

ANNUAL REPORT 2020-2021

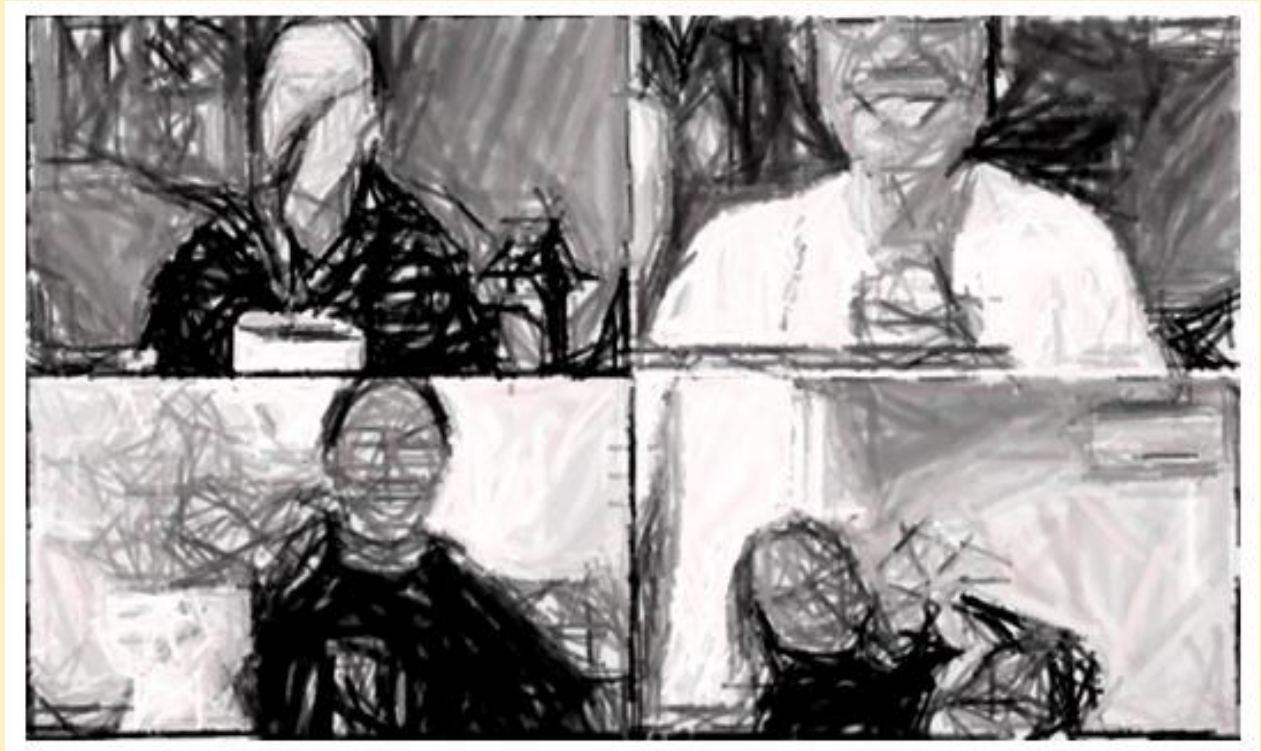


IILAH

Institute for International
Law and the Humanities



THE UNIVERSITY OF
MELBOURNE



Artistic impression of participants in zoom conversations by IILAH Program Director Alice Palmer.

Front Cover Image IILAH Festival of Conversations

Authorised by the IILAH Director

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Contact Details

Institute for International Law and the Humanities Melbourne Law School, University of Melbourne Victoria 3010 Australia

P: +61 3 8344 4799

E: law-iilah@unimelb.edu.au

Editors

Sundhya Pahuja, Angela Hendley-Boys and Laura Screen

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DIRECTOR'S MESSAGE

While COVID has kept us apart physically for large parts of these past two years, IILAH has managed to host its usual rich variety of engaging events, at times in novel ways not done before, and maintained the solidarity and collegiality which is the hallmark of our community.

A highlight for 2021 has been witnessing so many members of the IILAH community who came together to mark our 15th anniversary that we marked by a truly fantastic Festival of Conversations, each expertly convened by our members and range of globally recognised participants. This series of a dozen widely attended and intellectually rewarding events was capped off by our launch of the *Routledge Handbook of International Law and the Humanities*, edited by myself and our McKenzie Postdoctoral Fellow Shane Chalmers. Recordings from these events by our terrific contributors and collaborators are available as a public resource on the website.

2021 also saw the highly successful *Unpacking Transitional Justice* seminar series, convened by Valeria Vazquez Guevara, IILAH PhD candidate, and Dr Eliana Cusato from the University of Amsterdam; as well as a conversation between Professor Shaun McVeigh, myself and Dr Cait Storr, the author of the extraordinary book, *International Status in the Shadow of Empire* (CUP 2020).

We were also proud supporters of the annual Melbourne Doctoral Forum on Legal Theory, held in 2020 in a visually gorgeous, generatively collaborative and intellectually productive format. I congratulate the organisers Danish Sheikh and Alex Dela Cruz from IILAH and Angela Kintominas and Bruno Pegorari from UNSW for their passion, rigour and flair in convening the 13th Forum on the theme of *Sirens and Silence: Law in Lockdown*. In 2021, the 14th Forum on the theme of *Utopia and the Legal Imagination* was convened with great creativity and elegance by Georgina Clough, Sanam Amim and Roanna McClelland. 2021 participants were drawn from more than 22 universities! These Forums exemplify IILAH's commitment to nurture our graduate students. I have been touched and inspired to watch our PhDs and Early Career researchers soldier on with their research, often far from home, and to support each other in myriad ways as they look toward the future.

On top of this, we instituted two new regular collaborative ventures which made the most of the transition to online. One is the Skills Circle co-convened by IILAH and the UNSW Critique Network, and the other was the PhD Home Companion co-convened

between IILAH and RegNet at the ANU. Both provided PhD students and early career researchers a rich resource from which to draw learning, inspiration and support during these challenging times.

We also established the IILAH podcast in 2021, which already boasts a growing cache of interviews, lectures and recordings from some fabulous thinkers, scholars, artists, and writers. There will certainly be more to come, so watch this space!

As well as these events, running throughout the year were our reading groups which form the backbone of our collegial conversations. They were the *Anthropocene Reading Group* convened by Dr Kathleen Birrell McKenzie Postdoctoral Fellow and Director of the Environmental Humanities program at IILAH, the *STS (Science Technology and Society) Reading Group* co convened by Dr Jeremy Baskin (co-director of the STS program at IILAH), and Dr Gabrielle Simm (IILAH Visiting Fellow), and the fortnightly IILAH Reading Group, now in its 6th year. In 2020 our themes were 'World-Making: Technologies/Histories/Laws' and 'The University', co-convened with our PhD candidate André Dao. In 2021 our theme was; 'Colonial, Postcolonial and Decolonial', and the group was co-convened by Tim Lindgren and Caitlin Murphy, both IILAH PhD candidates. The reading lists are valuable lists of curated readings and are available on the IILAH website.

Many individual achievements also marked the year, perhaps the most celebrated being the election to the International Court of Justice of Professor Hilary Charlesworth, IILAH member and co-director of the Human Rights research program. Congratulations Hilary!

In the new year we are looking forward to returning to in person engagements, but we finish this year by recognising the work, ethos and imagination of our community and all that was generated and supported throughout the challenges of these past two years.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sundhya Pahuja', with a long horizontal line extending to the right.

Sundhya Pahuja IILAH Director

OVERVIEW

The Institute for International Law and the Humanities (IILAH) is dedicated to integrating the study of international law with contemporary approaches to the humanities. IILAH facilitates and promotes innovative research and critical thinking on emerging questions of international law, governance, human rights and justice, positioning Melbourne Law School (MLS) as one of the leading institutions for international legal scholarship in the world.

Aims and Objectives

IILAH supports interdisciplinary scholarship on contemporary international law, relating in particular to the promotion of social and economic justice and giving voice to those who are marginalised by the historical commitments of international law. Many of the significant modes of thought that have framed the way in which international lawyers understand the world have developed in conversation with the humanities. IILAH continues this engagement by fostering dialogue with scholars working in disciplines such as anthropology, criminology, cultural studies, gender studies, geography, history, linguistics, literature, philosophy, politics and theology. IILAH encourages the work of younger scholars and those developing new approaches to the field of international law and facilitates engagement between scholars and the community of professionals and activists working on issues of international law and governance. It has developed networks with scholars from Canada, China, Colombia, Egypt, Finland, France, Germany, India, Italy, New Zealand, South Africa, Sweden, Norway, the United Kingdom and the United States. IILAH has a particular interest in developing links with scholars in the global South, in order to explore the shared legal legacies of colonialism.

Activities

IILAH hosts visits of distinguished and emerging international scholars; organises conferences, public lectures and research seminars, workshops and reading groups; supervises and supports the work of graduate research degree students; and undertakes and facilitates collaborative and interdisciplinary research projects within the University of Melbourne (UoM), as well as nationally and internationally. With these research activities, IILAH contributes to ongoing debates about the theoretical foundation and practical effect of international law and the humanities in the political climate of today.

RESEARCH PROGRAMS

Law and Development

Program Director: Jennifer Beard

International Human Rights Law

Program Director: Hilary Charlesworth and John Tobin

International Refugee Law

Program Director: Michelle Foster

Art and Law

Program Director: Alice Palmer

Australian Legal Histories

Program Director: Ann Genovese and Tanya Josev

Indigenous Peoples in International and Comparative Law

Program Director: Kirsty Gover

Jurisprudence of the South

Program Director: Shaun McVeigh

Feminist and Queer Approaches to International Law

Program Director: Dianne Otto

Law, Science, Technology and Society

Program Director: James Parker

International Environment Law

Program Director: Jacqueline Peel

International Criminal Law

Program Director: Peter Rush

Property and the International

Program Director: Olivia Barr

Fragmentation and Regime Interaction in International Law

Program Director: Margaret Young

Legal Biographies

Program Director: Ann Genovese, Shaun McVeigh and Peter Rush

DIRECTORS AND RESEARCH FELLOWS

Professor Sundhya Pahuja | IILAH Director



Sundhya Pahuja is the Director of IILAH. Her research focuses on the history, theory and practice of international law in both its political and economic dimensions. She has a particular interest in international law and the relationship between North and South, and the practice, and praxis, of development and international law. She teaches across public international law, international law and development, trade, development and human rights, globalization and law, and legal theory.

Sundhya has been awarded the American Society of International Law Certificate of Merit (2012), the Woodward Medal for Excellence in the Humanities and Social Sciences (2014) and a Fulbright Senior Scholar award which she took up in 2016 at the Institute for Global Law and Policy at Harvard Law School. In 2017 and 2019, Sundhya held a fellowship at the Stellenbosch Institute for Advanced Studies (STIAS) in South Africa, and in 2018, held the Genest Visiting Chair at Osgoode Hall law school in Toronto. Sundhya was invited to give the 2018 Lauterpacht Lectures at the University of Cambridge, the 2019 Newman Lecture at Yale Law School and the Douglas McK. Brown Lecture at UBC in 2020. In 2019, she was made a Fellow of the Australian Academy of Social Sciences.

Sundhya has held visiting appointments at the LSE, NYU and UBC, currently serves as core faculty at the Harvard Law School Institute for Global Law and Policy Workshop, as Affiliate Faculty of the European Collaborative Doctoral Programme in Globalisation and Legal Theory, and holds Visiting Chairs at Birkbeck and SOAS.

Sundhya was a founding member of the Legal Theory Interest group of the European Society of International Law, and the trilingual network Global Justice/Injustice with Emmanuel Jouannet and Albane Geslin (Sciences Po). She serves on the editorial board of the Australian Feminist Law Journal, and on the editorial advisory board of several journals including Humanity, the Melbourne Journal of International Law, the Law, Social Justice and Global Development Journal (LGD), the City University of Hong Kong Law Review, the Journal of the History of International Law, and the London Review of International Law.

Dr Olivia Barr | Program Director: Property and the International



Olivia Barr joined the Law School as a Senior Lecturer in February 2016. Prior to her Melbourne appointment Olivia was a Lecturer at the University of Technology, Sydney. She has also worked as a government solicitor, in law reform, and for the United Nations Permanent Forum on Indigenous Issues. With Dr Karen Crawley (Griffith University), she is the Managing Editor of the Australian Feminist Law Journal: A Critical Legal Journal. Olivia writes in jurisprudence, and her cross-disciplinary work engages with geography, anthropology, philosophy, architecture and contemporary public art practices. Her research focuses on questions of inheritance, especially ongoing relations between Anglo-Australian common law and Aboriginal law in Australia. Olivia recently published *A Jurisprudence of Movement: Common Law, Walking, Unsettling Place* (Routledge, 2016) in Routledge's 'Space, Materiality and the Normative' series. Her current research concerns questions of lawful place, and argues for greater attention to the place-making practices of law.

Dr Jeremy Baskin | Program Co-Director: Law, Science, Technology and Society



Dr Jeremy Baskin is a Senior Fellow at the Melbourne School of Government where he focuses on the legitimacy and accountability of knowledge experts in policy-making. His other research interests include climate and energy policy and associated technologies, the notion of the Anthropocene, and changing understandings of the authority of science. He is joint co-ordinator of a cross-faculty network of Science, Technology & Society (STS) scholars at the University STS@UoM.

In 2017 Jeremy was awarded a PhD in Politics from the University of Melbourne. He also has degrees from the University of London and the University of Cape Town. He has been a Fellow of the Program on Science, Technology & Society (STS) at the Harvard Kennedy School of Government, and a Fellow at the Max Planck Institute for the Study of Societies in Cologne. He has worked at the University of Cambridge's Institute for Sustainability Leadership, designing and delivering programmes targeted at senior leaders in business, government and civil society.

A/ Professor Jennifer Beard | Program Director: Law and Development



Jennifer is currently involved in research on the public aspects of charity law over time, political advocacy of charities and the role of the notfor-profit sector in law and development. Her collaborations include research on Ethiopian charity law and the links between English charity law, imperialism, international law and religion. In all her research, Jennifer focuses on the relationship between public and private power, law and society, and law, imperialism and development. She is particularly interested in theories of the State, political authority, and the role of law in the exercise of political

power. Jennifer has been a visiting fellow at the University of Otago Law Faculty; the University of British Columbia Law School; the Department of International Law and Human Rights at the United Nations University for Peace in Costa Rica; and the University of Lund Law School. Jennifer took leave from the academy for five years when she was a member of the Migration Review Tribunal and the Refugee Review Tribunal from 2009 to 2014.

Professor Hilary Charlesworth | Program Co-Director: International Human Rights Law



In 2021, Hilary's work in international law was recognised by her election to the International Court of Justice. Hilary is also Melbourne Laureate Professor at MLS and a Distinguished Professor at the Australian National University. Her research includes the structure of the international legal system, peacebuilding, human rights law and international humanitarian law, international legal theory, particularly feminist approaches to international law and the art of international law. Hilary received the American Society of International Law's award for creative legal scholarship for her book, co-authored with Christine Chinkin, *The*

Boundaries of International Law, and has also been awarded the American Society of International Law's Goler T. Butcher award for her contributions to the development of international human rights law. Hilary has held both an ARC Federation Fellowship (2005-2010) and an ARC Laureate Fellowship (2010-2015). She has been a visiting professor at various institutions including Harvard Law School, New York University Global Law School, UCLA, Paris I and the London School of Economics. In 2016 Hilary was awarded an Honorary Doctorate by the Université Catholique de Louvain in Belgium. She is an associate member of the Institut de Droit International and served as Judge ad hoc in the International Court of Justice in the Whaling in the Antarctic case (Australia v Japan).

Professor Michelle Foster | Program Director: International Refugee Law



Michelle is the inaugural Director of the Peter McMullin Centre on Statelessness. She has published extensively in the field of international refugee law. Michelle teaches Refugee Law and International Refugee Law, and in 2017 taught in the International Summer School in Forced Migration at Oxford's Refugee Studies Centre. Michelle has undertaken consultancy work for the United Nations High Commissioner for Refugees, and training of refugee tribunal members in New Zealand and Australia. She is Editor in Chief (with Laura van Waas) of the *Statelessness and Citizenship*

Review. Michelle is also an Advisory Board Member of the *Melbourne Journal of International Law*, an Associate Member of the International Association of Refugee and Migration Law Judges, and joint case editor (with Professor H el ene Lambert) of the *International Journal of Refugee Law*. Michelle previously worked for the Commonwealth Attorney-General's Department, as Research Director for the Hon AM Gleeson AC (then Chief Justice of NSW) and Legal Research Officer in the Chambers of the NSW Solicitor-General and Crown Advocate.

Professor Ann Genovese | Program Co-Director: Australian Legal Histories, Legal Biographies



Ann Genovese is a Professor at the Melbourne Law School. She teaches and researches in the fields of public law, history, and jurisprudence. She is a Law and Humanities specialist; with expertise in explaining and caring for the archival sources, and techniques, that show how Australian people have lived with their law. Her work has been integral to the establishment of an emergent practice – jurisography. She publishes widely across feminist jurisprudence, history, Indigenous and non-Indigenous relations, law and interdisciplinary fields. She has been the recipient of six ARC grants over the course of her career, often working with institutions, to research the history, theory and lived experiences of the relations between Australian law and its diverse publics. Her publications

include: *Rights and Redemption: History, Law, Indigenous People* (Sydney: UNSW Press, 2008) (with Curthoys and Reilly); *Sovereignty: Frontiers of Possibility* (University of Hawaii Press, 2013) (with Evans, Wolfe, Reilly); *Australian Critical Decisions: Remembering the Koowarta and Tasmanian Dam Case* (Routledge, 2017), *The Court As Archive* (ANU Press, 2019) (with Rubenstein and Luker); and *Feminist Jurisography: Law, History, Writing* (Routledge, forthcoming 2022).

Professor Kirsty Gover | Program Director: Indigenous Peoples in International and Comparative Law



Kirsty was appointed to the MLS faculty in 2009. Her research and publications address the law, policy and political theory of Indigenous rights, institutions and jurisdiction. She is interested in the importance of Indigenous concepts of law and politics in settler state political theory, constitutionalism and international law. Kirsty is the author of *Tribal Constitutionalism: States, Tribes and the Governance of Membership* (Oxford University Press 2010). She is currently working on a book entitled: *When Tribalism meets Liberalism: Political Theory and International Law* (Oxford University Press), examining the ways in which indigenous self-governance influences the development of international law and international legal theory by altering the behaviours of states. She is a graduate of New York University (NYU) JSD Doctoral Program, where she was an Institute for International Law and Justice (IJIL) Graduate Scholar and New Zealand Top Achiever Doctoral Fellow. She is Chair of MLS's Reconciliation and Recognition Committee, Graduate Research Coordinator and Director of IILAH's Indigenous Peoples in International and Comparative Law Research Program.

Dr Tanya Josev | Program Co-Director: Australian Legal Histories



Tanya is a legal historian, researching in contemporary Australian and American legal and political history. Her interests include the origins and evolution of the binary understanding of the judicial role as involving 'activism' and 'restraint' across various common law jurisdictions; and judicial biography. Her first book, 'The Campaign Against the Courts: A History of the Judicial Activism Debate' was awarded the Law & Society Association of Australia and New Zealand's ECR prize in 2018. The doctoral thesis upon which the book was based also won the Dennis-Wettenhall Prize for the best thesis in Australian history in 2015. She previously worked as a commercial litigation lawyer at Allens and as an associate to the late Justice Alan Goldberg AO. She was one of MLS's inaugural PhD Teaching Fellows. In 2010-11, she was based at New York University's School of Law through her appointment as a Hauser Global Fellow. Her research has been supported by scholarships from the Australian Federation of Graduate Women, the Alma Hansen Bequest, the Hauser Global program at NYU, and various other prizes. She teaches The High Court in the Twentieth Century; the Law of Obligations; Legal Method and Reasoning; Corporations Law and Principles of Business Law.

Professor Shaun McVeigh | Program Director: Legal Biographies, Jurisprudence of the South



Shaun McVeigh joined the law school at Melbourne University in 2007. He previously researched and taught at Griffith University in Queensland as well as Keele and Middlesex Universities in the United Kingdom. He has a long time association with critical legal studies in Australia and the UK. More recently he has been involved in convening a symposium “Of the South” that develops an account of lawful existence within the South. Shaun McVeigh has research interests in the fields of jurisprudence, health care, and legal ethics. His current research projects centre around three themes associated with refreshing a jurisprudence of jurisdiction: the development of accounts of a ‘lawful’ South; the importance of a civil prudence to thinking about the conduct of law (and lawyers); and, the continuing need to take account of the colonial legal inheritance of Australia and Britain.

Professor Anne Orford | IILAH Director Emeritus



Anne Orford is Redmond Barry Distinguished Professor, the inaugural holder of the Michael D Kirby Chair of International Law, and an Australian Laureate Fellow at MLS, where she directs the Laureate Program in International Law. Anne has held numerous senior visiting positions globally, including Visiting Professor and John Harvey Gregory Lecturer on World Organization at Harvard Law School, Senior Emile Noël Research Fellow at New York University, and Visiting Professor at the Sorbonne Law School among others. Her research focuses on the relationship of international law to a wide range of other disciplines, combining history, theory, and practice of international law, social theory, economics, history, and philosophy. Recognition of her work includes the award of honorary doctorates of laws by Lund University, the University of Gothenburg, and the University of Helsinki, election to the Academy of the Social Sciences in Australia, the award of the Woodward Medal for Excellence in Humanities and Social Sciences by the University of Melbourne, and three competitive Fellowships awarded by the Australian Research Council. In 2005, Professor Orford became the founding Director of IILAH.

Professor Dianne Otto | Program Director: Feminist and Queer Approaches to International Law



Dianne Otto holds the Francine V McNiff Chair in Human Rights Law. Dianne's scholarship explores how international legal discourse reinforces hierarchies of nation, race, gender and sexuality, and aims to understand how the reproduction of such legal knowledge can be resisted. Her research enjoys a national and international reputation, marked by its emphasis on melding theory with transformative practice. Dianne has held visiting positions at Columbia University, the School of Oriental and African Studies, New York University and the University of British Columbia. In 2004 she was the Kate Stoneman Endowed Visiting Professor in Law and Democracy, at Albany Law School in New York. She has also been active in a number of human rights NGOs including Women's Rights Action Network Australia (WRANA), Women's Economic Equality Project (WEEP) Canada, International Women's Rights Action Watch Asia Pacific (IWRAP-AP) Malaysia, and International Women's Tribune Centre (IWTC) New York. Dianne was a member of the Expert Panel at the Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict held in Phnom Penh in 2012.

Dr Alice Palmer | Program Director: Art and Law



Dr Alice Palmer is a Senior Lecturer at Melbourne Law School and a co-director of the Art and Law Program of the Institute of International Law and Humanities (IILAH). She teaches international and domestic environmental law as well as subjects that examine the human rights and development dimensions of international environmental law. Her research spans theory and practice, addressing the interfaces between law and image with a focus on legal interpretation in international law, theories for the visual arts and philosophies of environmental aesthetics. Alice is also involved in projects assessing laws on waste management for UN and regional bodies and strategic analysis of climate litigation for the philanthropic sector.

Dr James Parker | Program Co-Director: Law, Science, Technology and Society



James' research focuses on the relations between law, sound and listening, with a particular emphasis on international criminal law, and the law of war and privacy. James teaches evidence, criminal law, legal theory and ethics in the JD and Masters programs at MLS. He has an interest in legal pedagogy and has both spoken and published on the topic widely. James has provided commentary for the ABC, BBC and CNN, amongst others, on controversies including police use of the Long Range Acoustic Device and the alleged 'sonic attacks' at the US Embassy in Cuba in 2017. He has given public

lectures and performances at universities and art institutions across the world, including Harvard, the Rietveld Academy, Gertrude Contemporary, firstdraft, Westspace and the Institute of Modern Art, Brisbane. James is co-curator of Eavesdropping, a collaboration between Liquid Architecture and MLS, comprising an exhibition, a public program, series of working groups and touring event which explores the politics of listening through work by leading artists, researchers, writers and activists from around the world. In 2018, Eavesdropping was staged at the Ian Potter Museum of Art in Melbourne and was later shown at the City Gallery in Wellington, NZ.

Professor Jacqueline Peel | Program Director: International Environment Law



Jacqueline is a leading expert in the field of environmental and climate change law. Her scholarship on these topics encompasses international, transnational and national dimensions, as well as interdisciplinary aspects of the law/science relationship in the environmental field and risk regulation. This research has spawned an extensive body of work which has led to the awarding of numerous prizes and research grants. Jacqueline has been an active contributor to public policy formulation on climate change and environmental issues at the national and international level.

Her research in this field has lead Jacqueline to the awarding of several ARC grants including to examine the regulatory framework for responding to climate change in Australia (2009-2011); on the role of climate change litigation in transitioning to a clean energy future (2012-2017); and on legal mechanisms for promoting corporate energy transition (2016-2019). Jacqueline has received several awards which include a Fulbright Scholarship, a NYU Hauser Scholarship and the Morrison Prize. She is regularly invited to take part in expert panels at conferences and to deliver keynote addresses, such as the 2016 Mahla Pearlman Oration in Environmental Law.

A/Professor Peter Rush | Program Director: Legal Biographies, International Criminal Law



Peter joined the University of Melbourne in 1999. He has been a youth worker, an artist, a filmmaker and a scholar. He has taught in Australia and in England on such topics as criminal law, jurisprudence, legal discourse, gender and law, evidence, legal history and legal method, and law and the body. He is the author of several books on criminal law and edited collections on jurisprudence and poststructuralist legal theory. A longstanding member of the critical legal studies movement in the United Kingdom, he was coordinator of its national conference and a founding member of the interdisciplinary legal theory journal *Law & Critique*. In Australia, he is a member of the editorial boards of several legal theory journals and has been active in the Australian Law and Literature Association and the Australian Law and Society Association. He contributes to debate concerning law reform, particularly in relation to both the law of sexual offences and the criminal law of HIV transmission. In 2000, he made a short documentary film concerning justice, aesthetics and colonialism in the city of Melbourne. His teaching and research interests include: criminal law; jurisprudence and the humanities; international criminal justice; trauma and transitional justice.

Professor John Tobin | Program Co-Director: International Human Rights Law



John's research interests includes all facets of human rights law including migration, children's rights and international human rights. Through his expertise, he has designed and taught several subjects in areas of international law, human rights, children's rights and public interest lawyering. He coordinates the legal internship subject across the LLB, JD and Masters programs at MLS and coordinates the MLS Human Rights Alumni Network. In 2010 he was awarded the Barbara Falk Award for Teaching Excellence by the University of Melbourne and in 2011 he was awarded a national citation for outstanding contribution to student learning in the area of human rights. In 2006 he was a Visiting Professor at both the American Academy of Human Rights and Humanitarian Law, Washington College of Law, American University and in the Law School at New York University. In 2011 he was the Senior Scholar in Residence at the Center for Human Rights and Global Justice at NYU Law School.

Dr Boyd van Dijk | McKenzie Postdoctoral Fellow



Boyd van Dijk is a McKenzie Fellow at the University of Melbourne. He taught previously at the London School of Economics, King's College London, Queen Mary, and the University of Amsterdam. He studied Political Science and History in Amsterdam, Istanbul, Florence, and at Columbia University. He was shortlisted for the IISG-Volkskrant Thesis Award and received the Erik Hazelhoff Young Talent Award. He has published a monograph, articles, and essays for *Humanity*, *American Journal of International Law*, *Journal of the History of Ideas*, *Law and History Review*, *Yad Vashem Studies*, *Past & Present*, as well as Dutch magazines and newspapers. He is currently preparing a book manuscript that uses a comparative lens to understand the making of the 1949 Geneva Conventions (Oxford University Press).

Professor Margaret Young | Program Director: Fragmentation and Regime Interaction in International Law



Margaret is an award-winning academic and lawyer who researches, writes and lectures about the ways in which social, environmental and economic norms interact in international law. Margaret joined MLS in 2009 from the University of Cambridge, where she held the inaugural position of Research Fellow in Public International Law at Pembroke College and the Lauterpacht Centre for International Law. Margaret's authorship has won numerous awards. Her book *Trading Fish, Saving Fish: The Interaction between Regimes in International Law* (CUP, 2011) was awarded the International Union for Conservation of Nature (IUCN) Academy of Environmental Law Junior Scholar Prize in 2012 and the University of Melbourne Woodward Medal in Humanities and Social Sciences in 2016, while her latest book, *The Impact of Climate Change Mitigation on Indigenous and Forest Communities* (CUP, 2017) was awarded the Certificate of Merit in a Specialized Area of International Law by the American Society of International Law. Margaret is currently a Visiting Legal Fellow at the Department of Foreign Affairs and Trade (DFAT). She has worked at the World Trade Organisation (Appellate Body Secretariat) and the United Nations International Law Commission.

MEMBERS

Professor Anna Arstein-Kerslake | Director: Disability Human Rights Clinic



Dr Anna Arstein-Kerslake is an internationally recognised legal academic in the fields of human rights, disability rights, and gender justice. She has published widely in these areas, including her recent books, *Restoring Voice to People* (Cambridge University Press 2017) and *Legal Capacity and Gender* (Springer 2020).

She has also led several large scale research projects as well as law and policy reform initiatives. For example, she was a Chief Investigator on the Unfitness to Plead Project, funded by the Australian Government, which applied a human rights framework to investigate the indefinite detention of people with cognitive disability after being found 'unfit to plead'. She has also received several grants for the development of the international Disability Human Rights Research Network (DHRRN), which she founded in 2015 and spans Europe, India, USA, and Australia.

She has been a leader in interdisciplinary and cross-sectorial research development. From 2014-2017, she was the Academic Convenor of the Hallmark Disability Research Initiative (DRI) across all faculties of the University of Melbourne. She is also currently an Establishment Committee Member of the Melbourne Disability Institute, which facilitates the development of disability research across Australia.

Dr Arstein-Kerslake is also committed to bringing research into the classroom and engaging students with community, industry, and government sectors. She developed, and leads, the Disability Human Rights Clinic (DHRC) and the National Disability Insurance Scheme (NDIS) and Disability Benefits Clinic at Melbourne Law School.

Professor Alison Duxbury | Deputy Dean, Melbourne Law School



Professor Alison Duxbury is the Deputy Dean of Melbourne Law School. She is also the Chair of the International Board of the Commonwealth Human Rights Initiative, a non-governmental organisation with offices in Delhi, Accra and London, and a member of the Executive Council of the Asian Society of International Law. Alison is the former Associate Director of the Asia Pacific Centre for Military Law and a former member of the Council of the Australian and New Zealand Society of International Law.

Alison's major teaching and research interests are in the fields of international law, international institutional law, human rights law and public law. Her publications include *The Participation of States in International Organisations: The Role of Human Rights and Democracy* (Cambridge, 2011), a co-edited collection, *Military Justice in the Modern Age* (Cambridge, 2016), and a co-authored book, *Can ASEAN Take Human Rights Seriously?* (Cambridge, 2019). Together with Dr Madelaine Chiam, Alison is currently editing a collection, *Australia and International Law: From Empire to the Contemporary World*, to be published by Hart.

Alison has undertaken advice work in the areas of international law and human rights law. She has been a Visiting Fellow at the Lauterpacht Centre for International Law in Cambridge, the Centre for Comparative and Public Law at the University of Hong Kong, the Oxford Institute for Ethics, Law and Armed Conflict and the Institute of Commonwealth Studies in London. Alison has also taught at the Centre for Transnational Legal Studies in London and Auckland Law School. Alison is the recipient of a Melbourne Teaching Citation, the Barbara Falk Award for Teaching Excellence and a National Citation for Outstanding Contributions to Student Learning.

Professor Belinda Fehlberg | Melbourne Law School



Belinda Fehlberg is a professor of law in the Melbourne Law School, University of Melbourne, specialising in family law. She has a particular interest in how 'law in books' is understood, applied and experienced by professionals and families. Belinda has conducted empirical research over the past 20 years on a wide range of family law issues including spousal guarantees, pre-nuptial agreements, overlapping powers of the state children's courts and family law courts, children's contact services, and links between post-separation parenting and financial arrangements.

Professor Lee Godden | Director of the Centre for Resources, Energy and Environment Law



Lee Godden is Director of the Centre for Resources, Energy and Environmental Law. Lee's research interests include environmental law, natural resources law (especially water) property law and indigenous peoples' land rights. The impact of her work extends beyond Australia with comparative research on environmental law and sustainability, property law and resource trading regimes, water law resources and Indigenous land rights issues, in countries as diverse as Canada, New Zealand, UK, South Africa, and the Pacific. Engagement with the theoretical and the grounded aspects of law is a hallmark of her scholarship distinguished by an interdisciplinary approach. Her work has appeared in leading International journals, as well as leading Australian law journals. She has a longstanding record in community knowledge transfer; a recipient of a 2007 Vice Chancellor's knowledge transfer award. Her contribution to environmental conservation and social justice has been recognised by leading international and national environmental, and natural resource organisations.

Dr Jake Goldenfein | Senior Lecturer, Melbourne Law School



Jake Goldenfein is a Senior Lecturer at Melbourne Law School. He has been a researcher at Cornell Tech, Cornell University, Melbourne Law School, New York Law School, and the Swinburne Institute for Social Research in the fields of media and communications history and theory, intellectual property, communications policy, privacy and media law. He is an admitted lawyer in Australia, and previously practiced as a solicitor in an international firm in the areas of privacy and administrative law.

Dr Piers Gooding | Research Fellow, Melbourne Social Equity Institute



Dr Piers Gooding is a Senior Research Fellow at the Melbourne Law School, and an Australian Research Council DECRA Fellow. His work focuses on the law and politics of disability, and particularly mental health, with an interest in algorithmic and data-driven technology. Prior to joining MSEI, Piers was a Research Fellow at the Centre for Disability Law and Policy at the National University of Ireland, Galway, where he undertook research on European Commission research projects focusing on legal capacity-related law and policy reform. He worked on assisted decision-making law and policy for older persons, mental health service users and people with cognitive disabilities. He assisted the Centre in supporting the Committee on the Rights of Persons with Disabilities to draft its General Comment 1 on Article 12 of the UNCRPD. In Australia, Piers has worked with a range of organisations and research institutes, including the Social Policy Research Centre, University of New South Wales, People with Disabilities Australia, and the Australian Mental Health Commission.

Dr Adil Hasan Khan | Melbourne Law School



Dr Adil Hasan Khan is currently a Senior Research Fellow at Melbourne Law School, where his research seeks to explore the intersections between international law and disasters, with a focus on South Asia. He completed his PhD in International Studies, with a specialisation in International Law and a minor in Anthropology and Sociology of Development, at the Graduate Institute of International and Development Studies (IHEID) in Geneva. His doctoral dissertation, titled *Inheriting Persona: Narrating the Conduct of Third World International Lawyers*, narrates the conduct of two generations of Third World international lawyers in their struggles to reimagine, re-found, and alternatively authorize international law, and identifies the defining struggle of the Third World in international law as being over temporal transmissions or inheritance.

A/ Professor Jarrod Hepburn | Melbourne Law School



Jarrod joined Melbourne Law School in June 2015. His research interests lie largely in international economic law and general international law. He has been a visiting researcher at the Max Planck Institute for Comparative and International Private Law in Hamburg, the Europa-Institut at the University of Saarland and the Centre for International Law, National University of Singapore.

Jarrod is admitted to practice law in Australian federal and state jurisdictions, and has experience in the Competition Group of a major Australian commercial law firm. He is also a regular contributor to a specialised news service, *Investment Arbitration Reporter*, providing coverage and analysis of foreign investment disputes.

A/Professor Paula O'Brien | Co-Director of the Health Law and Ethics Network



Paula O'Brien is an Associate Professor, and Director of the Health Law and Ethics Network, the COVID-19 Research Network and the Health and Medical Law Masters at Melbourne Law School. She specialises in public health law in her research and teaching. Paula's work has canvassed the international right to health, accountability in health care for asylum seekers in detention, the phenomenon of privatisation, the global shortage of health workers, and access to health care for migrant workers and their families in Australia. Paula's work is influential in the reform of law and policy, and is widely cited by scholars in cognate disciplines such as public health, medicine, and addiction science. A recent focus of Paula's work has been the control of alcohol to reduce harm, where she has written on many aspects of the regulation of alcohol, its labelling, marketing, pricing, licensing and its trade as a global commodity. Paula's previous experience includes working as a lawyer at Minter Ellison, and as Executive Director of the Public Interest Law Clearing House in Victoria.

Professor Bruce Oswald | Professorial Fellow, Melbourne Law School



Bruce "Ossie" Oswald is a Professorial Fellow at Melbourne Law School. His interests include the areas of international humanitarian law, peace operations, state building, accountability and responsibility, and the application of human rights law to military operations, with a focus on examining the law and practice surrounding the protection of civilians, the taking and handling of detainees during military operations, and militias undertaking law and order functions. Ossie has served in the Australian Regular Army as a legal officer, and continues to serve in that role in the Army Reserves. He has seen operational service in Rwanda, the Former Yugoslavia, East Timor, Iraq and Afghanistan. He has provided legal advice and held staff appointments as a legal officer at tactical, operational and strategic levels. During his service in Australia he provided legal advice to the Deployable Joint Force Headquarters, Headquarters Australian Theatre, Strategic Command and Directorate of Operations and International Law. For his service as the Legal Officer for the Australian Contingent serving in Rwanda, Ossie was awarded the Conspicuous Service Cross (CSC). Ossie was a Jennings Randolph Senior Fellow at the US Institute of Peace in Washington DC. Ossie retired from Melbourne Law School in September 2021.

A/ Professor Lisa Sarmas | Melbourne Law School



Lisa Sarmas is Associate Professor at Melbourne Law School and writes and researches in the area of equality, gender, and narratives, power and legal developments at the intersections of family law and private law.

Dr Jordana Silverstein | Senior Research Fellow, MLS



Dr Jordana Silverstein is a Senior Research Fellow in the Peter McMullin Centre on Statelessness in the Melbourne Law School. She is the author of *Anxious Histories: Narrating the Holocaust in Jewish Communities at the Beginning of the Twenty-First Century* (New York: Berghahn Books, 2015 hardcover, 2017 paperback) and co-editor (with Esther Jilovsky and David Slucki) of *In the Shadows of Memory: The Holocaust and the Third Generation* (London: Vallentine Mitchell, 2016 hardcover, 2020 paperback) and (with Rachel Stevens) *Refugee Journeys: Histories of Resettlement, Representation and Resistance* (Canberra: ANU Press, 2021).

A cultural historian, she researches histories of statelessness, Australian child refugee policies, and Australian Jewish history, focusing on questions of belonging, nationalism, identity, historiography, sexuality and memory.

Jordana has held a Visiting Fellowship (with grant) at the Humanities Research Centre at the ANU (March-May 2019), and was awarded the 2021 Marian Quartly Prize for best article published in *History Australia* in 2020 for her article entitled "Refugee children, boats and drownings: a history of an Australian 'humanitarian' discourse".

Professor Joo-Cheong Tham | Director of the Electoral Regulation Research Network (ERRN)



Joo-Cheong is Director of the Electoral Regulation Research Network. His research spans the fields of labour law and public law with a focus on law and democracy, and the regulation of precarious work. He has published an extensive collection of articles, books, and book chapters. His research has also been published in print and online media, spawning more than 50 opinion pieces across various Australian-based news and media organisations. His research on the regulation

of precarious work is currently focused on the challenges posed by temporary migrant work in Australia, particularly, the precariousness of such work. Joo-Cheong is currently researching labour protection under trade agreements and how the work of Robert Dahl can extend the law of democracy into the economic sphere. Joo-Cheong has held numerous visiting fellowships including a fellowship under the Genest Global Faculty, Osgoode Hall Law School, King's College, University of London; the Rydon Fellowship for Australian Politics and History at the Menzies Centre for Australian Studies, King's College, University of London; and an Australian Bicentennial Fellowship.

A/Professor Amanda Whiting | Associate Director (Malaysia), Asian Law Centre



Amanda Whiting is Associate Director (Malaysia) of the Asian Law Centre at MLS. She has been a member of the Centre since 1999, and she joined the School of Law as a Lecturer in 2004. She has been involved with the Australian Journal of Asian Law since its inaugural issue in 1999 and has been an editor since 2002. Her research is principally in the area of Malaysian legal and political history; human rights institutions and practices in the Asia-Pacific Region; and the intersection of gender, society, religion and the law

(with particular reference to Malaysia). She is the author of scholarly articles, book chapters and media commentary about Malaysian law, society and history, dealing with the history and current struggles of the legal profession; human rights institutions and practices; the uncomfortable fit of women's rights, human rights and development; and the colliding and conflicting understandings of secular and religious law. Between 2009-2012, Amanda was the recipient of an ARC Post-doctoral Fellowship for the project "Lawyers, Civil Society and the State in Post-colonial Malaysia".

GRADUATE RESEARCH STUDENTS

Current Students

Nina Araneta-Alana

International Climate Finance and the Philippine Climate Change Response: A Legal and Critical Analysis of Rules, Institutions and Structures

Supervisors: Margaret Young and Sundhya Pahuja

This project seeks to understand how international climate finance contributes to shaping Philippine responses to climate change. It provides an historical and doctrinal account of the Philippine state response to climate change and of ‘climate finance’ as an emerging international legal regime. The thesis draws attention to the ways in which multilateral development institutions, as actors of the climate finance regime, have been able to generate knowledge, and establish and stabilise particular kinds of norms in contested and plural spaces. The thesis analyses, legally and critically, how the international climate finance regime is translated into the national context of the Philippines. It explores how the operation and translation of international climate finance interact with existing legal and political-economic power structures, many inherited from the Philippine’s colonial past. Multilateral development institutions, as actors of the international climate finance regime, have also become central to the ‘translation’ of climate finance from the international to the local sphere. From a broader perspective, the thesis aims to make a contribution to understandings of the way that international and state institutions interact to shape responses to climate change of nation-states in the Global South.

Sanam Amin

Regulating Torture: The Effect of the UN Convention Against Torture on Global Practices

Supervisors: Sundhya Pahuja and Shaun McVeigh

The UN Convention Against Torture (CAT) is an international legal instrument that articulates an absolute prohibition on torture, as a norm of jus cogens, or a peremptory norm in international law. Three decades since it came into force, it has been ratified by 171 states. Yet, torture remains a global phenomenon. This might seem to be a failure of prohibition or lack of law. There is a more complex possibility: that the CAT has changed rather than eliminated the practice of torture. This thesis examines this

possibility, using archival analysis of the CAT and other legal documents that regulate torture.

Renuka Balasubramaniam

Supplementing Gaps in Social Protections Within the Malaysian Palm Oil Industry: A Role for Business

Supervisors: Amanda Whiting and Jennifer Beard

The Malaysian palm oil industry, despite being a critical driver of the state's economic growth is lightly regulated. Under-regulation contributes to deficient identification and alleviation of the harms caused by the industry. As in other former post-colonial states, the unintended outcome is that the interests of the subaltern or underclass communities as well as of the environment are subordinated to structural biases within dominant institutions. This thesis aims to evaluate the deficiencies of international law and transnational private regulation frameworks presently governing the industry and considers the extent to which domestic regulatory governance is potentially ameliorative.

Alex Dela Cruz

The Imperial Sea: Imaginaries of ocean rule of law and development

Supervisors: Sundhya Pahuja and Margaret Young

This thesis seeks to understand how international law shapes human relations with the sea. It examines an object called the 'maritime', a distinct set of practices, processes, and activities that author, authorise, and actualise lawful relations in and with the sea. The project pays attention to the 'maritime' through a critical redescription of its characteristics, its examples, and in terms of how the practices associated with it have changed over time. Broadly, the thesis advances a contribution that situates the contemporary law of the sea at the meeting point of old (imperial) and new (capitalist) modes of maritime legality.

Bernie Carrick

Migration Status Equality in the Midst of the Border

Supervisors: Jennifer Beard and Beth Gaze

Both discrimination law and immigration law in 'settler states' are concerned with constituting communities through the regulation of relations between individuals and groups. This thesis explores the impact of the immigration jurisdiction on discrimination law in Australia and Canada. Understanding state borders as detached

from territorial boundaries, it focuses how border law attaches to individuals and how this affects the way that discrimination law engages with them.

Johanna Commins

Law's handmaids: text, image, resistance and the rule of law

Supervisors: Peter Rush and Ann Genovese

Starting with Margaret Atwood's novel, this thesis considers the iconography of the handmaid through her various iterations: in the 1985 text and its related art, the Hulu television series begun in 2017, the 2019 Graphic Novel by Renee Nault, and her contemporary status as a protest symbol. As a symbol of idealised and highly regulated femininity, the handmaid invites legal questions about thresholds and access, silence and speaking, affect, irony and ontological excess. This project seeks answers to such questions by drawing on scholarship in law and the humanities, affect theory, and critical, feminist and queer (legal) theories.

André Dao

Human Rights for the Algorithmic Society

Supervisors: Sundhya Pahuja and Hilary Charlesworth

Overwhelmingly, scholars frame the connection between digital technologies like artificial intelligence, machine learning, and the internet and human rights as a question of what is to be done about technology. That is, the dominant frame assumes that the proper starting point of enquiry is to ask how human rights law can better regulate digital technologies. An ancillary frame, largely taken up by human rights practitioners and agencies, is to ask what digital technologies can do for human rights. The starting point here is to ask how digital technologies can help achieve the goals of human rights law. Yet in accepting those frames, both scholars and practitioners make a series of assumptions: about law and technology as distinct objects of inquiry, about the normative desirability of human rights law and the normative neutrality of technology, and about the nature of the global society as the field upon which human rights law and digital technologies are to meet and interact. These assumptions, in turn, tend to obscure and even undermine the shared normative concern motivating scholars and practitioners in this area: to secure a just human future. In contrast to the dominant frames, this project takes as its starting point the question of how we are to understand the relationships between human rights law and digital technologies, specifically, digital data. The thesis will examine this question in the context of the activities of the UN and its corporate partners, with a focus both on how these actors

construct the relationship between digital data and human rights, and on what the relationship looks like when we look beyond that construction to the actual operation of the technologies in question. This approach allows for an examination of what conduct or action the various relationships (both as constructed and as actualised) between digital data and human rights make possible.

Tim Lindgren

Beyond the Universality of International Law: Earth Jurisprudences and Ruptures from the Peripheries

Supervisors: Shaun McVeigh and Sundhya Pahuja

This doctoral project examines the relationship between peoples' tribunals and international law, considering what it means to enact and perform resistance through peoples' tribunals as a legal form. Peoples' tribunals are often imagined as political spaces where an already determined international law is engaged, rather than spaces of law in themselves. This thesis, however, thinks through and with the intuition of peoples' tribunals as spaces of law. Pushing back against the story of the international law of nation-states as the only 'international' and 'law' there is, it attends and takes serious the jurisdictions and institutions that peoples' tribunals bring into being. The analysis centres upon three tribunal moments in the history of tribunals: The Russell Tribunal (1967), the Permanent Peoples' Tribunal (1988-1994) and the International Rights of Nature Tribunal (2015-2019). Drawing on jurisdictional thinking, histories of international law and development, and postcolonial and decolonial theories, it examines peoples' tribunals as scenes of rivalry internationals and laws in themselves. It attends the form that these tribunals take and the forms of law that are spoken in these tribunals. Thinking about what resistance through tribunals does to international law and what forms of resistance are possible through tribunals, it imagines peoples' tribunals as sites of struggle over what 'lawful' worlds we may inhabit.

Odette Mazel

Can the master's tools dismantle the master's house? Queer perspectives on law, difference, and radicalism after marriage equality in Australia

Supervisors: Ann Genovese and Beth Gaze

Whilst the legalisation of same-sex marriage has been widely celebrated in Australia, it has also brought to the surface tensions for some LGBTIQ+ activists and queer theorists who see this legal achievement as a form of assimilation to a heteronormative

ideal, rather than an expression of the right to be different. Taking a queer theoretical approach, and drawing on feminist and critical race scholarship, this project investigates the tensions involved in navigating the impulse toward equal rights and advocating social change, whilst keeping true to a more radical queer imaginary. Can the legal and marital institutions, deeply set with white, patriarchal privilege and homophobic histories provide us the tools with which to carve our future? Through an empirical examination that engages members of the LGBTIQ+ community, an exploration is conducted as to how, why and when LGBTIQ+ people have worked with or without the law to bring about change, if and how the legal system has responded, and what the impacts or the implications of these approaches are. How do we navigate the entanglements of pragmatic practices and emancipatory ideals, and what does this tell us about the current relationship between law, praxis and the lived experience of LGBTIQ+ people in Australia at this point in time?

Juliette McIntyre

Procedures of the International Court: Theory, Function and Practice

Supervisors: Hilary Charlesworth and Margaret Young

This thesis asks the question “what do theories of adjudication and civil procedure tell us about how the Court should manage its procedures?” It will consider the extent to which underlying rationales regarding the role of pleading, access to justice, efficiency, and case management which inform civil procedure reform in domestic courts may be applicable to the International Court.

Caitlin Murphy

International Law and the Energy Transition Through the Lithium Supply Chain

Supervisors: Sundhya Pahuja and Shaun McVeigh

Green energy commodities such as lithium are widely embraced as promising a way to leave the fossil fuel economy behind. But despite, or perhaps because of this promise, the underside of such commodities is only beginning to be examined. This thesis inquires into the circumstances of lithium’s extraction and movement from within the earth to an energy storage facility. The project is guided by an intuition that international law may be central to understanding the possible trajectories of the energy transition away from fossil fuels. Specifically, this thesis investigates the legal forms that carry the promise of lithium – and those that are carried by its extraction and use.

Claerwen O'Hara

Queering Consensus in International Law

Supervisors: Hilary Charlesworth and Sundhya Pahuja

Claerwen's doctoral project examines how the concept of 'consensus' operates in international human rights law—in areas such as consensus decision-making in international human rights organisations, the use of 'European consensus' by the European Court of Human Rights as an interpretive method, and customary international law. Using the case study of sexuality and gender, it explores the ways in which legal approaches based on the concept of 'consensus' can reinforce power relations, marginalise particular groups and experiences, and stifle dissent.

Laura Petersen

Forms of restitution after the Holocaust: encounters between art and law

Supervisors: Peter Rush and Shaun McVeigh

This thesis is in the area of legal aesthetics and set in Germany after the Holocaust. Laura reads examples from legal and literary writing, and public and visual art as objects which can help us understand the dynamics of attempting *Wiedergutmachung* / 'restitution' in Germany. Laura looks at the way writers and artists take on responsibilities regarding the aftermath of the Holocaust, articulating the modes of practice and reception undertaken by the texts. This thesis argues that the sites of taking responsibility and undertaking attempts at restitution after the Holocaust are fragmented, tentative and unresolved, crossing disciplinary, generational and territorial borders.

Danish Sheikh

Reparative Jurisprudence

Supervisors: Peter Rush and Shaun McVeigh

How might dissent be conducted in a manner that is reparative? This thesis asks this question in the context of dissenting practices that emerge in relation to the colonial anti-sodomy law in India. Danish identifies moments of dissent across different spaces: in the theatre, in academic writing, in activist engagement, and in the space of legal pedagogy. The acts of dissent that are looked at occupy a prefigurative mode, performing the change they intend to seek. Drawing upon theatre and performance studies, Danish tracks the reparative as it moves across different dissenting spaces; at

times generating hope and evoking the utopian, at others providing a space for mourning and remembrance.

Rashmi Venkatesan

Law, Development and the Making of Post-colonial India: A Study of the Industries (Development and Regulation) Act 1951

Supervisors: Sundhya Pahuja and Jenny Beard

This thesis analyses the Industries (Development and Regulation) Act 1951 to explore the ideas of 'industrialisation' and 'development' that led to its enactment and understand how the Act shaped political, economic and legal relations in post-colonial India. It argues that it is through and in relation to 'development' that 'the state', 'the economy' and 'the nation' came to be imagined and constructed. Through an analysis of the Act, which was enacted in pursuit of 'development', the thesis makes visible the legal technologies at play in 'fixing' the meaning of 'development' and in constituting 'the state', 'the economy' and 'the nation'.

Valeria Vazquez Guevara

The Legal Forms and Force of Truth Commissions

Supervisors: Sundhya Pahuja and Shaun McVeigh

The thesis aims to understand the relationship between truth commissions and law, and how this relationship informs the problem of 'living together with law after violent conflict'. Truth commissions are generally understood as 'non-judicial' or 'quasi-legal' devices. Against this, the thesis follows the intuition that truth commissions have a distinct legal form, which shapes what 'living together' might entail. The analysis focuses on four truth commissions: Uganda (1974), Argentina (1983), Chile (1990), and El Salvador (1992). To do this, this thesis draws on jurisprudence related to historical, prudential and aesthetic consideration of form. Paying close attention to these truth commissions, the thesis contributes a new way of understanding the form and practices of truth commissions as both legal and lawful, and their relationship to shaping how societies live together after violent conflict.

Ella Vines

At the coalface: Legal Constraints on Coal Mining after the Paris Agreement

Supervisors: Margaret Young and Jacqueline Peel

This thesis examines the influence of the Paris Agreement on the regulation of coal consumption and extraction in Australia. While the Paris Agreement does not expressly regulate this activity, despite its contribution to anthropogenic climate change, the parties commit to ongoing implementation of measures to meet temperature targets. The thesis finds that laws from a variety of specialised legal spheres including human rights and business law create legal pathways for the regulation of GHGs from coal. Drawing on domestic litigation in Australia, the thesis points to the guiding role of the Paris Agreement in the interrelationships between the analysed laws.

Completed Students

Jennifer Anderson

The Children's Court: Implications of a New Jurisdiction

Supervisors: Ann Genovese and Julie Evans

This thesis examines the establishment of the Children's Court of Victoria (1906) in the context of a perceived 'youth crisis' in early twentieth-century Melbourne. It focuses on the limits of law in responding to structural disadvantage and highlights how law can serve as a distraction, rather than a solution, to longstanding social problems.

Tom Andrews

A Jurisprudence of Procedure

Supervisors: Peter Rush and Shaun McVeigh

This thesis develops a legal theory of criminal procedure as an example of the becoming of law and the law of its becomings. Tom's work offers a critical account of contemporary transformations in criminal law. This thesis is concerned with how criminal law is authored, authorised and comes to express modes of authority as it is attached to world and event. If jurisprudence is traditionally concerned with the static categories of law – texts, concepts, definitions – then this thesis engages a tradition of dynamism and movement in order to reorient questions of technology, mediation and image to account for criminal procedure within the ambient social, political and economic situation broadly called neoliberalism.

Sadaf Aziz

The State of Knowledge and Knowledges of the State in Pakistan

Supervisors: Sundhya Pahuja and Shaun McVeigh

This thesis is a broad ranging study of the conditions and discourses that organized the offices of the state, offices inherited and or formally authorized by an outgoing colonial power, has mostly been absent across studies that have found a great deal of other matter to investigate in reference to the Pakistani state and nation. In fact, as attention is often directed at a state that operates above and below as well as through the law in a manner that elides the imposition of limits on its powers, this lacunae is significant. Understanding the quality of interaction between branches of government or between the state and its citizenry requires a slowing down of analysis to take account of these

founding conditions; specifically, that representative government was chimerical at best and administrative office holders and members of the high executive acted with considerable latitude in a context of crisis and against ever present fears of national disintegration. In this thesis I argue from the premise that the actualization of governmental order simultaneous to the formal announcement of founding is a central aspect of post-colonial state formation.

Debolina Dutta

A Conduct of Conversations: Sex Worker Activists, Legal Academics and Indian Feminist Jurisprudence

Supervisors: Shaun McVeigh and Ann Genovese

This thesis argues that diverse experiences of mutual law–life relations, at varied locations, contribute to the productions of a field of feminist jurisprudence in contemporary post-colonial India. The thesis grounds its argument by conducting conversations with two sets of interlocutors—legal academics Upendra Baxi and Ratna Kapur; and sex worker activist groups Durbar Mahila Samanwaya Committee (DMSC) and Veshya Anyay Mukti Parishad (VAMP). It reads a select set of texts authored by the sex workers’ collectives and the legal academics and, to engage with these materials, it develops a localised practise of *adda*—an activity of reciprocal conversations—as a scholarly methodology. *Adda* refers to the everyday action or activity of engaging in reciprocal conversations (as verb), and to a meeting place (as noun). The thesis adapts and shapes the practice of *adda* as a living act and activity of reading and interpreting texts in reciprocal conversations with the authors, for the specific purpose of situating and relating their experiences of life and law. The focus of this thesis lies in illuminating how a field of Indian feminist jurisprudence is experienced and produced as a body of knowledge, through reciprocal relations. In this regard, both the argument and the method of the thesis are of value. The demonstration of the argument helps to know about the conscious experiences of mutual law–life relations, which, although significant for understanding how law is lived in post-colonial India, have remained undocumented in scholarly projects of Indian feminist jurisprudence. *Adda* as a method works against a structural disparity that exists in the field of intellectual labour in India with respect to who can be counted as knowledgeable or experienced in law, and by speaking from where. *Adda* works to render the practice of research as a creative and an imaginative exercise of conducting conversations in a manner that enables reciprocal ties with, and amongst, the interlocutors in the thesis, who are

disparately located both socially and in terms of the field of legal knowledge production per se.

Christopher Gevers

African states' engagement with international law: a theoretical exposition

Supervisors: Anne Orford and Gerry Simpson (LSE)

This thesis is an intellectual history of Pan-Africanism and international law, from 1900 to 1963. It tells the story of the Pan-Africanist who sought to radically re-imagine the international order through their political writings, fiction and public activism. Through these alternative internationalisms, these intellectuals contested the orthodox accounts of the international legal order by: (i) conceptualizing Global White Supremacy as a constitutive feature thereof, (ii) deconstructing its Eurocentric historiography, and (iii) unsettling and re-orienting its 'imaginative geography'.

Ingrid Landau

From Rights to Risks: Transnational Labour Regulation and the Emerging Business of Human Rights due Diligence

Supervisors: John Howe and John Tobin

Human rights due diligence is emerging as a new global orthodoxy for responsible corporate behaviour. This includes in the area of workers' human rights, with the concept now found in numerous transnational and national regulatory instruments that deal in whole or in part with labour issues, as well as in the discourse and practices of business, non-governmental organisations and the international trade union movement. This project examines the implications of this development for the protection and promotion of labour rights in a global economy. It considers the strengths and weaknesses of human rights due diligence as a tool of transnational labour regulation, and explores how the meaning of human rights due diligence, understood as an emerging transnational norm, is being contested and by whom. It also considers how regulatory frameworks can maximise the potential of the concept as a tool of transnational labour regulation. In exploring these issues, the project draws on a diverse body of scholarly literature, as well as on extensive analysis of documents and qualitative interviews with actors in Australia, North America and Western Europe.

Andrea Leiter

Making the World Safe for Investment: The Protection of Foreign Property 1922-1959

Supervisors: Sundhya Pahuja, Hilary Charlesworth and Ursula Kriebaum (Vienna)

This thesis studies the creation of the field of international investment law from 1922 to 1959. It investigates how the building blocks for an international legal regime for the protection of foreign private property came into being, understanding investment law as a practice, a way of doing things and attaching meaning to them, rather than as a conceptual framework. This approach leads to a shift in focus on two levels. First, the thesis studies the period before the contemporary instruments governing the field, bilateral investment treaties and the ICSID Convention, came into being. Second, the shift leads to a focus on the formation of rules, rather than their application. Sharpening the focus on what the thesis argue are the events, which background what is traditionally taken to be the origin of the field, the thesis identifies the way particular preferences were stabilised into apparent necessities through the development of novel legal doctrine.

Marnie Lloyd

Persisting Tensions: The Framing of International Legal Debates on Foreign Fighting

Supervisors: Anne Orford and Martti Koskenniemi (NYU)

The issue of foreign fighting is approached today within a predominant framing of counterterrorism and security. Yet, international legal debate over the twentieth century to today demonstrates a grappling with richer debates and histories surrounding private individuals participating in “other people’s wars”. By carefully considering the alternative framings and international legal responses surrounding a broader range of foreign fighting, this thesis reveals the powers and limits of the present counterterrorism framing of foreign fighter issues. Not only has a counterterrorism approach proven problematic in its operation, but the continued participation in warfare of foreign fighters of different categories and persuasions means that a framing focusing solely on counterterrorism risks over-extension or reaches limits in terms of providing satisfactory responses to broader questions surrounding foreign fighting. This thesis argues that those working with international law are not limited to a counterterrorism framing of foreign fighting; that there is a richer repertoire of possible argument available within international law than may at first be appreciated.

Sebastián Machado

Hermeneutics of Humanitarianism: Interpretation, Tradition, and Existentialism in War

Supervisors: Anne Orford and Hilary Charlesworth

International law is a language-game which comes into existence when it becomes part of the tools that international lawyers use to make better sense of the world; a discourse which is situational, a discipline that exists only because of its readiness-at-hand to international lawyers. At the same time, international lawyers talk about their profession through the existence of past actions which they deem significant of their interpretation as law-creating facts, particularly through the creation of custom. This thesis looks at how these facts are and may be interpreted by international lawyers to create opportunities for their discourses.

Ana Maria Palacio Valencia

The Pacific Alliance: Assessing the Institutional Framework and Designing Reforms

for Long-Term Consolidation

Supervisors: Andrew Mitchell and Tania Voon

Ana María's doctoral thesis focuses on the Pacific Alliance (PA), a regional integration mechanism comprising Chile, Colombia, Mexico and Peru. The thesis examines the institutional framework, ideological underpinnings and the institutional practices developing within the PA to assess the current model of governance and its suitability in supporting the aim for deeper integration. The thesis identifies shortfalls and provides insights on possible adjustments to the PA framework and foresees potential constraints for these changes to take place.

Alice Palmer

Aesthetics of Image in International Environmental Law

Supervisors: Lee Godden and Shaun McVeigh

Environmental treaties often require judgements of aesthetic value yet how these judgements are made is not well understood. This thesis argues that images, particularly photographic images, are central to such judgements but that neither current practice nor scholarship properly account for the significance of images to decisions made under international law. Drawing on debates about aesthetic conceptions of the environment in the visual arts, and in the philosophy of environmental aesthetics, this thesis develops a critical understanding of image and aesthetic value in international law. My aim is to produce a jurisprudence of aesthetics

adequate to the task of making image and aesthetic value meaningful in international environmental law.

William Phillips

The Structure of Human Rights: A Philosophical Investigation

Supervisors: Hilary Charlesworth and Dale Smith

Human rights are frequently invoked to describe the types of wrongs that we find most objectionable. But do human rights do any more than this? Are they any more than rhetorical flourishes? In the face of the slaughter of civilians in Syria, the torture of suspected terrorists after 9/11, and other daily breaches of human rights, many theorists wonder whether human rights really exist at all. This thesis examines existing philosophical accounts of human rights and asks whether they can adequately defend a conception of human rights as rights properly so called. It looks at the existence conditions for human rights.

Robi Rado

Trading in People and Trading in Services: The Political Economy of Indians' International Labour Mobility, the Development Project and International Law

Supervisors: Sundhya Pahuja and Jurgen Kurtz (EUI)

International law increasingly governs whether, and the manner in which, people may move to other countries to work. This regulation is often justified on the basis of claims about the link between migration and the development project. Using a case study concerning workers from India, Rabi's thesis will seek to develop a better understanding of the legal regimes governing international labour mobility, and of the relationship between those regimes and the development project. The thesis aims to elaborate the political economy of those regimes, and to unpack the assumptions underpinning, and interests driving, the expansion of international law and governance in this area.

Sebastián Rioseco

The expansion of Conferences of the Parties beyond international environmental law: a critical assessment of their law-making activities

Supervisors: Margaret Young and Hilary Charlesworth

The activities of the treaty body usually known as Conferences of the Parties (COPs) have pushed the boundaries of international law-making. However, academics have approached the topic almost exclusively from an international environmental law

perspective. The examples used and the conclusions drawn are based on the outcomes of COPs established by Multilateral Environmental Agreements. Building on this literature, this thesis will explore the expansion of COPs into other areas of international law, such as health, cultural heritage, and human rights. This thesis aims to further our general understanding of modern international law-making by assessing and bringing into the discussion the law-making activities of COPs in those other areas of international law.

Anna Saunders

Constitutionalism as Postwar International Law (MPhil)

Supervisors: Anne Orford and Hilary Charlesworth

This thesis inquires into the significance of the histories of constitution-making in Germany and Japan for international practices of constitution-making after conflict, and for the discipline of international law. It argues that, in offering constitutionalism as a solution to the problems of civil war and conflict in the decolonised world, contemporary scholarship on international law and constitution-making draws on a tradition that was developed during the post-World War II era in relation to the occupations of Germany and Japan. That tradition represents a rejection of material accounts of the causes of war and imperial aggression, and more radical visions of economic redistribution and political self-determination. In invoking these histories, international legal scholars reproduce an understanding of constitutional forms as an object of legal analysis and of technical reproduction, distinct from broader economic and political choices about the government of a society and about the international legal order in which that society exists. By exploring this tradition, this thesis seeks to denaturalise internationally-directed constitutional transformation, paired with economic liberalisation, as a technique for managing the postwar state.

Kay Wilson

Mental Health Law: Abolish or Reform?

Supervisors: Bernadette McSherry and Dianne Otto

As mental health law involves state-sanctioned coercion, and mental health care has a history of neglect and abuse, it has always been controversial. But, it is only since the entry into force of the Convention on the Rights of Persons with Disabilities (CRPD) in 2008 that the call for the abolition of mental health law, particularly involuntary detention in hospital and psychiatric treatment, has started to gain real momentum. Since then certain scholars, international human rights bodies and disability and

human rights advocates (whom I call abolitionists) have been increasingly critical of mental health law on the grounds that it is discriminatory and an unjustified deprivation of liberty and bodily integrity. Instead, abolitionists argue that persons with mental impairment should be offered support to make their own decisions and where that is not possible, after substantial efforts have been made, decisions should be made by a supporter or facilitator based on the best interpretation of the persons will and preferences, rather than in a person's objective medical best interests. However, the text of the CRPD does not explicitly ban mental health law or substitute decision-making because States Parties would not agree to this during the CRPD negotiations, and many States Parties, such as Australia and Canada have given interpretive declarations to that effect. Abolitionists nonetheless insist that the CRPD ought to be interpreted in a way that requires the abolition of mental health law and continue to criticise States Parties for retaining mental health law, even though many States Parties have reviewed and reformed, or are in the process of reviewing or reforming their mental health law.

EVENTS AND ENGAGEMENT

Public Lectures

**Monday 17 February 2020:
Propaganda Art in the 21st
Century**

Jonas Staal (Visual Artist)

Terms such as “fake news” and “alternative facts” have become common vocabulary in the so-called post-truth era. But there is a sense in which these are just contemporary iterations of a familiar phenomenon: *propaganda*. Propaganda is not merely concerned with sending messages – its aim is to construct reality as such.



In this introduction to his book *Propaganda Art in the 21st Century* (MIT Press: 2019), artist Jonas Staal elaborated on what he describes as today’s arena of the propaganda (art) struggle, including questions such as: how is propaganda employed today in alt-right regimes, the ongoing War on Terror and corporate climate crimes? How do art and culture visualise and stage new realities in the making? And what alternative practices of emancipatory propaganda emerge from popular mass movements and stateless insurgencies?

This event was supported by Melbourne Law School, Curatorial Practice at Monash University and Liquid Architecture. Jonas Staal’s visit to Australia was also supported by University of New South Wales – Art and Design.

Research Seminars

Monday 24 February 2020: Insecurity and the Invisible: The Challenge of Spiritual (In)Security

Jonathan Fisher (University of Birmingham)

Drawing on fieldwork undertaken in northwestern Uganda, Fisher's talk introduced his study that reflects critically on the provenance and implications of this central oversight and argues for an expanded scholarly and practitioner understanding of what "counts" as (in)security – one which better captures how the phenomenon is experienced. In doing so, the presentation emphasized the global character of spiritual (in)security and the challenges such an understanding of (in)security poses to longstanding scholarly and practitioner associations of (in)security with state authority.



Thursday 28 May 2020: Framing COVID-19: International Law and Technology

Dr Gabrielle Simm (UTS)

Dr Gabrielle Simm presented a work-in-progress paper which aimed to assess the implications for international law of the turn to technology in the context of public health crises. This paper situated the global COVID-19 pandemic in the context of two potentially competing frames: international law and technology. The World Trade Organization (WHO) is the specialised agency with responsibility for global health and is seen in public debate as personifying the international law in this crisis. Simm's presentation highlighted how in public debate international law is perceived as largely irrelevant to maintaining global health security in relation to

COVID-19, with the lead UN agency seen as dispensable by powerful states. By contrast, technology implicitly figures as a more effective regulatory alternative to international law in public debate over COVID-19. Different aspects of digital technologies are presented as providing the tools to minimise the spread of disease and enable treatment of patients. This presentation assessed the implications for international law of the turn to technology in the context of a public health crisis.

Tuesday 25 May 2021: Work in Progress Seminar: The Brereton Report and its conception of the Laws of War

Dr Michelle Lesh, Visiting Fellow

Dr Michelle Lesh, Visiting Fellow, presented on 'The Brereton Report and its Conception of the Laws of War' with Professor Hilary Charlesworth as respondent. The release of the Brereton Report into alleged war crimes by Special Forces in Afghanistan was largely been lauded in Australia for its rigour and genuine willingness to ensure accountability. At the same time, it received a defensive backlash from some quarters who believe that all veterans are being dishonoured for their brave service by the extreme behaviour 'of a few bad apples'. Missing from these reactions was an analysis of whether the Brereton Report actually constitutes a serious attempt to discover, investigate and enable the prosecution of crimes alleged to have been committed by members of the ADF. Did the Brereton Report, and the response to it by our military and political leaders, give Australians serious reason to believe that in the future the ADF will fight in accordance with the laws of war, or even take the need for the laws of war seriously? Lesh's presentation examined a number of examples that in different ways demonstrated the failure of the Brereton Report to understand fully, and to be seriously committed to, the moral basis of IHL and therefore our moral need of the laws of war. These included the significance of the 'warrior culture' uncovered by the Report; its perception of the role of legal officers; and its discussion of the moral responsibility of commanders.

Seminar Series

Unpacking Traditional Justice: International Law, Memory and Power

Convenors: Eliana Cusato and Valeria Vázquez Guevara

This series brought together scholars from around the world to employ interdisciplinary and critical approaches to the study of transitional justice and international law, broadly understood. The relationship between international law and societies 'in transition' has been subject to increased scholarly interest over the past years. By exploring how international law, memory, and power interact in current responses to the violence of the 'past', the Series intends to push the conversation forward, as well as build new research networks and opportunities for collaboration.



This event was a collaboration between the Institute for International Law and the Humanities and the Amsterdam Center for International Law.

Seminar 1. Truth: facts and post-conflict state-building

Wednesday, 24 March 2021, 9-10am CET (Amsterdam) / 7-8pm AEDT (Melbourne)

Introduction to Series, with opening by Professor Sundhya Pahuja (IILAH Director, MLS)

Speakers: Dr Eliana Cusato (ACIL/UvA) and Valeria Vázquez Guevara (IILAH/MLS)

Seminar 2. Community: culture, identities, and memories

Wednesday, 21 April 2021, 9am-10am CEST (Amsterdam) / 5pm-6pm AEST (Melbourne)

Speakers: Professor Lucas Lixinski (UNSW) and Dr Maria Elander (LaTrobe)



Seminar 3. Justice: the political economy of international (criminal) law

Wednesday, 26 May 2021, 11am-12pm CEST (Amsterdam) / 7pm-8pm AEST (Melbourne)

Speakers: Associate Professor Christine Schwöbel-Patel (Warwick) and Dr Hannah Franzki (Bremen)



Seminar 4. Dealing with...the past? Reconciliation, reparations, and beyond

Wednesday, 16 June 2021, 11am-12pm CEST (Amsterdam) / 7pm-8pm AEST (Melbourne)

Speakers: Associate Professor Oishik Sircar (Jindal), Associate Professor Sara Kendall (Kent) and Christopher Gevers (University of KwaZulu-Natal).



Skills Circles

Tuesday 7 April 2020: IILAH Skills Circle

In this 'skills circle' we shared suggestions and strategies for continuing to conduct our research not only remotely, but in difficult times. All were welcome, no matter how senior or junior. The purpose of a skills circle is not that one person will provide a lecture or guide, but that we all have a conversation about our experience and strategies. The model is the knitting circle, where knitters of different skill levels come together and sit in a room and knit, speaking about the elements of the craft whilst they do it.



Tuesday 28 April 2020: IILAH Skills Circle Refereeing Journal Articles

In this session, we discussed strategies for refereeing journal articles with generosity and integrity, and also how to respond to referees reports when we get them.

Tuesday 19 May 2020: IILAH Skills Circle - Referee's Reports

We continued the discussion on refereeing journal articles, and introduced the topic of how to respond to referees' reports.

Tuesday 14 July 2020: IILAH Skills Circle: Writing Book Reviews

Dr Julia Dehm spoke with IILAH and UNSW students + scholars.

Tuesday 4 August 2020: IILAH/CN Skills Circle Writing Book Proposals, Part I

Dr Ben Golder (UNSW Law School) and Professor Sundhya Pahuja (Melbourne Law School) joined Michelle Lipinski (Senior Editor, University of California Press) to discuss the ins and outs of writing a book proposal, particularly based on a successful PhD thesis.

Tuesday 18 August 2020: IILAH/CN Skills Circle Writing Book Proposals, Part II

Tom Randall (Commissioning Editor, Cambridge University Press) delivered a short presentation followed by comments and Q + A.

Tuesday 25 August 2020: IILAH/RegNet PhD Home Companion

Hosted by Professor Hilary Charlesworth, the topic for this session was 'The Long Haul of a PhD'. Speakers included Dr Kathleen Birrell (MLS) and Dr Amanda Alexander (ACU).

Tuesday 6 October 2020: IILAH/CN Skills Circle Academic Blogging

Illan Wall (University of Warwick) delivered a short presentation on 'academic blogging'.

Tuesday 6 October 2020: IILAH/CN Skills Circle Academic Podcasting

Stewart Motha (Birbeck, University of London) delivered a short presentation on 'academic podcasting'.

Tuesday 3 November 2020: IILAH/CN Skills Circle where do we get our ideas?

Christine Parker (MLS) and Amy Cohen (UNSW) discussed the techniques they use to generate new research ideas. Convened by Ben Golder (UNSW).

Tuesday 27 April 2021: IILAH/Critique Network Skills Circle

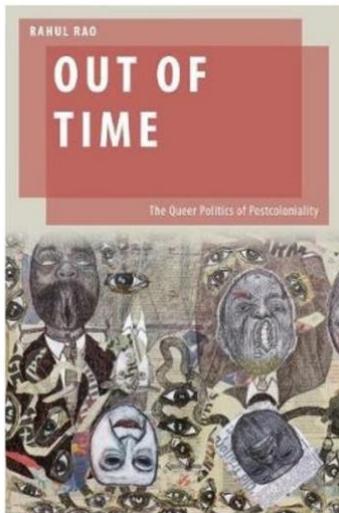
A conversation led by Ben Golder and Sundhya Pahuja, featuring special guest Professor Fleur Johns, on the art and importance of writing book reviews.

Tuesday 17 August 2021: Festival Skills Circle

Special guests Dr Debolina Dutta and Dr Amanda Gilbertson discussed fieldwork. Dr Ben Golder and the UNSW Critique Network jointly convened this Skills Circle.

Book Launches

10 December 2020: Out of Time: The Queer Politics of Postcoloniality Rahul Rao (SOAS), Dr. Ntina Tzouvala (ANU) and Danish Sheikh (MLS)



Rahul Rao, '*Out of Time: The Queer Politics of Postcoloniality*', (OUP, 2020).

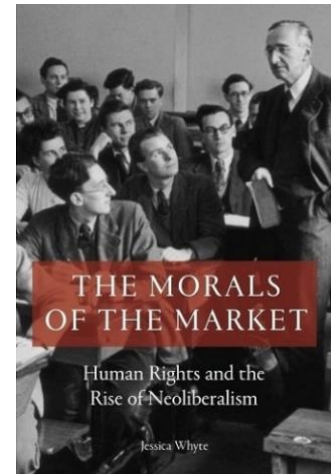
In conversation with Dr. Rahul Rao, the author of *Out of Time: The Queer Politics of Postcoloniality*. The discussion was chaired by Professor Sundhya Pahuja (MLS).

In this book, Rao explores the encounters and entanglements across geopolitical divides that produce and contest contemporary queerphobias. Intervening in a queer theoretical literature on temporality, the book argues that time and space matter differently in the queer politics of postcolonial countries. By employing an intersectional analysis and drawing on a range of sources, Rao offers an original interpretation of why queerness mutates to become a metonym for categories such as nationality, religiosity, race, class, and caste.

Tuesday 12 May 2020: The Morals of the Market: Human Rights and the Rise of Neoliberalism

Jessica Whyte (UNSW)

In this important book, Whyte explores why the neoliberal age has also been the age of human rights. Drawing on detailed archival research, she explores the place of human rights in an attempts to develop a moral framework for a market society. The book helps us to understand why coming to terms with these origins is so crucial. As we emerge from the COVID-19 crisis, now more than ever, we need to be think carefully about the languages and justifications which sustain inequality, and what we can do to challenge them. Sundhya Pahuja, Claerwen O'Hara and Valeria Vazquez Guevara joined Jess Whyte in conversation.



Jessica Whyte, *The Morals of the Market: Human Rights and the Rise of Neoliberalism*, (Verso Books, 2019).

Tuesday 1 June 2021: Legal Capacity and Gender: Realising the Human Right to Legal Personhood and Agency of Women, Disabled Women, and Gender Minorities

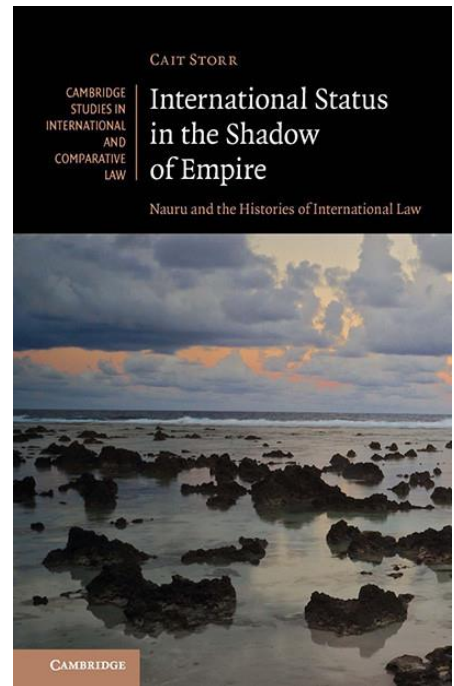
A/Prof Anna Arstein-Kerslake (MLS)

This book explores the role of gender in the recognition of an individual's legal capacity. It discusses the meaning of the right to legal capacity and its two core elements – legal personhood and legal agency. It then analyses historical and modern denials of personhood and agency experienced by women, disabled women, and gender minorities – for example, prohibitions from voting, limitations on contracting, loss of personhood upon marriage, and gender binary requirements leading to an inability to exercise legal capacity, among others. Using critical feminist, disability, and queer theory, this book also offers insights into the construction of legal personhood and its role as a predictor of power and privilege. The book was introduced by Professor Hilary Charlesworth (IILAH).

Friday 12 November 2021: International Status in the Shadow of Empire

Dr. Cait Storr (MLS)

Sundhya Pahuja and Shaun McVeigh were in conversation with Cait Storr to launch her book titled 'International Status in the Shadow of Empire: Nauru and the Histories of International Law'. Storr's book offers a new account of Nauru's imperial history and examines its significance to the histories of international law. Drawing on theories of jurisdiction and bureaucracy, it reconstructs four shifts in Nauru's status – from German protectorate, to League of Nations C Mandate, to UN Trust Territory, to sovereign state – as a means of redescribing the transition from the nineteenth century imperial order to the twentieth century state system. The book argues that as international status shifts, imperial form accretes: as Nauru's status shifted, what occurred at the local level was a gradual process of bureaucratisation. Two conclusions emerge from this argument. The first is that imperial administration in Nauru produced the Republic's post-independence 'failures'. The second is that international recognition of sovereign status is best understood as marking a beginning, not an end, of the process of decolonisation.



Cait Storr, *International Status in the Shadow of Empire: Nauru and the Histories of International Law*, (CUP, 2020).

Festival of Conversations, Performances and Ideas

2020 marked the 15th anniversary of the Institute for International Law and the Humanities (IILAH) at the Melbourne Law School. A Festival of Conversations was launched to mark the occasion.

Tuesday 3 August 2021: Romancing the Tomes with Margaret Thornton

Convened by Johanna Commins and Ann Genovese (MLS)



Professor Margaret Thornton

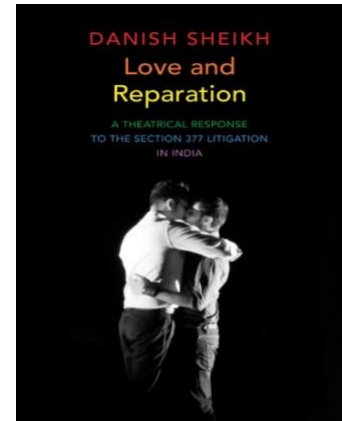
A conversation with Professor Margaret Thornton reflecting on the 2000 conference, *Romancing the Tomes*, which brought together feminist scholars working across law and the humanities under the auspices of the ANU Humanities Research Centre to address the fictions of law, the legal academy and judges through the lens of popular culture.

Thursday 12 August 2021: Love and Reparation: Book Launch with a Performed Reading

Danish Sheikh

A performed reading and conversation by Danish Sheikh around Love and Reparation, a theatrical response to the decades-long litigation battle to decriminalize queer intimacy in India.

Love and Reparation is a theatrical response to a decades-long litigation battle in India that ultimately resulted in the decriminalisation of homosexuality in 2018.



Danish Sheikh, *Love and Reparation: A Theatrical Response to the Section 377 Litigation in India*, (Seagull Books, 2021).

Tuesday 17 August 2021: Festival Skills Circle

Dr Debolina Dutta (MLS), Dr Amanda Gilbertson (MLS), Dr Ben Golder (UNSW)

This event discussed fieldwork with special guests, Dr Debolina Dutta and Dr Amanda Gilbertson. This session was jointly convened with Dr Ben Golder and the UNSW Critique Network.

19 August 2021: Visual Global Politics: A Conversation with Roland Bleiker

Professor Hilary Charlesworth was in conversation with Professor Roland Bleiker discussing the role of images and emotions in global politics, and on questions of the politics and ethics of visualizing humanitarian crises in particular, the subject of Professor Bleiker's new collaborative project.

Tuesday 24 August 2021: Critique in the Tropics: The Crisis of Indian Legal Education and Scholarship

Convened by Adil Hasan Khan

This panel featured contributions from academics trained in the law in India, and currently teaching at Indian universities, who reflected on the inheritances, futures and failures of a critical legal project for Indian legal education and scholarship. The panel comprised:



Dr. Anuj Bhuwania, Jindal Global Law School

Dr. Oishik Sircar, Jindal Global Law School

Dr. Debolina Dutta, Jindal Global Law School

Professor Rukmini Sen, Dr B. R. Ambedkar University Delhi

Tuesday 31 August 2021: International Law and the Politics of Computation

James Parker, Jake Goldenfein, Fleur Johns, Andrea Leiter and Andre Dao were in conversation on the questions of international law and technopolitics in the humanities.

Thursday 2 September 2021: 'Cine-legality' with Gerry Simpson

Dr Gabrielle Simm was joined in conversation with Professor Gerry Simpson on international law and film scholarship. We will discuss Gerry's concluding chapter *Cine-Legality: International Law at the Movies* from 'Cinematic Perspectives on International Law', and the role of the London Review of International Law (of which Gerry is an editor) in publishing most of the recent English language scholarship in this field.

Tuesday 7 September 2021: Sovereignty in the Anthropocene with Daniel Matthews

Dr Kathleen Birrell and Tim Lindgren were joined in conversation with Dr Daniel Matthews (University of Warwick) to discuss his new book *Earthbound: The Aesthetics of Sovereignty*. The conversation traversed the aesthetic force of sovereignty as a framing device of modern legal and political forms and the possibility of an alternative political aesthetics for the Anthropocene.

Tuesday 14 September 2021: Shaun McVeigh in conversation with Raimond Gaita: International Law and Ethical Tragedy

McVeigh and Gaita discussed the relations between morality, law and politics. Gaita has argued (in, amongst other places, his contributions to *Who's Afraid of International Law*, which he edited with Gerry Simpson) that morality law and politics are distinctive forms of the ethical and that, as seen from a particular ethical perspective in the Western tradition, each is sui generis. He does not equate the ethical with morality. He believes that law and politics are answerable to morality, but not reducible to it in their ethical dimensions. To see morality, law and politics as different forms of the ethical, he has argued, enables one to see why the different conceptions of responsibility distinctive to each sometimes bring (especially parts of international) law and politics into irreconcilable conflict with morality and politics sometimes with law.

Tuesday 5 October 2021: Three Little Words: Art and Law

With Alice Palmer, Ruth Buchanan, Sara Ramshaw and Sean Mulcahy

These panelists engaged in a live online conversation about art-based methods in legal scholarship, teaching and practice, inviting the audience to participate in an interactive discussion about 'art', 'law' and the 'and' between.



Thursday 7 October 2021: The Past Present, and Future of International Law and the Humanities

Professor Hilary Charlesworth was joined in conversation with Professor Anne Orford to discuss the founding of IILAH in 2005 and the shifting relations between international law and the humanities.

Tuesday 12 October 2021: Violent Modernities: Cultural Lives of Law in the New India (OUP 2021)

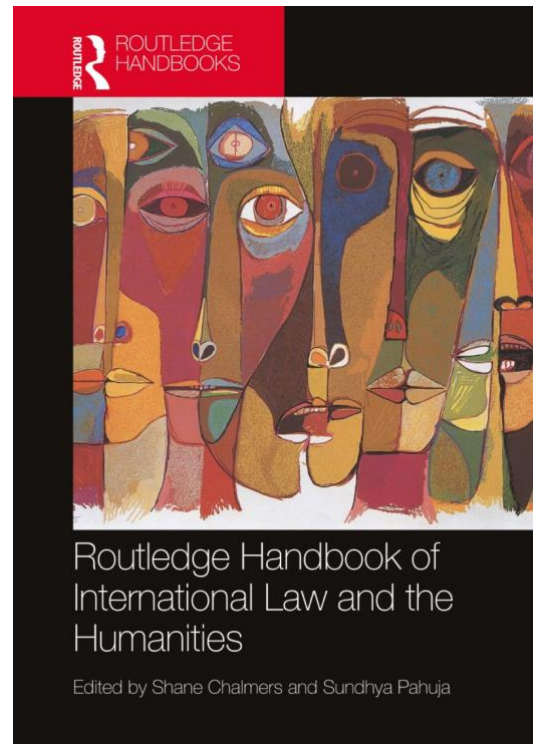
Oishik Sircar in conversation with Dianne Otto

Violent Modernities uses a critical legal perspective to show that law and violence in the postcolony share a deep intimacy, where one symbiotically feeds the other. Researched and written between 2008 and 2018, the chapters study the cultural sites of literature, cinema, people's movements, popular media and the university to illustrate how law's promises of emancipation and performances of violence live a life of entangled contradictions.

Thursday 14 October 2021: Book launch of The Routledge Handbook on International Law and the Humanities

The close out the festival was an online celebration, to launch the Routledge Handbook on International Law and the Humanities, with editors Shane Chalmers and Sundhya Pahuja and guest reader, Danish Sheikh, along with appearances from several chapter contributors.

This Handbook brings together 40 of the world's leading scholars and rising stars who study international law from disciplines in the humanities – from history to literature, philosophy to the visual arts – to showcase the distinctive contributions that this field has made to the study of international law over the past two decades. The handbook includes authors from Australia, Canada, Europe, India, South Africa, the UK and the USA.



Chapter Contributions

Our contributors have made short videos introducing their chapters. More to come...



Gregor Noll

Chapter 2 - Life in the Ruins:
International Law as Doctrine and
Discipline



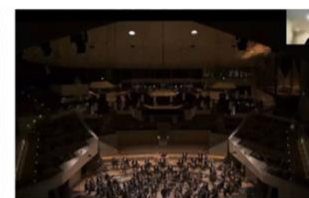
Gerry Simpson

Chapter 4 - The Atomics



Alice Palmer

Chapter 7 - Absent Images of
International Law



James E K Parker

Chapter 8 - Listening about Law in the
Sonic Arts: John Cage's 4'33" and
Lawrence Abu Hamdan's *Saydnaya* (the
missing 19dB)

Image: Video summaries from Authors are available as a public resource on the website.

Doctoral Forum

The Annual Melbourne Doctoral Forum on Legal Theory is an annual interdisciplinary workshop hosted by graduate researchers. It provides a safe space for graduate researchers and early career scholars from a range of disciplines and backgrounds to think methodically, theoretically and critically about law and theory.

13th Annual Melbourne Doctoral Forum on Legal Theory

Thursday 26 and Friday 27th
November, 2020

Forum co-convenors: Alex Dela Cruz, Angela Kintominas, Bruno Pegorari and Sanish Sheikh

The theme for this year's Forum was *Sirens and Silences: Law in Lockdown*.



14th Annual Melbourne Doctoral Forum on Legal Theory

Monday 22nd and Tuesday 23rd November, 2021

The 14th Melbourne Doctoral Forum on Legal Theory was a fully virtual event. This year's theme was *Utopia and the legal imagination*.

Conferences

Thursday 3 December 2020: Beijing Platform for Action at 25: Progress, Retreat and the Future of Women's Rights

Organisers: Professor Hilary Charlesworth (MLS) and Scientia Professor Louise Chappell (UNSW)

The Fourth World Conference on Women was held in Beijing in September 1995. The Conference adopted a Declaration and a Platform for Action, which identified 12 'critical areas of concern': poverty, access to education; access to healthcare; violence against women; armed conflict; economic inequality; inequality in power and decision-making; promotion of the advancement of women; women's human rights; media stereotyping of women; the environment; the girl child. While the Beijing Conference and its outcome documents were regarded as an ambivalent success by some contemporary observers, 25 years later it seems a very progressive moment in the history of women's rights. Global politics have changed to the point that it is difficult to imagine that the Declaration or Platform could be negotiated in the same terms today. To mark the occasion of Beijing +25 and to consider the influence of the conference and outcome documents, the Institute for International Law and the Humanities together with the Australian Human Rights Institute, UNSW Sydney, co-hosted a conference to consider the advances, and retreats, in the situation of women internationally over the past 25 years. This conference also aimed to identify possible avenues for responding to gender inequality and women's rights now and into the future.

Speakers included the Hon Dr Carmen Lawrence, former WA Premier and Emeritus Professor at University of Western Australia; Kate Jenkins, Sex Discrimination Commissioner, Australian Human Rights Commission; Anne Marie Goetz, Clinical Professor, Center for Global Affairs, NYU; Christine Chinkin, Professor of International Law and founding Director of the Centre for Women, Peace and Security at the London School of Economics and Political Science and the William W. Cook Global Law Professor at the University of Michigan; Rosemary Kayess, Senior Research Fellow at UNSW, member of the United Nations Committee on the Rights of Persons with Disabilities.

VISITING SCHOLARS

Maria Elander

Maria Elander is a Senior Lecturer at La Trobe Law School where she teaches criminology. Her research interests lie in the broader field of international criminal justice where she is currently examining questions relating to responsibility, gender, archives and cinema. Her monograph, *Figuring Victims in International Criminal Justice, the Case of the Khmer Rouge Tribunal* (Routledge, 2018) won the 2019 ECR Penny Pether Prize, awarded by the Law, Literature and Humanities Association of Australasia.



Hailegabriel Freyissa

Hailegabriel is a Research Associate at Melbourne Law School. His previous roles include Lecturer at Addis Ababa University (Ethiopia), Editor-in-chief of the Bahir Dar University Journal of Law (2012-2013) and as High Researcher at the Justice and Legal System Research Institute of Ethiopia. Hailegabriel's research interests include comparative law, (Ethiopian) property and land law, legal history, law and development and international law. His latest research focuses on the colonial encounter between sub-Saharan Africans and Europeans between the 16th and 20th centuries.



Michelle Lesh

Michelle Lesh has taught Public Law at MLS and international criminal law at LSE Summer School. Prior to her teaching, Michelle worked at the UN as an international lawyer on a Commission of Inquiry and for the UN Special Rapporteur on the occupied Palestinian territory. She has clerked for Israel's Supreme Court Chief Justice (Ret.) Aharon Barak, has worked at the Israeli human rights organisation B'Tselem, as the principal researcher for the Turkel Commission on investigating alleged violations of the law of armed conflict, and as an assistant to Israel's Deputy Attorney General for International Law.



Adil Hasan Khan

Adil Khan's research explores the intersections between international law and disasters, with a focus on South Asia. He completed his PhD in at the Graduate Institute of International and Development Studies (IHEID) in Geneva. He was a Residential Institute Fellow at the Institute for Global Law and Policy (IGLP), Harvard Law School during, and a Junior Visiting Fellow at the Institute for Human Sciences (IWM), Vienna, Most recently he was McKenzie Postdoctoral Fellow at the Melbourne Law School



Deborah Whitehall

Deborah Whitehall works at the interface of international law, political theory and human rights. She was the Associate to the Hon. Justice SM Kiefel AC, a solicitor at King & Wood Mallesons, a principal solicitor at the Victorian Government Solicitor's Office, a Lecturer of Law at Monash University and most recently a Lecturer at the University of Sydney. She has presented her research at NYU, the LSE, the Max Planck Institute and has delivered the 2017



Cambridge International Law Journal Lauterpacht Centre for International Law Annual Lecture.

Debolina Dutta

Debolina Dutta's research is located at the intersections of jurisprudence, postcolonial theory, the humanities, sexuality studies, socio-legal studies, and feminist ethics. As a feminist lawyer, researcher and activist Debolina has had a long-standing relationship with the sex workers' movement in India. She has worked as a sexual rights advocate, including at the UN Human Rights Council in Geneva. Prior to starting her doctoral work she was advocacy and research officer at CREA, New Delhi. Debolina is our first 'virtual visitor'.



Richard Joyce

Richard Joyce is Senior Lecturer in the Faculty of Law at Monash University. He currently holds an ARC Grant in Collaboration with IILAH Director, Professor Sundhya Pahuja, as well as Professors Andrew Benjamin (Monash) and James Martel (SFSU) and Dr Rose Parfitt (Kent) on 'The Populist Challenge to International Law' and he will be a regular visitor to IILAH during the grant period. Richard's main research interests are in the history and theory of international law, with a particular focus on sovereignty, violence and responsibility.



Gabrielle Simm

Gabrielle Simm joined University of Technology Sydney as a Chancellor's Postdoctoral Research Fellow in 2015 and was promoted to Senior Lecturer in 2018. She researches and teaches in international law. She has held visiting positions at the EUI, UNSW, ANU and UBC. Prior to commencing her PhD, she worked as an international lawyer with DFAT and the AG's Department in Canberra. She has also worked as a refugee lawyer at Victoria Legal Aid and in a voluntary capacity at the Refugee & Immigration Legal Service in Melbourne.



Judy Grbich

Judy Grbich (Griffith University's Law School and Socio-Legal Research Centre) is the Editor-in-Chief of the *Australian Feminist Law Journal*. Her current research has a focus on theological frameworks carrying colonialism across times, spaces, histories and currencies and their effects within the subjectivities of first world and third world peoples.



