating examination by Michael Coper over the course of a long and distinguished career.

An extraordinary group of authors, including Justice Stephen Gageler, the Hon Michael Kirby AC and Sir Anthony Mason, come together in this book to celebrate Coper’s achievement, and take his various contributions as a jumping off point for their own further scholarly insights. From the gripping story of the revolution that swept away the old law on section 92 of the Constitution, to the endemic conflict in the judicial process between legalism and realism, to the never-ending controversy about the Dismissal, to perceiving the world and organising legal knowledge in new ways through biography and oral history, to the role of educators in shaping the views and values of newcomers to this knowledge, this book contains over a dozen sparkling essays by some of Australia’s most renowned and respected lawyers, as well as a substantial reflective commentary by Michael Coper himself.
During the Public Law Weekend, the Centre was also delighted to host the launch of two leading administrative law books.

**Interpretation Acts in Australia**

Dennis Pearce, published by LexisNexis Butterworths 2018

> This book is a companion to the author’s widely used and frequently cited Statutory Interpretation in Australia.

**Control of Government Action: Text, Cases & Commentary, fifth edition**

Robin Creyke, Matthew Groves, John McMillan and Mark Smyth. Published by LexisNexis Butterworths 2018

> This highly-respected work provides comprehensive coverage of the legal controls on government decision-making in each Australian jurisdiction, supported by legislation, case extracts and commentary.

The Centre is greatly indebted to the Hon Justice Stephen Gageler AC, High Court of Australia, for launching both books.
The Federal Court’s Contribution to Australian Law: Past, Present and Future

Edited by Pauline Ridge and James Stellios and published by the Federation Press

In September 2017, CIPL and the Centre for Commercial Law held a conference to mark the 40th Anniversary of the Federal Court of Australia. The papers from that conference have now been published by The Federation Press. The collection brings together current and former Federal Court Justices, and leading academics and practitioners to consider the Federal Court’s past, present and future contributions to the development of Australian law.

Although first established as a court of limited jurisdiction, the Federal Court’s jurisdiction now touches on almost every aspect of Australian law, and its impact on the development of legal principles and Australian society has been considerable. This unique collection offers an invaluable resource on the history of the Court, its place in the legal landscape, its many contributions across the broad array of public, private and procedural law and its emerging areas of jurisdiction.

AUSTRALIAN YEAR BOOK OF INTERNATIONAL LAW

CIPL publishes the Australian Year Book of International Law which includes articles on a range of international law topics, discusses Australian practice in international law, includes a summary and analysis of Australian cases in which international law was an issue each year, and features a section of book reviews. The current editors are Professor Donald R Rothwell, Associate Professor Matthew Zagor and Dr Imogen Saunders.

Orders are being taken for Volume 36 which is now in production and due to be published in early-mid 2019. Volume 35 is now available and can be ordered online:
> aybil.law.anu.edu.au

For back issues, bulk orders and general enquiries, please email:
> aybil@anu.edu.au

ANZSIL

During 2018, CIPL served as the Secretariat for the Australian and New Zealand Society of International Law. CIPL members are active supporters of ANZSIL’s activities including ANZSIL’s annual conference, the work of its three interest groups, and its publications, including Perspective, a series of short commentaries on international law matters of relevance to ANZSIL members. CIPL Deputy Director Sarah Heathcote serves on ANZSIL’s governing body, the ANZSIL Council. The 27th Annual Conference will be held in Canberra 4 – 6 July 2019.
CIPL VISITOR PROGRAM

In 2018, Dr Paul Taylor continued work on his Commentary to the International Covenant on Civil and Political Rights.

Dr Susan Priest from the University of Canberra spent time with the Centre in the latter part of the year to research archival material from the papers of High Court Justice Richard O’Connor.

Dr Julian Wyatt became a CIPL Visitor in September. Dr Wyatt recently returned to Australia after being a long-term resident of Geneva where he worked at the University of Geneva and for a leading international arbitration firm in investor-State disputes and international commercial arbitration.

We were also honoured to have a short visit from Emerita Prof Catherine Kessedjian from the University Panthéon-Assas Paris II, who delivered a public lecture on the reform of investor-State dispute resolution.

Sadly, we said farewell to Dr Etienne Henry who joined the Centre for 15 months to conduct research into the current challenges to International Law on the Use of Force. The Centre’s members wish him well.

SHUT-UP-AND-WRITE

In 2017 CIPL began sponsoring a weekly ‘Shut-Up-and-Write’ session for the ANU College of Law’s Higher Degree Research (HDR) students. Held every Friday from 9am – 5pm, PhD candidates are given a common space in which to engage in intensive research and writing sessions. These sessions are also open to faculty, with a view to promoting interaction between all ANU College of Law researchers.
Centre members congratulate Juris Doctor student Christopher Skoglund who has been awarded the 2018 Leslie Zines Constitutional Law Scholarship.

The Leslie Zines Scholarship will be offered on an annual basis by the ANU Law School in association with the Commonwealth Attorney-General’s Department. The Scholarship will support an ANU Law student to undertake a summer internship in the constitutional law sections of the Department. Funding for the award has been provided from the Leslie Zines Endowment, established in memory of Professor Leslie Zines AO, a former Dean of the ANU Faculty of Law and one of Australia’s leading constitutional law scholars.

The inaugural scholarship was awarded to Catherine Bladen who spent five weeks in the Office of Constitutional Law at the Attorney-General’s Department and five weeks at the Office of General Counsel at the Australian Government Solicitor.

The Centre acknowledges the continuing support for the internship provided by the Commonwealth Attorney-General’s Department.

Each year, CIPL members and ANU law students participate in the ACT Constitutional Convention organised by the ACT Legislative Assembly for secondary students. In 2018, Dr Ryan Goss gave a presentation introducing the secondary school students to the Australian Constitution, and Will Bateman and Andrew Henderson chaired sessions considering a proposal to amend the Constitution to give the Commonwealth Parliament wider power over the environment. ANU students assisted and guided the secondary school students in their deliberations. This is an important outreach event for CIPL members, and many thanks go to the student volunteers: Eloise Gordon, Alfred Hearn, Elizabeth Newman, Jason Pover, Eloise Ridley, Sellamma Sundaramoorthy, Peter Subramaniam and Joyce Zhang.

CIPL also offers opportunities for ANU law students to be involved in our major conferences. This year, students assisted with the running of the Public Law Weekend. CIPL members extend their sincerest appreciation for the hard work of Madeleine Castles, Sebastian King, Sarah Lim and Jacqueline Turner.
Student internships

ANU Law students are offered the opportunity to undertake an internship period with the Centre, researching under the supervision of a centre member. In 2018, Matthew Faltas undertook a research project under the supervision of Dr Heather Roberts.

Matthew Faltas

My law internship paper explored the institutional functioning of the office of Chief Justice in Australia. Academic and judicial discussion on the Chief Justice mantle primarily focusses on their institutional ‘figurehead’ role. However, the mantle encompasses a variety of roles that are important, overlapping and yet overlooked in the literature. My research discovered that Chief Justices may take on roles as ‘public educators’, ‘liaisons’ with the media and the profession and ‘gatekeepers’ to the Senior/Queen’s Counsel role and by extension, the judiciary. An analysis of changes in audience and mediums of communication illuminated differences in how previous mantle holders have perceived and subsequently undertaken these roles. Finally, my explorative case study into Warren CJ sought to highlight how her gendered experiences have impacted her performance of various roles (e.g. her emphasis on promoting gender equality within the profession).

My internship with the Centre of International and Public Law at ANU has been the highlight of my university experience thus far. Having access to one of the few experts in judicial biography was a tremendous opportunity for me, as it allowed me to delve into an area I was particularly eager to explore. I would like to express my profound gratitude to Dr Heather Roberts (internship supervisor) and Dr James Prest (internship coordinator) for providing me with this opportunity and for their invaluable support during the research process.

Sir Harry Gibbs Constitutional Law Moot

Hannah Dawson, Madhav Fisher and Keira Germech

This year Hannah Dawson, Madhav Fisher and Keira Germech represented the Australian National University at the Sir Harry Gibbs Constitutional Law Moot. Hosted by the Melbourne University Law Students’ Society and sponsored by the Australian Government Solicitor, the Gibbs Moot was a whirlwind weekend of dispensing with formal citations, thinking on our feet, and lots of coffee (fortunately, it being Melbourne, the coffee was excellent).

Dr Stephen Donaghue QC wrote the 2018 moot problem, which focused on two distinct issues, each recently the subject of argument before Australian appellate courts. The first question concerned whether a restriction on social media breached the implied freedom of political communication. The second concerned whether a body created by a State legislature was a ‘court of a State’ within the meaning of s 77(iii) of the Constitution, so as to be capable of being invested with and exercising federal jurisdiction.

The opportunity to engage with complex legal issues and compete against some of Australia’s brightest constitutional law students was deeply rewarding. Over the course of the weekend we felt that our confidence and advocacy skills improved remarkably, as did our knowledge of the law surrounding the issues in contention. This year’s well-deserving finalists were the University of Western Australia and the University of Sydney, who competed for the top spot at the Federal Court in Melbourne before the Hon. Justices Virginia Bell, AC, Pamela Tate and Karin Emerton.

Interacting with students from other law schools and lawyers from a diverse range of practise areas forced us to think left-of-field to match the skills of our competitors, and to meet the expectations of the judges. We are very grateful to have had the opportunity to compete, and for the assistance from our professors and fellow-students that we received along the way. The Gibbs Moot was a rigorous, exciting undertaking that we would recommend to any future law students eager for a challenge.
The following is not a comprehensive list, but represents a significant range of contributions made by CIPL members in 2018.

**Will Bateman**


8 August: CIPL presentation on *Fatton v Minister for Immigration and Border Protection* [2018] HCA 2.

21 August: Promoted, hosted and chaired public event with Dr Julia Powles: ‘Tech and the Public Sector: Reality Check’.

3 November: Presented at the Public Law Weekend on automated systems and administrative law doctrine: ‘Automatic Public Law’.

2 major citations by senior courts in Australia and New Zealand:


6 November: PhD on the topic ‘Parliamentary Control of Public Money’ was approved by the University of Cambridge (to be conferred [ie, graduation] early next year).

**Moeen Cheema**

**Publications**


**Conference**

Second ‘Legal History and Empires: Perspectives from the Colonised’ Conference, University of the West Indies, Barbados, July 11–13, 2018.

**Project**

Australia Awards Fellowship 2017–18: Rule of Law Impact of the China-Pakistan Economic Corridor (CPEC).

> The China Pakistan Economic Corridor (CPEC) is the first and most significant stage of China’s ambitious ‘One Belt One Road’ program that is set to re-draw the political and economic geography of South and Central Asia. This fellowship program brought together Pakistani scholars working on diverse aspects of CPEC and its wider ramifications for the region. The program was designed to provide a platform to systematically engage with CPEC-related issues, and thereby develop a sustainable network of organizations that serve as a nodal point for continuing research and policy work.

**Michael Coper**

**Publications**


**Presentations**


**Jolyon Ford**

**Publications**

‘Beyond rhetoric or reactivity on SDG 16: towards a principled policy basis for engaging business in peacebuilding’ in Miklian, Katsos and Alluri (eds.) *Business, Peacebuilding and Sustainable Development: beyond the SDGs* (Routledge).


**Other**

Written submissions to the National Consultation Process on a Modern Slavery Act for Australia (Dept. of Home Affairs).
Camille Goodman

Publications


Presentations/Conferences/Workshops/Lectures


Dorota Gozdecka

Published in nofoundations.com/currentissue.html with Anne Macduff and Likim Ng.

Sarah Heathcote

Publications


Presentations/Conferences/Workshops/Lectures


‘Interpreting Trade and Investment Schedules in International Law’ CIPL International Law Lunch, Department of Foreign Affairs and Trade, 10 April 2018 (with Simon Brinsmead).

‘Structural Mechanisms for Flexibility and Stability in International Law in times of Uncertainty’ International Law in Times of Increasing Insecurity, ANU, 18 May 2018.

‘The Opportunity and Advantage of Authentic Interpretation of Treaties through Subsequent Practice’ Attorney-General’s Department 8th International Law Colloquium, Attorney-General’s Department, 30 November 2018.

Other

Organiser and chair of multiple CIPL events.

Anthony Hopkins

Refereed Articles


Non-refereed articles


Law Reform Submissions


Hopkins A (2017) Submission to ALRC Inquiry into Incarceration Rates of Aboriginal and Torres Strait Islander Peoples, 3 September.

David Letts

Publications


“Is there still a role for international law in the South China Sea” (with Donald Rothwell), (October 2018) Asian Jurist pp 52-57.

Opinion Pieces and Media

Regular commentary in the media on issues regarding military and security law throughout 2018

Presentations/Conferences/Workshops/Lectures


Workshop Convenor, as Director of the Centre for Military and Security Law, “Maritime Security: Preserving Access to Sea Lanes in Southeast Asia” workshop held in Singapore in June 2018 and co-hosted with the Institute of Defence and Strategic Studies, Nanyang Technological University.


Leighton McDonald

Publications


‘Graham and the Constitutionalisation of Australian Administrative Law’ (2018) 91 AIAL Forum 47

Presentations/Conferences/Workshops/Lectures

‘Jurisdictional Error as Conceptual Totem’ Public Law Weekend, ANU Law School, October 5-6

Anne McNaughton

Publications


Opinion Pieces and Media

TV interview on ABC News Afternoons with Kirsten Aiken discussing implications of the UK-EU Withdrawal Agreement 14 November 2018.

Radio interview with ABC Radio Canberra, Canberra Drive, with Anna Vidot discussing implications of the UK-EU Withdrawal Agreement and possible future developments on 14 November 2018.

Presentations/Conferences/Workshops/Lectures

Legal Transplants and Public Policy: the case of ‘mutual recognition’ and the ‘new generation’ of Free Trade Agreements, EU Studies Association Asia Pacific Annual Conference

“The Roles of the EU and the Asia Pacific in the Global Era” Aoyama Gakuin University, Tokyo, 1-2 July 2017

“The Future of the EU and European Integration in the Aftermath of Crisis” National Taiwan University, Taipei, 28-29 June 2018.

Cameron Moore


Radio Interview with Kelly Fuller on ABC Radio New England North West on the case of Pape v Federal Commissioner of Taxation, together with Paul Sattler, UNE.

Commentator – Navy Legal Tactical Forum.


Co-delivered ‘Law of the Sea’ Course to ASEAN Maritime Security Officials, Jakarta Centre for Law Enforcement Cooperation, Semarang, Indonesia for ANCORS.

Presentation Executive Power and the Use of Force by the ADF, University of Melbourne Law School.

Presentation Martial Law and the Frontier War in the New England for the Myall Creek Massacre 180th Anniversary Symposium, UNE.

Co-delivered ‘Law of the Sea’ Course to the Philippines Coast Guard, PCGHQ, Manila for ANCORS.


Co-delivered two separate ‘Law of the Sea’ courses to the Philippines Department of Foreign Affairs, Manila for ANCORS.

Dennis Pearce

Publications

Interpretation Acts in Australia, LexisNexis Butterworths, 2018

Justine Poon

Publications


Opinion Pieces and Media


Recipe and legal theory piece, ‘Wonton Meditations’, forthcoming publication (December 2018) from Lucernaiuris - Institute for Interdisciplinary Legal Studies, University of Lucerne, Switzerland

Presentations/Conferences/Workshops/Lectures


Seminar, ‘Can we have a future? Time and desire in Australian refugee law,’ Lucernaiuris – Institute for Interdisciplinary Legal Studies, University of Lucerne, Switzerland (15 October 2018)

Seminar, ‘Can we have a future? Time and desire in Australian refugee law,’ Faculty of Law, Vrije Universiteit Brussel, Belgium (22 October 2018)

Visiting Fellowships

2018 Visiting Fellow at Lucernaiuris - Institute for Interdisciplinary Legal Studies, University of Lucerne, Switzerland (September-October 2018)
Grants

Donald Rothwell
Publications

“China Boards the Polar Express” East Asia Forum (7 February 2018) eastasiaforum.org/2018/02/07/china-boards-the-polar-express/.


Donald R. Rothwell and David Letts “Is there still a role for international law in the South China Sea?” (October 2018) Issue 3 Asian Jurist 52-57.

Opinion Pieces and Media
ABC Radio ‘The World Today’ 11 January 2018, 12.20pm discussing the latest developments in the case of Julian Assange following reports that Ecuador is seeking a mediator to resolve issues with the UK.

Also reported in:

ABC TV ‘News’ 12 January 2018, 7.10pm discussing legal issues associated with Julian Assange and his attaining Ecuadorian citizenship.

Also separately reported in:

Op-Ed “Assange flight could yet hit turbulence” The Australian January 17, 2018, p 10 discussing the latest legal developments in the case of Julian Assange following his being granted Ecuadorian citizenship.

2GB ‘Drive’ 16 January 2018, 7.28pm discussing Australia’s strategic interests in Antarctica and the geopolitical situation in Antarctica given the presence of China and the US.


Lindsay Murdoch “Landmark Agreement: Secret oil and gas deal worth billions to East Timor” The Sydney Morning Herald 12 February 2018, p. 11 discussing the most recent developments in the Australia/Timor-Leste Timor Sea Conciliation.

Also in:

Lindsay Murdoch “East Timor Win in $50b gas deal” The Age 12 February 2018, p 9.

ABC Radio 666 Canberra ‘Drive’ 13 February 2018 448pm discussing diplomatic immunity following the ABC Four Corners investigation into domestic workers in Embassies.

Channel TEN ‘The Project’ 14 February 2018, 6.33pm discussing the latest developments in the case of Julian Assange and his efforts to have his British Arrest Warrant overturned.

Lindsay Murdoch “Australia, East Timor agreement over $50 billion oil and gas field” The Age (online) 26 February 2018 theage.com.au/world/asia/australia-east-timor-agreement-over-50-billion-oil-and-gas-field-20180226-p4z1r2.html commenting on latest developments in the Timor Sea conciliation.

Discussing the 2018 Timor Sea Treaty (6 March 2018):


> also Bangkok Post


Discussing the 2018 Timor Sea Treaty (7 March 2018):

BBC World Service.


Discussing the 2018 Timor Sea Treaty (8 March 2018):

Jamie Smyth “Australia-East Timor treaty unlocks $40bn oil and gasfield” Financial Times ft.com/content/e924916a-21b3-11e8-a895-1ba1f72c2c11.


> also Sydney Morning Herald.


ABC Radio ‘The World Today’ 18 April 2018, 12.10pm discussing the possible extradition to Australia from Iraq of two IS members.

ABC Radio National ‘Sunday Extra’, Sunday 27 May 9.05 am discussing the latest developments on the investigation into the loss of MH17 and Australia’s position with respect to pursuing international legal proceedings against Russia and perpetrators of the incident.


ABC TV News (Sydney), 8 July 2018, 7.08am discussing the case of the Brazilian national Cecilia Haddad murdered in Sydney and the arrest in Brazil of Mario Santorini.

> Also ABC TV News (Perth).

ABC TV News 24 ‘The World’ 12 July 2018, 10.10pm discussing the proposal by Japan to request the International Whaling Commission to lift the moratorium on commercial whaling at the forthcoming IWC meeting.

SBS TV ‘News’ 13 July 2018, 6.52pm discussing the proposal by Japan to request the International Whaling Commission to lift the moratorium on commercial whaling at the forthcoming IWC meeting.

Discussing the extradition to Australia of Neil Prakash and denial by a Turkish court of Australia’s extradition request (20 July 2018):

> Radio 2CC ‘Breakfast’ 20 July 2018, 7.50am

> ABC TV News 24, 11.31am

> ABC News (Sydney), 5.31pm (repeated throughout news cycle)

> ABC Radio Canberra, 5.00pm (repeated throughout news cycle)

> ABC Radio Melbourne, 7.00pm (repeated throughout news cycle)

> ABC Radio Brisbane, 6.00pm (repeated throughout news cycle)

> ABC Radio Adelaide, 6.00pm (repeated throughout news cycle)

> ABC Radio Darwin, 5.00pm

> ABC Radio Perth, 4.00pm

> ABC Radio Newcastle, 3.00pm

> ABC Radio Hobart, 2.00pm

> ABC Gold Coast, 1.00pm

Lucy Cormack “Alleged Killers who went into hiding” Sunday Canberra Times, 5 August 2018, p. 13 commenting on challenges of extraditing persons alleged to have committed murders in Australia.


“Ones that got away: alleged killers on the run” Sun Herald, 5 August 2018, p14.

Graham Readfearn, “Australia to oppose Japan’s push to reintroduce commercial whaling” The Guardian (Australia) 31 August 2018 theguardian.com/environment/2018/sep/01/australia-to-oppose-japans-push-to-reintroduce-commercial-whaling discussing the forthcoming IWC meeting in Brazil.

ABC Radio National ‘Breakfast’ 5 September 2018 8.20am discussing the forthcoming IWC meeting in Brazil.
Andreas Illmer (BBC) “Japan says it’s time to allow sustainable whaling” (7 September 2018) bbc.com/news/world-asia-45364696 discussing the forthcoming IWC meeting in Brazil.

Graham Readfearn, “Insult to every voter: Australia criticised as Japan attempts to resume commercial whaling” The Guardian (Australia) 8 September 2018 theguardian.com/environment/2018/sept/08/australia-drops-ball-on-japans-attempt-to-resume-commercial-whaling discussing the forthcoming IWC meeting in Brazil and Australia’s decision to not sent a Minister to represent Australia.

ABC TV News Channel, 10 September 2018, 12.32pm discussing the commencement of the IWC meeting in Brazil and Japan’s proposal for reform of the IWC.

Triple R FM ‘Uncommon Sense’ 11 September 2018, 10.50am discussing the history of Japanese whaling and Japan’s proposals for reform of the IWC.


Sian Powell, “Senator defends her role defending whales, despite her junior Ministerial position” The Australian 12 September 2018, p. 6 discussing Senator Anne Ruston attending the IWC meeting on behalf of Australia.


David Wroe, “Jerusalem embassy move could see Australia in court” Canberra Times 31 October 2018, p.4 discussing the case brought by Palestine against the US regarding the relocation of the US embassy to Jerusalem and its implications for Australia.


**Presentations/Conferences/workshops/Lectures**

“Islands and International Law” RSIS Seminar, Nanyang Technological University, Singapore, 9 March 2018.

Joint Standing Committee on Treaties (Parliament of Australia), ‘2018 Timor Sea Treaty’ (Submission of 20 April 2018).


“Islands and International Law” Faculty of Law, Queensland University of Technology, 21 May 2018.

“Islands and International Law” presented at Staff Seminar, Faculty of Law, City University of Hong Kong, 29 May 2018.


“Timor Sea Treaty” ACT Law Society, Canberra, 16 August 2018.

“ILACal Baselines under the International Law of the Sea Committee Report” Briefing to Australian Government officials, Canberra, 17 August 2018.


“Defending the Defensible: How to Protect and Promote International Rules” Department of Foreign Affairs and Trade, Canberra, 12 September 2018.

“International Polar Law: Does a special body of law apply to the polar regions?” Faculty of Law, University of Montreal, Montreal, Quebec, Canada, 28 September 2018.


“Islands, Statehood, Archipelagic States and their Entitlements” CIPL International Law Lunchtime Seminar, Canberra, 19 October 2018.

**Kim Rubenstein**

**Pro Bono Citizenship law work**

Appeared on behalf of the applicant in DLSV and Minister for Immigration and Border Protection [Citizenship] [2017] AATA 2999 (27 November 2017) but released on 8 January 2018 – austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AATA/2017/2999.html?context=1&query=DLSV;mask_path=au/cases/cth/AATA.


Day in the Life of Kim Rubenstein mailchi.mp/c8d0c908d1d4/statelessness-bulletin-january-1644161?e=63d4bfc2f4.
Conferences/Public Presentations

Presentation at the Launch of Peter McMullin Statelessness Centre at University of Melbourne.
Presentation to class of Professor Tatiana Borisova, HSE Campus, St Petersburg.
‘Power, Control and Citizenship: The Uluru Statement from the Heart as Active Citizenship’.
14 June 2018: Presentation to Australian Women Lawyers Conference on panel on 100 years of Women in the Law, NSW, on Trailblazing Women and the Law.
‘Citizenship, statelessness and administrative law: Giving students a real taste of administrative law in action.’
2 November 2018: Paper (via prepared video) at UNSW Kaldor Center ‘The future of refugee litigation: what role can academic research play’.
13 November 2018: Presentation to Minerva Centre Conference, Tel Aviv Law School, International Law from Below: An Interdisciplinary Conference.
‘Oral history as Methodological Corrective – Enlarging the Archive’.
10 December 2018: Presentation to Minerva Centre, Hebrew University, Statelessness as a Pressure point for Human Rights Protection.

Visiting Professorships


Publications

‘Power, Control and Citizenship: The Uluru Statement from the Heart as Active Citizenship’.
See also: papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=231912
Posted on SSRN 4 September 2018.

Opinion Piece


Public Submission

To Australian Electoral Commission on redistribution of ACT Electorates.

Amelia Simpson

Publications


Presentations/Conferences/Workshops/Lectures


Other


James Stellios

Publications

Encounters with Constitutional Interpretation and Legal Education: Essays in Honour of Michael Coper (Federation Press, 2018).


Peter Sutherland
Publications

Opinion Pieces and Media

Presentations/Conferences/Workshops/Lectures
Facilitator, Legislation Workshop, Department of Veterans’ Affairs, Canberra, 7 March 2018.


Other
Reasons for Decision, ACT Civil and Administrative Tribunal.


Greg Weeks
Publications


Greg Weeks, ‘ADJR at 40: In its Prime or a Disappointment to its Parents?’ (2018) 92 AIAL Forum 103.


Presentations/Conferences/Workshops/Lectures

Other


Fiona Wheeler
Publications


Mary Spiers Williams


Student mentor regarding Indigenous Cultural Competency campaign (with Prof Asmi Wood, Christie Gardiner and Anthony Hopkins): our law students lead by the Law Students Society have been campaigning for Indigenous Cultural Competency in their legal training and have taken their campaign nationally.

Invited participant in the Indigenous Research, Education and Community Workshop, 29 August 2018.


Invited Panelist on Social Justice and Democracy: The role of lawyers panel, ‘Ethical irresponsibility: how ethics, criminal law and system design can facilitate overcriminalisation’, University of Melbourne 8 December 2018.
Members

- Will Bateman
- Pauline Bomball
- Stephen Bottomley
- Alex Bruce
- Peter Cane
- Moeen Cheema
- Anthony Connolly
- Michael Coper
- Dominique Dalla-Pozza
- Phil Drew
- Lynn DuMoulin
- Jeremy Farrall
- Thomas Faunce
- Jolyon Ford
- Miriam Gani
- Ryan Goss
- Dorota Gozdecka
- Kath Hall
- Judith Harrison
- Sarah Heathcote
- Vivien Holmes
- Anthony Hopkins
- Linda Kirk
- Wendy Kukulies-Smith
- David Letts
- Ron Levy
- Anne Macduff
- Leighton McDonald
- Anne McNaughton
- Cameron Moore
- Wayne Morgan
- Joshua Neoh
- Mark Nolan
- Molly Townes O’Brien
- Kate Ogg
- Dennis Pearce
- Heather Roberts
- Donald Rothwell
- Kim Rubenstein
- Imogen Saunders
- Esme Shirlow
- Amelia Simpson
- Mary Spiers Williams
- James Stellios
- Daniel Stewart
- Peter Sutherland
- Paul Taylor
- Margaret Thornton
- Christopher Ward
- Greg Weeks
- Fiona Wheeler
- Sally Wheeler
- Asmi Wood
- Matthew Zagor

Doctoral students

- Louise Baker
- Naomi Carde
- Camille Goodman
- Scott Joblin
- Bal Kama
- Shay Keinan
- Katherine Lindsay
- Justine Poon
- Benjamin Smith
- Alice Taylor
- Katherine Waterford