EDITORS’ WELCOME

Welcome to the inaugural edition of Ad Hoc — the biannual newsletter of the Melbourne Journal of International Law (‘MJIL’).

Now in its seventh volume, MJIL has produced a vast network of subscribers, researchers, general readers, sponsors, alumni and friends throughout the world. In recognition of this reality, the 2006 Editors have resolved to establish the newsletter as a means of keeping our invaluable network better informed of international law and MJIL-related events.

The primary aims of the newsletter are to:
• promote MJIL by informing our readership of new editions of the Journal, highlighting recent MJIL events and signalling upcoming events;
• promote and review major international law-related activities — public lectures, symposia, visiting scholars etc — taking place here at the University of Melbourne Law School; and
• consolidate our alumni network, keeping them connected with MJIL through the provision of alumni pages in each edition of the newsletter (see further below).

The release of Ad Hoc comes at an exciting time in the life of MJIL, as we look forward to the imminent publication of our first symposium edition as well as the launch of a new online resource for international law citation.

We hope that you will enjoy receiving and reading our news, and we warmly welcome any contributions, feedback or suggestions that you may have.

Frances Dunn, Fergus Green and Chian Kee
2006 Editors of the Melbourne Journal of International Law
MJIL — A BRIEF HISTORY

The *Melbourne Journal of International Law* began, as most good ideas tend to, with the recognition of a gap. In 1999, students of the University of Melbourne Law School, Suzan Davies, Peter Henley, Kalika Jayasekera, Amanda Rologas and Tracy Whiriskey, became aware that there was no legal journal specialising in international law in Australia other than the well established *Australian Year Book of International Law*. There was, most notably, no collection of legal research or state practice in international law that focused on the Asia Pacific region. At that time, Australian international law academics and students would send their research papers to the highly regarded journals of the Northern Hemisphere such as the *International and Comparative Law Quarterly* and the *American Journal of International Law*.

Times were, however, changing. The international rule of law had become central to the global debate about international affairs. Australia and its Asian neighbours were making a significant contribution to the progressive development of international law, from regulating maritime zones to the drafting of the Kyoto Protocol on Climate Change and to WTO trade rules. Regional perspectives on human rights, off-shore continental shelf claims, the prohibition of nuclear testing in the region and cooperative fisheries management were reflected in local practices, warranting scholarly research, reporting and analysis.

Suzan, Peter, Kalika, Amanda and Tracy, as students of international law, were also perceptive in understanding that the traditional distinctions between public and private international law were becoming increasingly blurred. It was time to recognise that global problem-solving requires an integrated approach that employs public international law, along with conflicts rules and comparative methodology. Moreover, they understood that the nation state, while still fundamental to international law and its implementation, was no longer the sole actor on the international stage. The role of individuals, transnational corporations, intergovernmental and non-governmental organisations as major players needed to be understood and critically assessed.

With these ideas in mind, the group approached the Law Faculty with the business plan to establish a new international law journal. There were some hurdles to overcome. New academic journals are a notoriously risky business financially. Another concern was that any new journal of international law would dilute the quality of research submitted to the *Melbourne University Law Review*, the ‘flagship’ journal of the Law Faculty. Yet another was the fear that the new journal would be but a poor cousin to the well established and excellent *MULR*. Fortunately, the Dean, Professor Michael Crommelin and his colleagues on the Faculty had a wider view of the potential for a dedicated journal of international law. A budget allocation was made, comparable to that of *MULR*, offices and computers were allocated and the new editors were ready to start work. The rest, as they say, is history. The first edition demonstrated a commitment to intellectual rigour that made it an almost immediate success, providing a new opportunity of publishing high calibre scholarship and a stimulus for regional research.

Over the last six years, *MJIL* has gone from strength to strength and is now frequently cited and ranked as one of Australia’s top law journals. Indeed, the *Journal* increasingly attracts first class research from the Asia Pacific region and internationally. May it continue to flourish!

Professor Gillian Triggs
Director
British Institute of International and Comparative Law
London

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INTRODUCING THE MMILC

There are many aspects of international law that inspire and excite us. However, it is safe to say that international law citation generally isn’t one of them. Even so, here at MJIL, we are excited about the Melbourne Manual for International Law Citation (‘MMILC’).

In the beginning, an internal document was developed by Sarah Finnin — our 2003–04 Citation Coordinator — to catalogue citations decisions and to ensure consistency across volumes. Soon, it grew to include elements such as research tips, quick reference tables and URLs for online sources. Just as Sarah has now gone on to bigger and better things, this document has been reborn online as the MMILC, and is now available for public use.

The MMILC is regularly maintained to ensure it remains up to date and user-friendly. With every passing volume, MJIL faces the challenge of finding and citing obscure international law sources from around the world. It is our hope that by accumulating our collective experience in the MMILC, we can provide an elegant and practical standard for international law citation as well as offering a repository of useful research tips and links.

We recognise that we cannot hope to cover every single international law source without broader input. Accordingly, in the near future, we hope to offer the services of our Citation Coordinators to the public. This will allow students and scholars of international law to seek citation assistance whilst helping us adapt and add to the MMILC based on the needs of its users. We would greatly value your feedback in relation to the MMILC, which can be found at <http://www.mjil.org>.

Chian Kee
2006 MJIL Editor

MMILC <http://www.mjil.org>

A NEW APPROACH TO INTERNATIONAL LAW CITATION

The website for the Melbourne Journal of International Law proclaims that it ‘is an exciting and innovative international law journal’ which ‘aims to be relevant to practitioners, academic and students of international law’. Since it was first published in 2000, the quality of the scholarship published in the Journal has certainly met these standards. Its most recent initiative — the creation of the MMILC — will not only serve to enhance its growing reputation as a journal of international repute but provide much needed practical guidance on the often messy and confusing issue of appropriate citation for international legal references.

Most, if not all, practitioners, academics and students of international law will, at some stage of their career, have been confronted with a question regarding the appropriate way to cite a UN treaty, General Assembly resolution or some obscure document created by the international legal system. Until the inception of the MMILC there has been no effective or comprehensive citation guide to resolve such questions. As a result, the approach to international citation has often tended to be rather ad hoc, certainly inconsistent and often inadequate. The MMILC provides an opportunity to address these limitations.

Its authors have been extremely diligent and thorough in creating a guide that will allow for the adoption of uniform standards with respect to international citation. Moreover, the comprehensive nature of the MMILC means that many of the gaps that had existed in other piecemeal attempts to deal with international citation have largely been filled. Perhaps even more significantly, the MMILC has been created with a view to ensuring ease of use for the user.

The Editors of MJIL are to be congratulated in supporting and undertaking this initiative. At a time when the scope, relevance and interest in international law continue to expand, especially within the Asia Pacific region, it seems reasonable to assume that practitioners, academics and students alike will turn to this body of law to assist them in their work, scholarship and research. Thankfully, the MMILC will make the process of international citation, which has often been a rather cumbersome task to date, so much easier and as such it is to be warmly welcomed.

Mr John Tobin
Subject Coordinator, International Law
Melbourne Law School

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THE HONOURABLE JOHN STANLEY LOCKHART

Legal and diplomatic communities throughout Australia and the world were saddened by the passing of John Lockhart in January 2006.

Mr Lockhart led a long and distinguished career in Australia, where his roles included barrister and then Queen’s Counsel at the New South Wales Bar, Judge of the Federal Court of Australia and President of the Australian Competition Tribunal (formerly the Trade Practices Tribunal). In 1994, he was named an Officer of the Order of Australia for service to the law and the community in education and the arts. More recently, Mr Lockhart accepted the position of Deputy Chairman of the Attorney-General's International Legal Services Advisory Council. He also chaired the independent committee reviewing the Prohibition of Human Cloning Act 2002 (Cth) and the Research Involving Human Embryos Act 2002 (Cth), delivering the Committee’s findings to the Government on 19 December 2005.

Further afield, Mr Lockhart made outstanding contributions in the areas of development and international trade, including as Judicial Reform Specialist at the World Bank and Executive Director of the Asian Development Bank. At the age of 70, Mr Lockhart had recently commenced his second four-year term as one of the seven Appellate Body Members of the WTO. During his appointment, Mr Lockhart served on the divisions hearing 11 appeals and participated in almost 20 other appeals. He was selected to be the independent arbitrator in four of the eight arbitration proceedings completed in 2003–05 under art 21.3(c) of the WTO's Understanding on Rules and Procedures Governing the Settlement of Disputes. He was also one of three arbitrators in two sui generis proceedings conducted in 2005.

Over the last few years, I had the honour and pleasure of working with Mr Lockhart at the WTO, where my colleagues and I greatly appreciated his clarity of thought and generosity of spirit. He will be deeply missed.

Dr Tania Voon
Senior Lecturer, Melbourne Law School

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http://mjil.law.unimelb.edu.au  law-mjil@unimelb.edu.au
INTERNATIONAL LAW @ MELBOURNE

As a leading centre for international law scholarship and teaching, the University of Melbourne Law School continues to attract world-renowned scholars, teachers and practitioners of international law. Each year, the Law School hosts a variety of events and workshops to facilitate and promote these distinguished guests.

In recent weeks:

- The Second Biological Weapons Convention Regional Workshop, co-hosted by the Australian Department of Defence and the Indonesian Department of Foreign Affairs under the auspices of the Asia Pacific Centre for Military Law, was held in Bali, Indonesia on 6–7 March 2006. This was a follow up to the First BWC Regional Workshop, held at the University of Melbourne Law School in February 2005.

- The 2006 Alumni Lecture, presented by Major Michael Mori (US Marine Corps Defence Counsel representing Australian Guantanamo Bay detainee, David Hicks), addressing ‘Why David Hicks will not receive a fair trial come his day in Court’, was held at the Melbourne Law School on 6 April 2006.

- The Institute for International Law and the Humanities presented a lecture by Professor Costas Douzinas, Birbeck College, University of London, on ‘The Normative Foundations of Empire’, held at the Melbourne Law School on 12 April 2006.

And coming up:

- The 2006 Miegunyah Public Lecture on ‘The Roles of Parliaments in Protecting Human Rights: A View from the UK’, will be presented by Professor David Feldman, University of Cambridge, on 20 July 2006, 5.30pm for 6pm. (For queries, and to register, please contact Dianne Costello, tel +61 3 8344 1153, email d.costello@unimelb.edu.au.)

- The 2006 Sir Kenneth Bailey Memorial Lecture: ‘Miserable Comforters? International Law and a New Natural Law’, will be presented by Professor Martti Koskenniemi, University of Helsinki and New York University, on 22 November 2006. Professor Koskenniemi is a distinguished practitioner of international law — formerly within the Finnish diplomatic service and as a national member of the United Nations International Law Commission — and his work on the history and theory of international law has made a major contribution to critical study in this field. (For further information, please contact Emma Brimfield, tel +61 3 8344 1011, email e.brimfield@unimelb.edu.au).

- The Institute for International Law and the Humanities will host the 3rd Melbourne Legal Theory Workshop from 22–24 November 2006. The theme of the Workshop is ‘Limit, Exception, Emergency, Miracle’. The Workshop will aim to explore the ways in which a range of disciplines (including law, philosophy, political theory, international relations and anthropology) have understood the possibility, necessity or dangers of the moment at which authority produces itself through the suspension of law or tradition.

NEW APPOINTMENTS TO MJIL

MJIL would like to congratulate the following individuals on their appointment to the MJIL Editorial Executive Board:

- Claire Davie (Assistant Editor)
- Matthew Davis (Events Manager)
- Lucy Dong (Assistant Editor)
- Jonathan Gomez (Design Manager)
- Anna Hood (Assistant Editor)
- Katherine Jeffrey (Citations Coordinator)
- Hayley Jones (Assistant Editor)
- Rebecca Nyst (Marketing Manager)
- Christopher T’en (Production Editor)
- Lydia Wong (Submissions Coordinator)

MJIL would also like to congratulate Mr John Tobin and Dr David Brennan, both Senior Lecturers in The University of Melbourne Law School, on their respective appointments to the MJIL Advisory Board.
MJIL would like to thank its sponsors for their generous support

Allens Arthur Robinson

BLAKE DAWSON WALDRON
LAWYERS

Mallesons Stephen Jaques

RIO TINTO

THE UNIVERSITY OF MELBOURNE
ALUMNI PAGES

KEEPING IN TOUCH WITH OUR ALUMNI

A key motivating factor behind the establishment of Ad Hoc was our desire to maintain contact with the ever-increasing number of MJIL alumni. Already, MJIL’s alumni network boasts representatives in leading law firms in Australia and overseas, at the bar, in academia, in governmental bodies such as the Attorney-General’s Department and the Department of Foreign Affairs and Trade, and in various international institutions. We recognise that as MJIL grows in age and stature, so too do its alumni. With this in mind, each edition of Ad Hoc will feature dedicated Alumni Pages including information of particular interest to our alumni, such as profiles and updates.

Unfortunately, MJIL has lost touch with many of the alumni from our first six volumes. In an effort to address this and to reach out to our alumni network, we have established an alumni database to store contact details, and we intend to place a notice in the Alumni Pages of each edition of Ad Hoc, inviting alumni to keep us informed of their movements and of changes in their details. Creating and maintaining this database is already proving to be a formidable task, so to aid us in this project, we would encourage recipients who are in contact with other alumni to invite them to subscribe, so that they too can receive this newsletter and maintain contact with MJIL.

It is our vision that, within a few years, MJIL alumni will have the opportunity to come together at our own alumni functions. To this end, we sincerely hope you stay in touch with the Journal.

Frances Dunn, Fergus Green and Chian Kee
2006 Editors
Melbourne Journal of International Law

ALUMNI

If you are a member of MJIL’s alumni and your contact details or situation have changed or are about to change, please let us know by dropping us a line at law-mjil@unimelb.edu.au so that we can update our records.

If you would like us to include your changed circumstances or a recent appointment/achievement in our next Alumni Updates column, we would be delighted to hear from you.

MJIL HONOURS GRADUATES

MJIL would like to congratulate the following alumni on their recent graduation with Honours in Law from the University of Melbourne:

Lucy Adams
Seung-Hoon Baek
Daniel Bongiorno
Megan Donaldson (1st Class Hons)
Sarah Finnin (1st Class Hons)
Julian Hammond (1st Class Hons)
Katherine Jeffrey
John Molloy
Rebecca Nelson (1st Class Hons)
Myra Stirling
Emil Stojanovski
Sriram Swaminathan (1st Class Hons)
Chris Thomas (1st Class Hons)
Matthew Tilleard
Chloe Youl
Myra Stirling
Myra enjoyed an interesting (and at times hair-raising) trip to India after finishing uni and leaving MJIL at the end of 2005. She is currently undertaking articles at Allens Arthur Robinson in the Tax Group. Despite sounding incredibly nerdy, she has found the work intellectually stimulating and extremely enjoyable. Outside of work, Myra has taken an interest in long-distance running and has signed up for some fun runs. Myra and her husband are also in the process of house-shopping.

Myra was a General Member in 2003 and an Assistant Editor from 2004–05.

Emily Chew
Emily graduated from her Arts and Law degrees in April 2006. In 2005, she undertook work with the Commission for Truth, Reconciliation and Reconciliation and the NGO Avocats Sans Frontières in Dili, Timor-Leste, and conducted research into labour migration policy in Timor-Leste.

This year she has commenced articles with Baker & McKenzie in their Melbourne office. She is also an active member of the Multicultural Arts Victoria Young Professionals Sub-Committee, and will be attending the Future Summit in May as a recipient of a Future Summit Leadership Award.

Emily was an Assistant Editor in 2002 and Case Note Editor from 2003–04.

Beth Midgley
After finishing her MJIL career at the end of 2003 and her university career in mid 2004, Beth set off overseas to South America for a few months of rest and recuperation. She returned in 2005 to commence articles at Blake Dawson Waldron. Beth is now happily a lawyer in the Competition and Consumer Protection Team at BDW. She can’t quite bring herself to stay away from editing and proofreading and is currently co-editing an edition of the Alternative Law Journal. She remains an avid fan and reader of MJIL and finds it a great way to keep in touch with international law issues.

Beth was a General Member in 2000, Events Manager in 2001, an Assistant Editor in 2002 and Editor in 2003.

Chris Thomas
After a relaxing summer of hiking and debt accumulation, Chris finally commenced his long-deferred articles at Mallesons Stephen Jaques. He is currently merging and acquiring, and occasionally rowing. Chris is yet to learn how to drive.

Chris was a General Member in 2003, an Assistant Editor from 2003–04 and Editor in 2005.

Anthony Goh
Since leaving the Journal, Anth has been working in Melbourne and Sydney at the Australian Energy Regulator — the energy regulatory division of the Australian Competition and Consumer Commission.

His work currently revolves around the application of competition law and incentive regulatory frameworks in the setting of revenue caps and access arrangements for electricity transmission and gas pipeline companies.

Anthony was a General Member in 2001, Marketing Manager in 2002, an Assistant Editor in 2003 and Editor in 2004.

Emil Stojanovski
Emil is currently a graduate trainee at the Department of Foreign Affairs and Trade, undertaking his first rotation in the Environment Branch. Emil gladly finished his Arts/Law degree, and sadly his time with MJIL, at the end of 2005 and made the move to the thriving metropolis that is Canberra to start work as an underpaid public servant. Emil reports that ‘working in Canberra has its moments, but I miss my student days, and especially Brunetti’s!’.

Emil was a General Member in 2005.

Feedback
If you have any contributions, feedback or suggestions regarding the newsletter, or if you no longer wish to receive the newsletter, please let us know by emailing us at law-mjil@unimelb.edu.au.
PERSONAL REFLECTIONS

Mehnaz Yoosuf

Upon the conclusion of my time with the *Journal* in 2004, I did what any good international law-loving student would do and set off with my backpack to 'travel the world'. I spent the first five months of my trip travelling through the Americas (mostly South) and through Europe (mostly Western). Just writing about it now brings back a flood of memories — of breathtaking sights, great food and people of all sorts; from the weird, to the wacky to the simply wonderful. I then completed my studies on exchange at the University of Amsterdam, where I studied International and European Union Law, before making my way home via parts of the Middle East and Sri Lanka. My backpack and I are now safely back in Melbourne, along with a crippling financial debt (ah well, you're only young once). I have since commenced my articles with Blake Dawson Waldron, where I am presently rotating through the Competition and Consumer Protection Area.

Whilst my *Journal* days are but memories now, I look back on my editorship year as unequivocally the most rewarding year of my short life, which, given the stresses, challenges, caffeine-charged and sleepless nights the job entails, says much for the breadth of talent amongst the Committee, the quality of friendships made, and the calibre of work produced by all involved.

*Mehnaz was a General Member in 2002, an Assistant Editor in 2003 and Editor in 2004.*

Sarah Finnin

While I finished my undergraduate studies here at the University of Melbourne in July 2005, I haven’t yet managed to leave the law school to get a job out in the real world! I spent three months between July and October last year doing a further internship with Major Dan Mori of the US Department of Defense, who is representing David Hicks before the military commissions at Guantanamo Bay, Cuba. After returning, I completed the new LIV College of Law Victoria course, in order to get admitted to practice (which will hopefully happen in May). I have continued working as a casual research assistant for the Asia Pacific Centre for Military Law while trying to figure out what to do next. In order to get some more practical experience in criminal law, I have done some volunteer research work for Lex Lasry QC and for Rob Stary & Associates — the lawyers representing Jack Thomas, who was charged with terrorism-related offences by the Commonwealth DPP (although I managed to spend more time just watching the trial proceedings than doing any research!). It now looks like I’ll be hanging around the law school for a while longer, as I am about to start a PhD under the supervision of Tim McCormack and Helen Durham. So I look forward to keeping in touch with both current and alumni members of MJIL over the next few years.

*Sarah was a General Member in 2001, an Assistant Editor in 2002 and Citation Coordinator from 2003–04.*

Daniel Perkins

After completing my editorship of *MJIL* in late 2003, I was able to devote my full attention (yeah right!) to my final semester of studies. I submitted my final essays en route to Melbourne Airport, before departing on a trip designed to put a little more of the ‘international’ back into my life. I spent five months on a grand tour of Europe and the Americas, guided largely by the predilections of the travel and photography editors of Wallpaper Magazine, and confirmed once and for all that too much inspiring architecture and urban planning really is never enough.

Upon my return, I was lucky enough to spend a year as a Research Associate to the Melbourne-based judges of the Federal Court of Australia. This role gave me the opportunity to support the work of the judges by providing research assistance in most areas of that Court’s very broad jurisdiction, whilst also enabling me to deepen my knowledge in many of my pet areas of interest, such as Commonwealth administrative law. I also spent an unexpectedly large amount of time providing research support to the Chief Justice of Norfolk Island, and can’t wait to visit that picturesque jurisdiction sometime in the very near future.

I commenced work earlier this year as a graduate lawyer in the Workplace Relations practice group at Corrs Chambers Westgarth, and am thoroughly enjoying regaling dinner party guests with my insights into the finer points of the WorkChoices legislation.

*DJ was a General Member in 2000, Case Note Editor from 2001–02 and Editor in 2003.*